

Guide to the Conservatoire Emergency Powers of Exclusion and Suspension

What is the policy?

The Emergency Powers of Exclusion and Suspension are the procedures your School will follow in the event that the Principal of your School determines that emergency action to exclude or suspend a student is needed.

What is the difference between exclusion and suspension?

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. If you are excluded using the Emergency Powers, the terms of your exclusion may include an order restricting or prohibiting you to have any contact with a particular individual or individuals.

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 CEO under this policy may include an order restricting or prohibiting contact between the student and a particular individual or individuals.

Whose powers are these?

The Emergency Powers of Exclusion and Suspension belong to the CEO of the Conservatoire. Your School Principal can either make a direct request to the CEO that the CEO take action using these powers, or your Principal can take emergency action to exclude/suspend you under these powers and then report the use of the Powers to the CEO.

Ultimately, because the CEO owns these powers, if a School Principal uses them and then reports this to the CEO, this is known as 'using the delegated powers' which is why if your Principal uses them directly, they must report this to the CEO. On receipt of the report, the CEO will review the Principal's decision and will either agree with and ratify the Principal's decision at which point it will become the CEO's decision, or they will replace the Principal's decision with a different decision. The CEO's decision regarding the use of the Emergency Powers is final.

The CEO has replaced my Principal's decision with a different one – does this mean I should not have been excluded or suspended?

Where the CEO decides that the Principal's decision should be replaced with a different decision, this does not mean that your Principal was wrong to use them or has made the wrong decision, but rather that having taken account of all the circumstances (including any submission you might have made in writing for consideration by the CEO), the CEO has concluded that a different decision is now appropriate.

When might the Emergency Powers be used?

Such action is only taken when the Principal of your School has a reasonable belief that there is good reason to do. Your Principal may undertake a risk assessment to determine whether the Emergency Powers are needed if someone raises a concern relating to your wellbeing and/or conduct, whether in your School or somewhere else, which your Principal feels might pose a potential or actual threat to:

- the safety, security, health, wellbeing, good order or reputation of you, and/or
- the safety, security, health, wellbeing, good order or reputation of anyone else (including your School, the Conservatoire, an external organisation or placement provider, members of the public)

A list of examples of occasions where there might be reasons to take emergency action under these powers outlined below:

- A student is considered a danger to themselves or others
- A student who might have seriously breached the published School Student Code(s) of Conduct and/or Conservatoire Code of Conduct
- 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

How long can I be excluded/suspended for?

If you are excluded or suspended under the Emergency Powers, this will normally be for a maximum period of 28 days in the first instance. You will be informed of the length of time you have initially been excluded or suspended and this will be reviewed regularly. You will be notified in writing of the dates of any reviews and you will also be notified in writing of the outcomes of these reviews. In exceptional circumstances, the exclusion/suspension may be longer. In all cases you will be informed in writing of the reason(s) for your exclusion or suspension.

Can I respond to the fact I have been excluded/suspended?

Yes. You will be notified of your right to submit 'written representations'. This means that you can write down and submit what you want the CEO to consider when they come to review your exclusion/suspension. You will be given the details of how to do this, usually in the first letter you receive from the CEO notifying you of, or confirming, the emergency action.

I have been excluded/suspended under the Emergency Powers. Is this disciplinary action?

No. Exclusion or suspension under this policy is not a disciplinary measure and is not part of the non-academic misconduct procedures.

There may be cases where a student who is excluded or suspended under this policy also faces an allegation of possible misconduct. If you are excluded or suspended under the Emergency Powers and also face an allegation of possible misconduct, the fact that you have been excluded/suspended under the Emergency Powers will not in any circumstances be taken into consideration as part of the misconduct case. However, any written submissions you make to the CEO may be referred for consideration under the misconduct procedures, if you are facing allegations of possible misconduct and your written submission is of material relevance to your case.

The Emergency Powers may also be used in conjunction with procedures under other policies, such as the Support Through Studies policy. This means that emergency action may be taken to exclude or suspend you using the Emergency Powers either before any Support Through Studies procedures, or even where Support Through Studies procedures are already ongoing. Part of the CEO’s decision may be that you should be referred into the Support Through Studies procedures, in order to provide the best opportunity to support you.

What are the procedures?

The table below sets out the procedures under the policy.

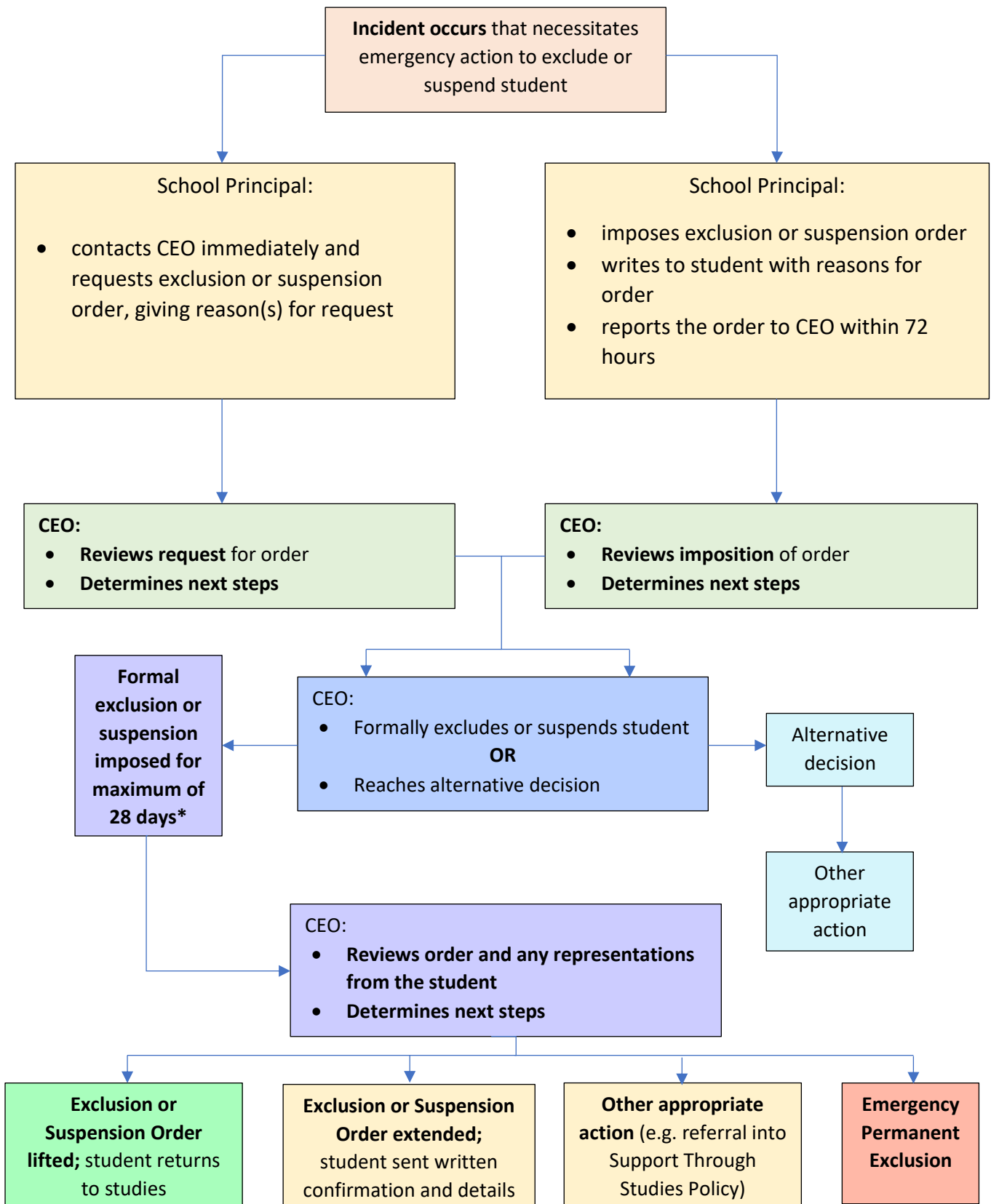
A flow chart of the procedures is also provided as Appendix 1 at the end of this Student Guide. Your Principal may undertake a risk assessment to determine whether it is necessary to use the Emergency Powers; this process can also help them to identify whether there is any other support a student might need.

PROCEDURE and RELEVANT SECTION OF POLICY	EXPLANATION OF PROCEDURE
<i>Initial report of concerns and risk assessment</i>	On learning of concerns, your School Principal (or their nominee) will decide whether emergency action under the Emergency Powers is needed, and may undertake a risk assessment to help them determine this.
<i>Formal procedures: First Steps</i> Section 5 of the policy	Where the Principal of your School determines that emergency action using the Emergency Powers is needed, they will either: <ul style="list-style-type: none">• Contact the CEO of the Conservatoire and request that the CEO use the Emergency Powers, providing their reason(s) to the CEO, or• Use the delegated Emergency Powers to exclude or suspend a student, reporting the use of the Powers to the CEO normally within 72 hours of instigating them. The CEO will then review the Principal’s decision and determine what should happen next, including whether the exclusion or suspension should continue, and whether there may be a need to refer a matter into any other procedures.

<p>Formal procedures: Second Steps</p> <p>Section 5 of the policy</p>	<p>Formal notification of the decision</p> <p>You will be formally notified in writing of the CEO’s decision to exclude/suspend you.</p> <p>Where your Principal has used the delegated Emergency Powers, you will receive a letter from your Principal informing you of their decision and that they are reporting the emergency action to the CEO, as is required under the policy. Your Principal will report their use of the delegated Emergency Powers to the CEO normally within 72 hours of having excluded/suspended you.</p> <p>Where you receive a letter from your Principal informing you that they have used the delegated powers, you will receive a follow-up letter from the CEO once they have received the report from the Principal that the Emergency Powers have been used.</p> <p>Reasons for your exclusion/suspension</p> <p>Your letter from the CEO will explain the reason(s) for your exclusion/suspension. You should expect to receive the letter from the CEO normally within 3 working days of the decision being taken to exclude/suspend you. This may mean you are initially notified that you are excluded/suspended by your Principal or the CEO verbally or in writing but that communication may be quite brief, and a fuller explanation will be provided in the CEO’s official letter confirming your initial exclusion/suspension. The CEO may set conditions either as part of your exclusion/suspension, or following the end of the period of exclusion/suspension.</p> <p>Initial length of your exclusion/suspension</p> <p>You will be initially excluded or suspended for a maximum of 28 calendar days in the first instance, except in highly exceptional circumstances. You will be given details of who you can contact during the period of your exclusion/suspension.</p> <p>Written reasons for a decision to exclude/suspend you under this policy and procedure shall be recorded and made available to you, 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.</p>
<p>Review / Written Representations</p> <p>Section 5 of the policy</p>	<p>Your case will be reviewed by the CEO before the end of the exclusion/suspension period, and you will be notified in writing of the expected date of review, as well as your right to submit written representations for consideration by the CEO when they review your case. You can get in touch with your named contact for advice, support and guidance about making written representations if you wish. If you have any further questions about the policy, please get in touch and contact qualityoffice@cdd.ac.uk.</p>

Appendix 1

Emergency Powers of Exclusion and Suspension Procedural Flowchart



*In exceptional circumstances, a longer period of exclusion or suspension may be set, not normally exceeding 2 months before the next review except where the CEO is satisfied that there is justifiable and reasonable cause.