



EXCLUSIONS POLICY

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This policy applies from Preliminary – KS5

1. Introduction

Our Behaviour Policies for the Senior and Junior Schools explain the School's expectations for behaviour and detail sanctions for most types of misbehaviour. This Exclusions Policy is intended to apply to major disciplinary issues, for example, when a pupil's misbehaviour is sufficiently serious or persistent.

Queen's Gate will always remain mindful of the needs and dignity of all those involved in a disciplinary issue and our duty of care to all involved. In particular, we note that any pupil who has behaved in a way where suspension or expulsion is under consideration may have significant pastoral needs and/or safeguarding vulnerabilities.

When managing incidents that fall under the remit of this policy, care will be given to the nature of interactions with pupils, including when adjustments might be needed for age, SEND and/or pastoral circumstances. The relevant pastoral leads, including members of the Designated Safeguarding Team will be consulted. **1.1 Scope**

It should be noted that this policy is a non-contractual guide to the process that will be followed wherever it is believed a significant sanction may apply. The Principal reserves the right to alter or omit parts of this process and/or dispense with it, in appropriate circumstances. In particular, she may choose to make adaptations where the pupils involved are in the Junior School or merit reasonable adjustments due to special educational need and/or disability.

1.2 Definitions

Principal: The Head of the School. The term 'Principal' may also include an individual nominated by her or the Governors to act on her behalf

Parent: This refers to one or both parents of the pupil and may include the pupil's legal guardian, or education guardian.

School: Queen's Gate School

Suspension: A suspension requires a pupil to remain away from School for a fixed period. When imposed as a sanction, suspension is intended to constitute a clear warning about a pupil's continued membership of the School. A pupil may also be suspended as a neutral act pending the outcome of an investigation or pending a Review.

Removal: This refers to the permanent removal of a pupil if, after consultation with the Parent and if appropriate the pupil, the Principal is satisfied that:

- there has been a breakdown of trust and confidence between the School and the pupil and/or the School and the Parent;

- by reason of the pupil's conduct, behaviour or progress, she is unwilling or unable to benefit sufficiently from the educational opportunities and/or community life provided by the School;
- the Parent has treated the School, members of its staff or any other member of the School community in a way that has caused harm, or is in breach of the Parent Contract;
- or the Principal is satisfied that it is not in the best interests of the pupil or the School that the pupil remains at the School.

Expulsion: A pupil may be permanently expelled from the School if the Principal is reasonably satisfied that the pupil has committed a serious breach of discipline and/or that the pupil's conduct (whether on or off School premises, or in or out of term time) has been prejudicial to good order or School discipline or to the reputation of the School. Expulsion is reserved for the most serious breaches.

1.3 Aims

This policy is intended to:

- clarify the School's procedures where suspension, removal or expulsion may be required;
- facilitate fairness and natural justice;
- assist cooperation between relevant parties.

1.4 Misconduct

The following are examples of misconduct that will normally be regarded as serious misconduct which may warrant suspension, removal or expulsion:

- Possession, use and/or supply of certain drugs and solvents, alcohol or tobacco, or their paraphernalia or substances intended to resemble them
- Theft, blackmail, discrimination of any kind or bullying, including cyber-bullying
- Verbal abuse/threatening behaviour against any other member of the School community, whether in person or online, including the use of any form of hate speech
- Physical violence against or intimidation of any other member of the School community
- Misconduct or harassment of a sexual nature including non-consensual sharing of nude or semi-nude images and/or videos; supply or possession of pornography
- Possession or use of unauthorised firearms or other weapons
- Vandalism or damage to School or to a person's property and/or computer hacking
- Misuse of the School's IT systems, e.g. computer hacking, bringing illegal software or viruses onto the system
- Conduct which puts the safety of any other person in jeopardy, or which poses a threat to, or harms, any member of the School community and/or the public and/or may harm the reputation of the School.
- Committing a criminal offence

- Persistent attitudes or conduct which are inconsistent with the ethos of the School
- Persistent breaches of the School's Behaviour Policies.

This list is intended as a guide and is not exhaustive.

1.5 Other circumstances

The Parent may be required to remove a pupil from the School if the Principal is satisfied that:

- there has been a breakdown of trust and confidence between the School and the pupil and/or the School and the Parent;
- by reason of the pupil's conduct, behaviour or progress, she is unwilling or unable to benefit sufficiently from the educational opportunities and/or community life provided by the School;
- the Parent has treated the School, members of its staff or any other member of the School community in a way that has caused harm, or is in breach of the Parent Contract;
- it is not in the best interests of the pupil or the School that the pupil remains at the School.
- Conduct or behaviour (including conduct or behaviour outside of School) which is unsatisfactory and/or in the reasonable opinion of the Principal, the removal is in the School's best interests, and/or those of the pupil in question and/or other children;
- Where attendance is unsatisfactory and/or, in the reasonable opinion of the Principal, the removal is in the School's best interests and/or those of the pupil in question and/or of other children;
- Where progress is unsatisfactory and/or, in the reasonable opinion of the Principal, the removal is in the School's best interests and/or those of the pupil in question and/or of other children;
- Circumstances where the School is unable to meet the pupil's needs, including cases where the School cannot reasonably accommodate adjustments or reasonably provide the nature or level of support required.

This list is intended as a guide and is not exhaustive.

A breakdown of trust and confidence may manifest itself in a number of ways, including, but not limited to:

- In the case of the relationship between the School and the pupil:
 - persistent misconduct; or
 - when the pupil's conduct, behaviour or progress has been unsatisfactory, or the Principal concludes that the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and/or community life provided by the School.
- In the case of the relationship between the School and the Parent:

- the Parent not supporting the School in behaviour management;
- vexatious behaviour, such as the Parent repeatedly bringing unsubstantiated claims or communicating with the School in person or in writing (directly or indirectly), in a manner which is deemed voluminous, and/or relentless, and/or confrontational, and/or unreasonable, and/or overly aggressive;
- abusive or unreasonable behaviour by the Parent to the School's staff, pupils or other parents;
- the Parent failing or refusing to provide the School with information required by the School to satisfy it as to the Parent's identity, the child's identity, the child's right to enter, live and study in the United Kingdom, or the source of funds they are using to pay the fees, as required under the Parent Contract;
- the Parent treating the School, members of its staff or any other member of the School community unreasonably and/or in a way that has caused harm, or in any other way breaching the terms and conditions outlined in the Parent Contract;
- Making a malicious allegation about a member of staff.

1.6 Frequency and location

Action may be taken in respect of a single isolated incident, or where there are repeated breaches of the relevant policies.

Where appropriate, action may be taken even if the misconduct occurs off School premises, or outside of normal School hours.

2. Procedure

Before any suspension, removal or expulsion is imposed, the matter will be investigated. All procedures will be conducted fairly and in a way that is appropriate to the circumstances. The procedure which will normally be followed is set out below. The Principal reserves the right to vary the procedure in appropriate circumstances.

2.1 Informal investigation

A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. The Parent will usually be informed if a formal investigation is to take place.

2.2 Formal investigation

Investigations into behaviour that meets the threshold for this policy will usually be conducted by a member of the SMT or Head of Year, at the request of the Principal. The investigation will seek to establish whether an allegation of misconduct is founded, and may include:

- Pupil(s) and staff involved being asked to provide written statements

- Pupil(s) being interviewed by a member of staff, with a second member of staff present to take notes
- Review of information available to the School, e.g. information about a pupil's conduct online, CCTV footage
- Pupil(s) may be temporarily segregated from their peers and/or have their mobile phone confiscated to ensure they cannot inappropriately influence the investigation; where a pupil has been segregated, she will be provided with access to a toilet, food and drink
- Pupil(s) may be temporarily suspended as a neutral act while an allegation of misconduct is being investigated (see below)

If the allegation under investigation is such that it may result in the pupil's removal or expulsion from the School, her parents will be informed.

2.3 Searches

While the School will usually gain a pupil's consent before conducting any search of her possessions, the law allows the School to search for any prohibited item without consent if the Principal deems it appropriate. Parental consent will not normally be sought, but the Parent will be notified as soon as possible if a search has taken place and prohibited items are found. These items are:

- Knives or weapons
- Any device with a laser (unless permitted by staff)
- Alcohol
- Illegal drugs
- Other substances that could present a risk of harm
- Stolen items
- Tobacco, cigarette paper, e-cigarettes or vapes
- Fireworks
- Pornographic images
- Any other item that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury to, or damage to the property of, any person

The School may choose to search a pupil's locker and belongings, including any personal devices, and ask her to turn out the contents of pockets or a bag, if it is considered there is reasonable cause to do so. The person conducting the search will be female, and a second member of staff will be present at all times. Clothing will not be searched until it has been removed from the wearer and care will be taken to ensure reasonable privacy. Only outer clothing will be searched. This policy does not authorise any intimate search or physical compulsion to remove clothing. Should the School such steps were necessary for the safety of the pupil or other members of the community, the police would be called.

Records

The School will keep a record of all searches carried out, including the results of any search and the action taken following that search.

2.4 Suspension during an investigation

The Principal may choose to suspend a pupil while an investigation is ongoing if:

- There is the belief that the pupil's presence onsite may affect the smooth and impartial completion of the investigation
- The allegation is such that there is reason to believe other individuals are at risk of harm while that pupil remains onsite

Suspension during an investigation is a neutral act. Accordingly, where a pupil is suspended during an investigation, this does not indicate a presumption of the outcome of that investigation.

2.5 Outside agencies

On occasion it may be necessary to involve the police and/or social services in an investigation depending on the pupil(s) involved and the nature of the alleged misconduct. Where this is the case, the School's investigation may be suspended.

2.6 Investigation Outcome

The member of staff leading the investigation will compile a report for the Principal, outlining whether the allegation of misconduct is founded.

2.7 Investigations during School Holidays

Due to the difficulty of completing investigations when the School is closed, it is likely that any reports of misconduct received during School holidays will be investigated and dealt with when the School reopens.

3. Sanctioning

Where it is proven that serious misconduct has occurred, the Principal will decide on the appropriate sanction taking into account:

- The severity and/or duration of the misconduct
- The pupil's past conduct
- Any mitigating factors, such as the pupil's age, any SEND and pastoral/safeguarding concerns

Only the Principal, or in her absence, a member of SMT to whom this authority has been delegated, may impose the sanction of suspension, removal or expulsion. The Principal will usually inform the Chair of Governors (or other delegated representative) before any suspensions

are issued. The Principal will always consult with the Chair of Governors (or other delegated representative) before proceeding towards the removal or expulsion of a pupil.

4. Suspension

Suspension is used as a sanction where a pupil's behaviour has gone well beyond that which is acceptable within the Queen's Gate community; it serves as a reminder of where the boundaries lie. In these circumstances the pupil is temporarily excluded from School.

During a pupil's suspension work will not normally be provided. When she returns, the School will seek to support her so that she may quickly return to normal routines and feel accepted back into the School community.

5. Removal or expulsion

Where an investigation has identified that the pupil has committed an act such that removal or expulsion is a possible outcome, the Parent will be informed and a formal disciplinary hearing convened.

6. Disciplinary Hearing

6.1 Preparation

The hearing will be chaired by the Principal (or her delegated representative), and the Chair of Governors will be notified (but not in attendance). The following documentation may be used at the disciplinary hearing:

- A statement setting out the points of complaint against the pupil
- The investigation report
- Written statements and notes of the evidence supporting the complaint, and any relevant correspondence
- The pupil's School file and any conduct record
- The relevant School policies and procedures

6.2 Attendance

The pupil and her Parent (or the Parent's nominated representatives if not available) will be asked to attend the disciplinary hearing. The member of staff who conducted the investigation will also attend, along with any other appropriate staff, including someone who will take notes.

The pupil will have an opportunity to state her side of the case and ask any questions.

6.3 Proceedings

There are potentially three stages to the hearing:

6.3.1 Review of the allegation(s) and investigation

The Principal will consider the complaint(s) and the evidence, including statements made by and/or on behalf of the pupil, and any comments she has received from the Parent. The Principal will consider whether the complaint has been sufficiently proven, based on the civil standard of the balance of probabilities, i.e. that it is more likely that not that the substance of the complaint is true. At this stage the Principal will not normally refer to any existing disciplinary record relating to the pupil. The Principal may choose to refer the matter for further investigation.

6.3.2 Sanctioning

If the complaint has been sufficiently proven, the Principal will consider the range of disciplinary sanctions available to her. At this stage any disciplinary record relating to the pupil will be taken into account. The Principal may take into account any further statement which the pupil and/or others present wish to make on her behalf. She will also consider any other factors she deems relevant. The Principal will give her decision in writing, normally within 48 hours during term time.

6.3.3 Outcome

If the Principal considers that the pupil must leave the School, she will consult the pupil's Parent prior to issuing her decision. The Parent will have the opportunity to ask questions and make submissions. The Principal will also consult with the Chair of Governors (or her delegated representative).

The pupil's leaving status will usually be 'expelled' or 'removed'. The Principal may choose entirely at her discretion to offer the pupil's Parent the opportunity to withdraw the pupil as an alternative to removal or expulsion, in which case the Pupil's leaving status will be 'withdrawn by parents'. In this case, there will be no right of appeal.

There will normally be no refund of fees in the event that a Parent is required to remove a pupil from the School, or in the case of expulsion, and all unpaid fees and extras must be paid. The deposit will not be returned/credited, but fees in lieu of notice will not be charged.

The following additional points fall within the Principal's discretion:

- The form of letter which will be written to the parents and the form of announcement in the School that the pupil has left
- The form of reference which will be supplied for the pupil
- The entry which will be made on the School's sanction record and the pupil's leaving status
- Arrangements for the transfer of any coursework to the pupil, her Parent or another school

- Whether the pupil will be permitted to return to School premises to sit any public examinations
- Whether the School will offer any assistance in finding an alternative school place for the pupil
- Whether the pupil will be entitled to become a member of the School's alumnae society
- Any conditions under which the pupil may re-enter the School buildings in the future
- Financial arrangements in relation to any outstanding fees

7. Appeal

A pupil and/or her Parent may request a Governors' Review of the Principal's decision to expel or require a pupil to leave. The request must be made in writing and received by the Clerk to the Governors within three working days of the Principal's decision being notified in writing to the Parent, or longer by agreement.

In their application, the pupil/Parent should state the grounds on which the application is made and identify the outcome sought. It should be noted that simply disagreeing with the Principal's decision is not sufficient grounds for a Governors' Review.

7.1 Attendance

The Review will be undertaken by a panel of three Governors. The panel members will have no detailed previous knowledge of the case or of the pupil or her parents, and will not normally include the Chair of Governors. If appropriate, the panel may include an independent member who is not concerned with the management or running of the School. Parents will be notified in advance of the names of the panel members, and fair consideration will be given to any bona fide objection to a particular member of the panel.

The review meeting will take place as soon as reasonably practicable, and normally within 10 working days after the request for review has been received. It will not normally take place during the School holidays. The meeting will be attended by the panel members, the pupil's parents, the Principal and other relevant staff, as decided by the Chair of the Panel. The Principal will recommend whether the pupil should attend, having consulted the pupil's Parent. A minute taker will also be appointed. The Parent may be accompanied by a friend or relation. The meeting is not a legal proceeding and so legal representation is not necessary and will not normally be permitted. If the Parent's chosen companion is legally qualified, the Parent should notify the Clerk to the Governors at least five working days before the review meeting.

7.2 Preparation

Ahead of the review meeting, the Principal and the Parent will be asked to submit via the Clerk to the Governors any documents to which they wish to refer during the meeting, and these will be circulated as a single pack at least three days before the meeting. Should new information be

presented which was not available to the Principal when she made her sanctioning decision, the Clerk will consult the Chair of Governors who will decide whether:

- To include the new information in the bundle; or
- To omit the information if not relevant to the grounds of the review; or
- To make further enquiries of the Parent or pupil about the information; or
- To refer the information to the Principal for her consideration as to whether the decision should be revisited.

7.3 Proceedings

The role of the panel is to consider the representations made. The Chair will conduct the meeting such that all those present have a reasonable opportunity to ask questions and make appropriate comments. Everyone is expected to show courtesy, restraint and good manners. Minutes will be taken, and the Chair may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

The panel will consider:

- Whether the facts of the case were sufficiently proven, in order to decide whether to uphold the Principal's decision, or refer the decision back to her with recommendations so that she may consider the matter further.
- Whether the sanction was warranted, i.e. that it was proportionate to the breach of discipline or the other events which are found to have occurred.

Although the panel has the power to refer the matter back to the Principal with recommendations, it is not within the powers of the panel to reinstate a pupil's place at the School against the wishes of the Principal.

7.4 Outcome

If, having heard all parties, the panel is minded to confirm the School's earlier decision, it is open to the panel, with the agreement of the Principal, the pupil and her Parent to discuss the pupil's leaving status with a view to reaching agreement.

Should the meeting reach a point where the Chair feels that all issues have been sufficiently discussed but without reaching consensus, she/he may adjourn the meeting to consider its decision. The decision will be notified, with reasons, to the Parent by the Chair of the Panel or the Chair of Governors by letter or telephone normally within three working days of the meeting. If the Parent is notified of the decision by telephone, this will be confirmed in writing as soon as is reasonably practicable.

The Review Meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential. This requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

The decision of the review panel is final and there is no further right of appeal.

8. Reasonable adjustments and the application of this policy to pupils with SEND

At all stages of the procedures outlined above, consideration will be given to any SEND or other accessibility needs relating to the pupil and/or her Parent, and/or any others involved. This will include attention to any support required for those for whom English is an additional language.

Where a pupil is diagnosed as having SEND, her behaviour will be considered in relation to this. Consideration will also be given to the pastoral needs of all pupils involved, along with any known or suspected safeguarding concerns. The Head of Learning Support will be consulted, along with the pastoral leads for the pupil(s) involved.

However, Queen's Gate does need to be able to manage behaviour effectively, whether or not the pupil has underlying needs.

Under the Equality Act 2010, schools have duties to take such steps as are reasonable to avoid any substantial disadvantage to a disabled pupil caused by the School's policies or practices. Likewise, under the Children and Families Act 2014, schools have a duty to use their "best endeavours" to meet the needs of those with SEND. Any preventative measures should take into account the specific circumstances and requirements of the pupil concerned.

On occasion, it may be the case that the School, even with reasonable adjustments and other relevant support, is unable to meet the needs of an SEND pupil and/or is unable to manage their behaviour such that it presents a risk of harm to other pupils and/or staff. In such cases, the School will usually seek legal advice before proceeding to required removal or expulsion.

9. Confidentiality

The dignity and safety of all those involved in an investigation and/or disciplinary matter is of the highest priority.

All the procedures above are confidential. The School will be under no obligation to divulge the identities of any individuals involved in the investigation, whether as a witness or otherwise, or any other information pertaining to the investigation. Such information will be disclosed only where it is strictly necessary for it to be disclosed. Any documents shared during an investigation, disciplinary hearing and/or review panel may be redacted or a summary provided.

Within the School, any information relating to an investigation or disciplinary matter will only be disclosed on a 'need to know' basis.

10. Other pupils

The School is mindful of the impact significant misconduct has on other pupils, particularly any who have been targeted by the behaviour concerned. Where a pupil has been targeted, the School will notify the Parent of the target and provide reassurance that the matter is being dealt

with appropriately. As noted above, any procedure under this policy is confidential and information will only be disclosed to a target pupil and her Parent where it is strictly necessary for it to be disclosed. The School will inform the target pupil and her Parent when a disciplinary process has reached its conclusion. However the School will be under no obligation to disclose the outcome of the disciplinary process or any other information. Appropriate pastoral care will be provided for the target pupil, including support from one of the School's Counsellors if necessary.

Where the sanctioning decision is suspension, and the pupil who has committed the misconduct will be returning to the School, care will be taken to minimise any chance that she can cause further harm to the affected pupil and/or any other pupils who have been involved in the investigation.

11. **Recording and monitoring**

Where the School imposes exclusion, required removal or suspension as a sanction, the written report on the investigation will be placed on the pupil's file.

Details of the exclusion required removal or suspension will be recorded on the School's Sanctions Record.

Related Policies

Behaviour

Complaints

Safeguarding

SEND and EAL