



Ethnic Minorities
and Youth Support
Team Wales

Tîm Cymorth
Lleiafrifoedd Ethnig
ac Ieuenctid Cymru

RIGHT TO EDUCATION

Reflecting upon school
exclusions experienced by
minority ethnic pupils in Wales



A Research Report by EYST Wales
Jami Abramson, 2024

ABOUT EYST WALES

EYST Wales is an award-winning, beneficiary-led organisation, established in 2005, which supports ethnic minority people in Wales to participate, integrate and be a valued part of Wales.

We do this through delivering services which are targeted and culturally sensitive, addressing a broad range of areas including Black, Asian and Minority ethnic young people, families, refugees & asylum seekers, and challenging racism in the wider community. We also challenge negative racial stereotypes and promote better understanding of ethnic minorities and their contribution to Wales.

EYST currently delivers a three-year (2022-2025) specialist educational service called 'Right to Education'. The service provides educational, advocacy and support targeted at ethnic minority young people who are experiencing disputes with their school, specifically school exclusions. The project aims to support young people to have improved access to their right to education.

For more information, please visit:
eyst.org.uk

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CONTENTS

- 04 **Foreword** by Michael Imperato
- 05 **Foreword** by Momena Ali
- 06 **Introduction**
- 09 **School Exclusions Data in Wales:**
an unclear picture
- 12 **Challenges Faced by Minority Ethnic Children
and their Families**
- 14 **Racist Bullying in Schools:**
a link with school exclusions?
- 17 **School Tactics:** alternatives to exclusion
- 19 **Long Term Impact of School Exclusions**
- 22 **Conclusion**
- 23 **Our Recommendations**
- 26 **Bibliography**

FOREWORD

By Michael Imperato



Racism still pervades society, and education is a reflection of society. However, the importance of EYST and Right to Education is shown when considering that nothing shapes a young person more than their education.

It is vital that victims of racism know their rights, have access to good advice and – if necessary – legal aid. The first case study is based on a real-life example that came to me from EYST. With their help and support we took the case all the way to the High Court where the child was wholly vindicated.

We all know that many schools and local authorities do terrific work in challenging times, but unfortunately a number do not. They need to be challenged, held to account and reformed. Nothing can be more devastating to a child's education and life chances than a school exclusion. It should be the last of last resorts. However, the data and figures in this report show that the use of exclusions in Wales is an increasing one. This report demonstrates how the problem is even more acute for ethnic minorities, and how they face even greater barriers. This report is essential reading for all concerned in education. It highlights the failings in the school exclusion system in Wales and the disproportionate adverse impact on minority ethnic children and families. This must not go unchallenged, and I am pleased and honoured to be asked to write this foreword and to provide support to EYST and the Right to Education initiative.

Michael Imperato

Solicitor – Head of Human Rights and Public Law
Watkins & Gunn

FOREWORD

By Momena Ali



As founder of EYST Wales, it was during my own school years, where I suffered racism and discrimination, that I developed an intensive desire to help those whom, I felt, were not being afforded equality of opportunity and could therefore not reach their full potential.

Driven by my vision to help other young people who have suffered similar adversity, I pursued a social sciences degree and gained employment as a bi-lingual support worker for the local education authority. Through my academic and work experience I not only saw the issues of racism enduring for ethnic minority young people, similar experiences to my own many years before. I could also see potential solutions to these issues, finding a way to provide tailored and bespoke education support to unlock the potential of many young people.

Following a successful research opportunity which highlighted the scale of disaffection amongst ethnic minority young people in Swansea, and its impact on education in the city, a pilot project was developed in 2001 to address the needs of ethnic minority young people, helping them to overcome barriers in education. We engaged 100 young people in the first year alone, showing the gap in provision for young people from diverse backgrounds. This, in turn, paved the way for a long-term and sustainable vision, establishing a charity in 2005 called Ethnic Minorities and Youth Support Team (EYST). EYST since has grown from strength to strength and is now seen as one of the leading organisations supporting ethnic minority individuals, including young people, in Wales.

This report feels like a pivotal moment in working towards supporting and evidencing core issues experienced by ethnic minority young people in education. It is based on real life case studies, as is EYST itself, and should provide a resource for educators and legislators to draw from, as they seek to address the inequalities many face today.

Many of these inequalities are deep rooted in education and society more broadly. The hope is that the more we highlight these problems, the more we can work towards the solution, making Wales a fairer place for future generations.

Momena Ali

Founder & President – EYST Wales

INTRODUCTION

Wales heralds itself as a nation that values the potential of children and young people. The Welsh Government uses the United Nations Convention on the Rights of the Child (UNCRC) as the basis of policy making relating to children and young people in Wales.

Information around Children's Rights are gaining more exposure; just recently Cardiff was named the UK's "first child friendly city" (BBC, 2023). However, despite this promising backdrop, it is difficult to reconcile perspectives of Wales as a progressive nation with children's rights at its heart with concerning stories circulating around children's 'right to education' (UNCRC) in Wales.

Thinking about education in Wales, local authorities, headteachers and teaching staff are still experiencing difficulties in managing behaviour in schools. School exclusions are shown to negatively impact children's attainment (Brentnall, 2017) but despite this, school exclusions are on the rise in Wales (Tseilou, 2021; Welsh Government, 2023). As school exclusions seemingly disproportionately represent, and affect minority ethnic young people and their families, it is important to evidence their experiences in the hope to create a 'more equal Wales' for future generations.

Following a case of wrongful school exclusion experienced by a minority ethnic pupil in a Swansea school, EYST is now working on bringing together evidence – primarily focusing upon narratives of school exclusion experienced first-hand – with wider school exclusions evidence to think about gaps in support, knowledge, and longer-term impacts upon minority ethnic young people, families, and communities in Wales. To do this, EYST will highlight the pipeline to school exclusion; firstly, experienced as an exclusion from support, then exclusion from being heard and believed, all the way to exclusion from mainstream education.

This paper shares initial reflections upon school exclusions during the first year of EYST's 'Right to Education' project, supporting minority ethnic children and families with the school exclusions process. This paper will focus upon current literature in Wales around school exclusions as a basis for a discussion around specific challenges and concerns from a minority ethnic perspective.

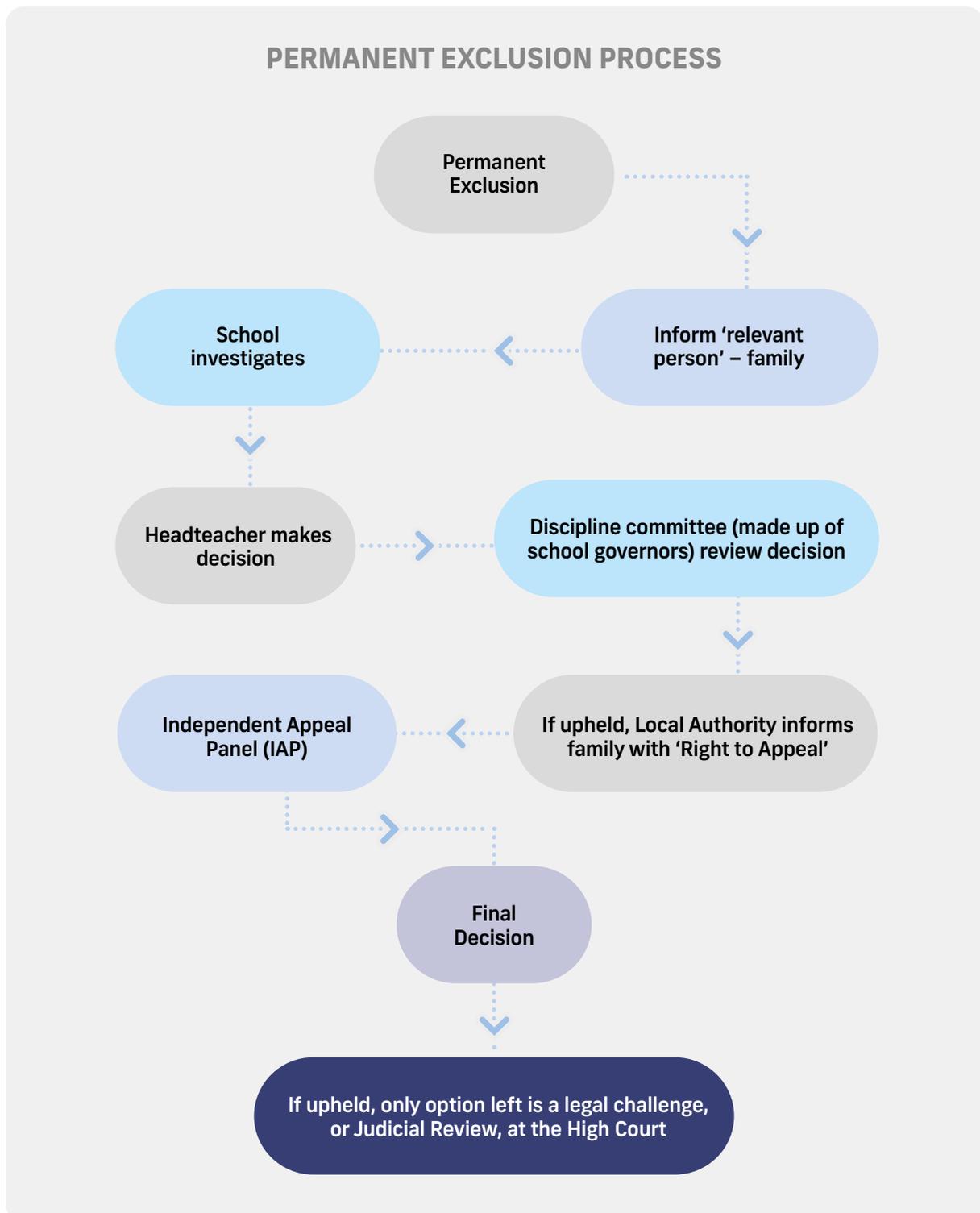
What is a school exclusion?

School exclusions are usually used by schools to manage behaviour, especially when there has been a serious breach in school policy by the pupil. There are two different types of school exclusions, divided into three categories: Fixed term (5 days or less), Fixed term (more than 5 days), and permanent exclusions.

Fixed term exclusions, also known as 'temporary exclusions' or 'suspensions', result in a fixed period of time of exclusion from the school. These types of exclusions can be used to give a fixed amount of time (less than 5 days or more than five days) as a punishment; anywhere between half a day to 45 days in an academic year. Fixed term exclusions cannot exceed 45 days in one academic school year. The pupil remains on the school register and is expected to return after the exclusion period is completed.

On the other hand, **permanent exclusions** are used in response to "serious breaches of the school's behaviour policy" and/or "if allowing the learner to remain in school would seriously harm the education or welfare of the learner or others in the school"

(Welsh Government, 2019: 8). During this time, the child is not allowed back in the school and their name is removed from the school register. The process of permanent exclusion can be incredibly long with many steps along the way:



Case study – Aayan

Aayan – Permanent exclusion case; 14 years old, Male, Asian British/Welsh

Aayan* was a 14-year-old pupil with no previous behaviour issues. He was permanently excluded for a one-off incident, after calling a female teacher by a derogatory term, a 'slut'.

Following the incident, the young person was very apologetic for the incident. Reacting quickly, he met with the headteacher along with his parents to explain what had happened, showing remorse, and sharing learning and insight about how wrong his actions were. Despite this, the headteacher upheld the permanent exclusion, not considering a change to a fixed term exclusion. The governors panel also upheld the headteacher's decision to permanently exclude.

At this stage, the only recourse left for the family to challenge the decision was through the Independent Appeal Panel (IAP) to overturn the decision made by the school and upheld by its board of governors. EYST offered to support through this process requesting case notes from the school, ensuring Aayan had access to his 'right to education' by receiving schoolwork, as well as attending the appeal panel alongside the family.

The IAP needed to decide whether this incident reached the criteria of a permanent exclusion as set out in the Welsh Government guidance: "in response to serious breaches of the school's behaviour policy" and "if allowing the learner to remain in school would seriously harm the education or welfare of the learner or others in the school" (2019: 8). The appeals panel decided to uphold the permanent exclusion decision.

Outcome

At this stage, many young people and their families will accept the decision and look to get the young person into another school. With EYST's support, the family were connected with a specialist educational lawyer, Michael Imperato, at Watkins & Gunn legal firm. Through legal aid,

the young person's case was taken on by the firm as correct processes were not followed, taking the decision to judicial review.

The decision was overturned by the High Court, and the young person had the permanent exclusion removed from his record. Already attending another secondary school in the area, this was a relief especially when considering future career prospects.

Insights from those involved with Aayan's case

Not only was the incident in which the young person was excluded for surprising. The lack of support provided to the pupil and his family during this time was obvious, such as a lack of educational support whilst awaiting the IAP which was not automatically given (access to homework) unless asked for by the parents. Additionally, the governors and independent appeals panels appeared lacking in diversity in terms of life experience, job types (IAP's usually made up of former/current headteachers) and a perceived lack of 'independent' decision making throughout the process. In viewing the school exclusions process through this case, workers at EYST wondered what can happen to other families, especially those who may not have English as a first language, or those recently arriving to the UK seeking sanctuary?

The Right to Education service was envisioned to support these minority ethnic young people and families who may experience inequalities due to their ethnic background, including disproportionate punishment compared to white peers, low proficiency in the English language, lack of knowledge in accessing legal aid and a lack of confidence to challenge those in authority.

SCHOOL EXCLUSIONS DATA IN WALES: AN UNCLEAR PICTURE

Despite an array of alternatives to school exclusion, such as Pastoral Support Programmes and Restorative Justice, school exclusions are continuing to rise in maintained schools in Wales.

The most recent available data for the academic year 2021/22 shows the highest recorded rate of school exclusions since 2013, across all types of exclusion: permanent, fixed term (more than 5 days), and fixed term (5 days or less) (Welsh Government, 2023). The rate of exclusions decreased during pandemic affected years (2019/20 and 2020/21). Following the pandemic, in 2021/22 the rates of all types of exclusion not only increased but exceeded their pre-pandemic levels.

Rate of exclusions per 1,000 pupil

	Permanent	Fixed (> 5 days)	Fixed (< 5 days)
2013/14	0.2	1.6	26.7
2014/15	0.2	1.7	29.9
2015/16	0.2	1.4	30.9
2016/17	0.4	1.9	34.4
2017/18	0.4	1.7	36.7
2018/19	0.5	1.7	39.1
2019/20	0.5	1.2	27.2
2020/21	0.3	1.1	26.4
2021/22	0.5	2	50.6

(Source: Welsh Government, 2015-2023)

Of the children experiencing school exclusion, the same demographic trends remain building on previous years. According to Welsh Government data for September 2021 to August 2022, secondary schools had the highest rate of exclusions of all lengths. The rate of school exclusions was “almost 4 times higher for those eligible for free school meals (FSM) than those not eligible for FSM for fixed term and permanent exclusions in 2021/22” (Welsh Government, 2023). Considering the well-known evidence that pupils eligible for FSM have poorer education outcomes (Welsh Government, 2022), the additional impact of school exclusions can paint a dismal picture. Additionally, minority ethnic pupils are also consistently overrepresented in certain types of school exclusions:



Pupils with a Roma ethnic background have the highest rate of fixed term exclusions (5 days or less). ‘Persistent disruptive behaviour’ was the most common reason given for fixed-term exclusions of 5 days or less at 25% of those exclusions.

Pupils with a White ethnic background have the highest rate of fixed term exclusions (over 5 days). ‘Physical assault against a pupil’ was the most common reason for fixed term exclusions of over 5 days, at 25.4% of those exclusions.

Pupils with a Black ethnic background have the highest rate of permanent exclusions. ‘Physical assault against a pupil’ was the most common reason for permanent exclusions, at 22.7% of those exclusions.

(Source: Welsh Government, 2023)

From the previous year, the highest rate of **fixed term exclusions (over 5 days)** remained unchanged, as White ethnic background had the highest rate. Interestingly, the highest rate of **fixed term exclusions (5 days or less)** changed as pupils with a Caribbean ethnic background previously were represented as the highest, with the most recent data showing pupils with a Roma ethnic background receiving the highest rate of fixed terms exclusions (5 days or less). The highest rate of **permanent exclusions** previously was pupils with an Asian ethnic background, switching to Black ethnic background in the most recent data set for 2021/22. This data supports Brentnall's research that "exclusion figures show higher representation of Black and Mixed ethnicity pupils in all types of school exclusion" and are overrepresented in school exclusions in Wales (2017:2).

It is important to note, that the actual extent of school exclusions is far larger than we can see in the current data available. Through school tactics such as managed moves, off-rolling, internal exclusion, restricted timetables or being sent home early, the picture of school exclusions in Wales is unclear and misleading (Daniels, 2022: 7).

Undermining the data and its reliability

So, what does this data tell us? The fact that pupils with a Roma ethnic background and pupils with a Black ethnic background have the highest rate of fixed term (5 days or less) and permanent exclusions, respectively, shows that some ethnic groups are being disproportionately represented in school exclusions, particularly as minority ethnic students represent 15% of the school population (Stats Wales, 2023). It is important to question, however, the patterns of school exclusions in Wales with this data in mind.

- Are there patterns in certain schools or local authority areas that have higher rates of minority ethnic students experiencing school exclusions or is this a Wales-wide trend?
- Why are some minority ethnic groups overrepresented in certain types of school exclusions – fixed term (5 days or less) and permanent exclusions – and not others?
- What is the intersectional picture of school exclusions in relation to ethnicity, as well as gender and additional learning needs, for example?

These points require further in-depth data analysis of which it is difficult to determine an accurate picture of different types of school exclusions experienced by minority ethnic young people. Specifically, additional challenges pertaining to how schools record and monitor ethnicity in school exclusions cases creates an even more distorted picture; we have heard cases of schools recording the incorrect ethnicity for excluded students, with some schools not recording ethnicity at all. These subtle mistakes and misrecordings allow the picture of school exclusions in Wales to be distorted, making it difficult for researchers and policy makers to be informed by statistical evidence when considering guidance revisions such as the *School Exclusions Guidance* provided by Welsh Government. With some local authorities using different methods to reduce school exclusions on school records, it can further distort the picture of overall school exclusions (Power & Taylor, 2020).

CHALLENGES FACED BY MINORITY ETHNIC CHILDREN AND THEIR FAMILIES

Families dealing with disputes on behalf of their children can find the experience challenging for many reasons.

Based upon conversations with professionals working with young people and families, the lack of accessible and timely information appears to be a significant challenge when understanding and navigating school exclusions processes. In addition to this issue, minority ethnic families can experience acute challenges when navigating these processes, which will now be discussed.

Based upon anecdotal evidence from EYST support workers, young people, and parents – as part of the Right to Education volunteer ambassador programme – minority ethnic families can face similar, yet distinct, challenges in comparison to white counterpart families.

Minority ethnic families can experience language barriers when their first language is not English.

Families supported by EYST often seek additional support from community members and support organisations as they need further clarity as to what letters from schools may mean. In addition, the official and jargon heavy language used by schools in correspondence around disciplinary actions,

including exclusions, can delay responses from families due to a lack of understanding of what the correspondence is *saying*.

Minority ethnic families can feel less confident to communicate with schools, including senior figures such as the Headteacher. For minority ethnic parents who were not born in the UK, often challenging senior authoritative figures would not be seen as an option. Different countries have different cultures around education, discipline, and rights. Keeping this in mind, the idea of challenging a decision by a school, especially when the decision is backed by evidence, could be very difficult for some families. In addition, for minority ethnic parents who are claiming asylum in the UK, the idea of challenging decisions may again not be seen as an option, particularly as they may not want to draw unwanted attention due to the precarity of their rights to remain in the UK. Lastly, even for some minority ethnic families who were born in the UK, navigating the education system first-hand, may still feel that they should 'keep their heads down' and not create a fuss. Similar to their children being

labelled a 'troublemaker' in school, parents can often shy away from drawing attention to themselves due to a distrust of authority, fairness and justice. Some feel that by challenging the school they will increase the likelihood of teachers having bias against their children in the school, and those who are due to attend in the future.

Minority ethnic families can have a lack of networks to challenge unjust and unfair decisions.

Minority ethnic families may have less networks to know how to challenge the school if they believe they have made the incorrect decision. They may not have access to information around the school exclusions process, what to expect, as well as additional support available should they want to challenge an appeals decision from a permanent exclusion. This lack of information from peers, the school and local authority can result in poor decisions not being challenged legally.

Minority ethnic families can experience a lack of equality in how disputes are handled. Many minority ethnic families are concerned about racism experienced by their children in school. In terms of school exclusions, some families have expressed frustration when their child has received a harsher punishment than a white peer for the same incident. Some have also expressed their frustration of the evidence gathering process by schools when an exclusion has been issued. For example, one parent shared that when their child was issued with a permanent exclusion, evidence had been gathered from CCTV, teachers and other pupils who were present, but they did not speak to another minority ethnic pupil who was also present. Seemingly, evidence gathering can appear to be unequal in its approach in some instances.

RACIST BULLYING IN SCHOOLS: A LINK WITH SCHOOL EXCLUSIONS?

Minority ethnic pupils being bullied due to their race, ethnicity or faith is not a new problem in schools.

Racism can be experienced by pupils in school settings throughout their education journey (Show Racism the Red Card, 2016; Wiegand & Cifuentes, 2018; Abramson et al. 2021; Children's Commissioner for Wales, 2023b), with high numbers of minority ethnic young people experiencing bullying in a school setting (Children's Commissioner for Wales, 2023a). The impact of racism in schools can result in school exclusions for both the perpetrators and the victims.

Racism contributes towards the motivations for schools to exclude pupils for 'racial harassment.' Of course, it is promising to see racism being treated seriously as a reason for a small number of school exclusions being attributed to racism in schools. According to data collected through Freedom of Information requests, across 21 local authority areas, "there were 174 racism-related exclusions in the year academic year 18/19" (Show Racism the Red Card, 2020). This is a figure that rises year upon year, a figure that resulted in "a total of at least 221.5 lost school days for the perpetrators" during

the 18/19 academic year (Show Racism the Red Card, 2020). Although it is clear to see that most of these exclusions are fixed-term, due to the small amount of lost school days over this time period. As perpetrators of racism may receive fixed term exclusions, what about the victims of racism in schools?

Many minority ethnic young people experience forms of *exclusion* on a daily basis both in school, outside the school gates, and when making their way to, and from school, through ongoing and incessant racism. Many young people who have experienced both fixed and permanent school exclusions reach this stage due to ongoing issues arising from bullying in school, largely going unchallenged and unreported.

Case study – Faiz

Faiz – Permanent exclusion case; 14 years old, Male, Black/ Black British/Welsh

Faiz was a 'model student' and doing very well in school, embarking upon his GCSE's. Behind his academic achievements, Faiz started experiencing problems at school which mainly stemmed from the poor treatment of his younger sister by peers, who were a few years younger than him.

Having recently lost their father who sadly passed away, Faiz felt a greater sense of responsibility on his shoulders to be the head of the household. His sister was being bullied by peers mainly due to her race, being called 'monkey', having food thrown at her, and pupils chasing her. These things were happening from peers both in and outside of school. Naturally, Faiz's sister sought comfort from him when these incidents happened. He didn't react to these incidents and just listened to and reassured his sister.

On the day of the Faiz's permanent exclusion, his sister had shared an experience of more racist comments made by her peers. This was following on from rocks being thrown at their home in the days leading up to these comments. On this day, he simply couldn't handle the situation anymore and just 'lost it'. Faiz had a physical fight with the younger boys who were bullying his sister. When a female teacher tried to stop the fight, she was pushed to the floor.

Faiz was permanently excluded by his school. They had CCTV evidence showing the fight. Faiz was described as 'aggressive' and 'tall' in comparison to the other boys involved in the fight, who were 'tiny' year 7's. The governor's reviewed the decision, as per standard practice, and decided to uphold the permanent exclusion.

Faiz's mum wasn't happy with the decision due to the context of this situation and it being a one-off incident. She wanted to appeal the decision made by the school at an Independent Appeal Panel (IAP).

Support

Faiz's mum contacted the Children's Commissioner's Office for Wales, which has an investigations and advice helpline. The investigations and advice service referred Faiz's case to our Right to Education service which can provide support for those navigating the school exclusions process with schools, specifically issues pertaining to race and ethnicity.

The case work lead, Amira Assami, provided support to the family to prepare for the IAP. As part of Amira's role, she helped to explain the upcoming process and attended the IAP alongside the family. As part of this appeal, Faiz shared a written letter which clearly shared his mindset on the day of the fight. He apologised and explained how he didn't recognise himself and 'lost it'. Seeing his sister's self-esteem and confidence plummet made him lose his temper.

Outcome

The permanent exclusion was upheld by the IAP which wasn't the outcome that the family wanted. The IAP didn't seem to consider the context in the lead up to the incident and Faiz's clean record of behaviour prior, only focusing upon the incident itself. The mum questioned the appeals panel about what happened to the other boys involved in the incident and whether the school recorded the incident as racially motivated. The appeals panel could provide no information to answer these questions and seemingly, there was no learning adopted by the school to avoid a similar incident happening in the future.

Faiz is now attending another school in the area and has had a fresh start, with no issues reported so far. Mum is concerned about the permanent exclusion 'label' on Faiz's record as, in the case of many young people from minority ethnic backgrounds, negative labels stick. In addition, Faiz's sister's circumstances haven't changed, with the same bullies targeting her but now without her brother's support. She blames herself for the problems her brother has faced, and this is further challenging her confidence and self-esteem.

Insights from those involved with Faiz's case

- Minority ethnic young people should feel confident to report incidents of racism to schools to avoid escalation of problems, such as taking justice into their own hands.
- Schools should recognise racism as a traumatic event, both in one-off and ongoing cases, which require appropriate support, including counselling.
- The context of permanent exclusions, especially those involving one-off incidents, should be seriously considered at governors and independent appeals panels.
- The wider impact of permanent exclusions can be clearly seen in Faiz's case. Restorative justice could be a useful approach when dealing with such incidents. Faiz's sister is still experiencing racism from the same peers from before.

Cases such as these not only demonstrate the complexity of causes of disruptive behaviour in school, but also highlight the potential ripple effect of school exclusions upon the young person and their siblings. Sadly, cases like these stemming from racism experienced by minority ethnic pupils are not isolated incidents, as Abramson & Assami (2023) recently raised concerns to Jeremy Miles, Minister for Education and Welsh Language, about the potential of unchecked racist bullying increasing young people's vulnerability and risk to being excluded from school.

These cases are further supported by the Children's Commissioner's office and their recent spotlight report *'Take it Seriously': Children's experiences of Racism within Secondary Schools*. The report shared widespread racism experienced by minority ethnic young people across Wales, often with no trusted process to deal with incidents, before they get to the stage of reacting:

"A boy in my class dropped a piece of cotton from his coat and asked a year 10 Black boy to pick it up. They had a fight after" The child was unsure what happened to either of them after, however the group spoke about how the ethnic minority student often has to defend themselves and then they get the blame for it"

(Children's Commissioner for Wales, 2023b: 18)

Incidents such as these, where minority ethnic young people receive punishment and 'blame' for reacting to racist incidents are sadly very common. They often result in school exclusions for those involved. Often white peers and instigators of racist bullying go unpunished or receive a lesser punishment than the minority ethnic pupil.

As we move into the second year of the Welsh Government's Anti-Racism Plan to become "an anti-racist Wales by 2030", experiences of minority ethnic pupils are not matching with progress at a policy level; minority ethnic pupils are still navigating complex issues on a daily basis.

SCHOOL TACTICS: ALTERNATIVES TO EXCLUSION

Many schools are encouraged to seek alternatives to school exclusion.

Welsh Government guidelines suggest Pastoral Support Programmes, restorative justice, internal exclusion (also known as internal seclusion) and managed moves to another school, facilitated by the local authority (2019: 11).

From our anecdotal evidence, many young people and parents have shared experiences of a third type of exclusion, not fixed-term or permanent but often termed as 'internal' or 'unofficial' school exclusions.

Internal or unofficial school exclusions often involve reduced timetables, 'cool off' periods for young people by waiting in corridors, in the library, or being sent home early from school. Although common, these types of 'exclusion' are unlawful and should not be used by schools.

Unlawful exclusions include "sending learners home for disciplinary reasons, but not following the procedures required for formal exclusion" and "learners being sent home for either short periods of time, or for longer indefinite periods which can sometimes result in the learner not returning to school at all." (Welsh Government, 2019: 12)

All disciplinary measures must be accurately recorded

by the school and the family should be informed of any education missed due to formal exclusion. As these types of exclusion are unofficial, they do not get recorded, and pupils often miss out on education due to this. Power & Taylor report that internal exclusions can vary from school to school in duration, location and the type of activities that are involved. For example, they found that internal exclusions can be anywhere between 5 minutes (standing outside the classroom door to reflect) all the way through to separate facilities, such as 'Nurture' in one school's case, where pupils are taught in specialist facilities 100% of the time (Power & Taylor, 2020: 872-873). Through EYST's anecdotal evidence, internal exclusions – mainly in the form of waiting in the corridor and being sent home from school early – have been experienced by young people instead of receiving an exclusion.

These types of discipline are increasingly experienced by young people but are not spoken about with family members, often meaning this loss of education is unrecorded and left untackled.

This grey area of excluding young people which isn't recorded as a school exclusion results in young people missing out on education. Minority ethnic young people often report instances of 'internal' exclusions, which are actually unlawful. This means that their experiences of school exclusion do not match the school exclusions data coming out of Wales. Over six years ago, Brentnall warned of potential distorting of school exclusions figures, with a call for schools to examine their internal exclusions policies to "see if the apparently reduction in fixed term exclusions is simply being replaced by a rise in internal in-school exclusion/isolation" (2017: 4).

In addition, managed moves are another way that schools avoid official school exclusions, relocating students to another school as a solution to an unmet need in the current provision. The prevalence of using tactics such as unofficial exclusions and managed moves was very high when reviewing historic and present cases with minority ethnic young people. Mirroring research conducted in Wales more broadly pertaining to school exclusions (Brentnall, 2017; Power & Taylor, 2020; 2023; Daniels, 2022), these options are increasingly used by schools. As these types of exclusion are not formally recorded by schools it can be difficult to track if some schools or local authorities are over relying on these levers as ways to manage behaviour in schools.

LONG TERM IMPACT OF SCHOOL EXCLUSIONS

The impact of school exclusions upon young people are not restricted to number of days not spent in school. Young people often feel and experience exclusion in ways beyond the disciplinary action of exclusion from mainstream education.

Through anecdotal evidence of working with minority ethnic young people and their families, the negative impact of school exclusions persists and spreads through unexpected avenues.

Self-fulfilling prophecy

Exclusion doesn't only impact the young person in terms of missed schoolwork and conflict with family. Exclusion can have far wider impacts reaching towards the young person feeling *excluded* in more ways than within education.

By using exclusionary tactics such as 'cooling off', not being able to attend school, marked as a 'troublemaker' or 'difficult' can result in young people feeling excluded, not just in school but in

wider society. Labels such as 'troublemaker' can stick to these young people and can encourage 'self-fulfilling prophecies': "if someone is told enough times by educators, who are in a position of trust, that racialised people are poor, uneducated and 'criminals', they may just start to believe it" (Abramson et al., 2021: 46). This constant negative stereotyping, reinforced by the bias in the education system can create vicious cycle of low attainment and feelings of belonging for these young people.

Ripple effect

School exclusions often create consequences beyond the initial action. The school exclusion decision is often finite and bounded by markers such as length of exclusion and the type of exclusion. It is apparent, however, that the way school exclusions are experienced often result in an ongoing impact which can affect the young person, their family, as well as the wider community, beyond the initial exclusion experienced from education.

Family

On a day-to-day level, families may experience the ripple effect of school exclusions by losing earnings from staying at home with their child during school exclusions, attending meetings with the school, governors panel and appeals panel. Not to mention the additional time spent on reviewing emails and writing appeals, family members are under pressure to use their time to ensure their child accesses education. Not only considering the additional pressure on family members at this time, but also the pressure from losing work, money, as well as endangering their employment if it is precarious.

Another impact from a school exclusion is the potential problems and conflicts that can arise in families, particularly regarding the course of action to take with the school. When a child has been excluded,

they will often provide evidence to try to overturn and appeal the decision. During this process it can be very stressful for the child, especially when they are doubting their own perspective of the events that occurred in the lead up to the school exclusion. Such doubts can be mirrored by family members who may find it difficult to go against the headteacher's decisions, especially when they perceive the headteacher as the final authority. In questioning the young person's perspective, it can often lead to the young person feeling alienated and lacking confidence to appeal decisions.

In addition, the course of action after a school exclusion can create tensions in families, especially when some family members want to challenge the decision through appeal, when others want to just close the door and move on.

Case study – Maya

Maya – Permanent exclusion case; 13 years old, Female, Mixed British/Welsh

Maya* had previously moved schools due to behavioural problems stemming from her peers making fun of her. Starting her new school, she was looking for a fresh start but unfortunately the students had already heard about her behaviour from the previous school, resulting in similar jokes by her peers.

Maya has a mixed ethnic background (White and Asian) and many of her peers would make racially motivated comments about her mum. As a result of these ongoing jokes, one day Maya got into a fight with one of her white peers who made a comment to her.

She was permanently excluded due to the incident involving violence and endangering the safety of other pupils at the school. She hadn't reported any incidents of being bullied by her peers to the school, specifically the racially motivated nature of the bullying. A lack of reports resulted in the key evidence used to make a decision on her case as the CCTV and witness statements of those who witnessed the fight. No evidence around the cause or context of this fight was included in the decision-making process.

As the governors upheld the decision to permanently excluded Maya, the family decided to challenge the decision at the Independent Appeal Panel (IAP) since not all evidence had been considered in the cause of her behaviour. EYST workers supported the family at this stage and attended the IAP to provide further confidence in the process.

From the time between receiving the permanent exclusion and attending the IAP, months went by; the wait time after lodging an appeal can be around 15 school days to arrange a date for the IAP. During this time, as is similar with many other cases, there is a lot of stress and uncertainty placed upon the family. There is little support and communication from the school – 2 hours tuition were provided each week to ensure Maya still had access to education. Maya was faced with other witnesses versions of the truth, backed by evidence such as CCTV, and questioned her own perception of the events. Her parents also questioned whether she was telling the truth since the evidence was so clear cut with what you can see, the fight shown by CCTV. Unfortunately,

Maya's experience isn't an isolated one. This is often the case for young people facing permanent exclusions for violent behaviour which has stemmed from an ongoing, untackled incident. When racism isn't tackled or recognised by schools it can result in young people questioning their own realities and truth. Naturally, this ongoing and anxious wait for the final decision resulting in Maya experiencing extremely poor mental health, which was a further strain on the family relationship.

Like many other school exclusions cases that EYST have supported, the independent appeals panel upheld the permanent exclusion. Maya's dad questioned the circumstances leading to the fight – the racist bullying experienced by Maya – but the appeals panel could not consider this in their decision making as it wasn't 'evidenced'. There was little desire to learn from the incident from the school. Maya's dad felt frustrated that there was no further conversation on Maya's case. He felt that the panel had already made their decision before the panel meeting and that policies were used to protect the school. He felt that they weren't interested in Maya as an individual, the priority is always the school's reputation.

Outcome

The family chose not to seek legal support to challenge the appeal panel decision as their priority was to get Maya into another school. Maya has since started in a new school in the area and

has settled well. Maya's dad attributes this to the school being a lot more 'open-minded' and open to talking about racism. Despite this positive outcome, Maya's dad feels that the school exclusions process is concerning namely due to the lack of independent decision making on appeals panels.

Insights from those involved with Maya's case

- Independent appeals panels should be independent from schools, they don't need to have headteachers/former headteachers comprising panels.
- Schools, governors, and appeals panels should become more comfortable talking about race and racism. In Maya's case, they were made to feel that racism wasn't important in her case.
- Appeals panels shouldn't feel like a tick box exercise. If the parents feel as though the decision has already been made, then they are not likely to challenge or engage in these processes.
- Lack of communication and care can equate to considerable stress upon the young person and their families. Greater consideration of wellbeing in this process is needed to safeguard all those involved.

Community

School exclusions are not only felt by young people and their families but also by the wider community. As stories circulate about the school exclusion, some families can feel judged by others and unwilling to speak out against the school or utilise processes, such as appeals, due to wanting the spotlight to move away from them. This way of handling grievances and disputes reinforces the idea of the "good immigrant" (Shukla, 2016), with parents preferring their children to re-enter school as soon as possible, avoiding further perceived repercussions from the school, especially if siblings of the excluded child also attend the same school.

Upon hearing stories of wrongful exclusions by schools, particularly in cases when minority ethnic pupils receive harsher punishments than their white counterparts for the same incident, community members from different ethnic groups can feel a poor sense of justice. Incidents and stories like these further reinforce the narrative around the lack of, and unequal access to justice for minority ethnic individuals living in Wales. Mirroring experiences of other institutions such as policing and media, these young people, families, and wider community members distrust institutions which perpetuate harms from biases, both conscious and unconscious, resulting in unequal treatment.

CONCLUSION

This research report shows the complexity of the school exclusions process in Wales from the perspective of minority ethnic pupils and their families.

As the team embarked on this specific area of support work it became apparent fairly quickly that there is a lack of awareness of school exclusions and the process amongst young people, families, and those working to support young people and families. This is a big concern. The process is complicated and practiced inconsistently across different local authorities, in part due to unclear guidance provided by Welsh Government, accompanied by a lack of transparency of processes and a lack of accountability when decision making lacks bias.

Those we spoke to as part of this research report expressed frustration, confusion, and a lack of hope for things to change for the better in the future. School exclusion processes in Wales often feel outdated and not reflective of celebratory points in the education system in Wales, such as the inclusion of Black, Asian and Minority histories in the New Curriculum for Wales or Wales' commitment to the United Convention on the Rights of the Child, reflected within the uptake of 'Rights Respecting Schools' for example. Key components of the school exclusion process are 'old fashioned' and perceived 'tick box exercises', where decisions made, as part of discipline committees and independent appeals panels, are often made by individuals sharing similar life experiences (former headteachers/teachers), often lacking the awareness and lived experiences of race, religion, and migration. Many noted that the individual needs of children and young people were forgotten about in the process, resulting in decision making fuelled by 'hard' evidence such as CCTV, rather than contextual factors such as why the young person behaved in an unacceptable way.

The initial insights shared within this research report aim to provide an evidential foundation for minority ethnic young people's experiences of school exclusion in Wales. It is important to note that whilst we focus on race and ethnicity here, we are aware of the overrepresentation of other groups within school exclusions, especially young people with Additional Learning Needs, and young people that qualify for Free School Meals. Many young people can experience disadvantage and inequality based on crosscutting factors such as a combination of these characteristics. We hope that by highlighting the disproportionate impact that school exclusions have on some pupils can support all of those working towards positive reform in this area in Wales.

We have made 17 recommendations for Welsh Government, Local Authorities and Schools to consider to alleviate inequalities in school exclusion processes. **These recommendations reflect the broader issues highlighted throughout this research report:**

- **School exclusions data, reporting and monitoring**
- **Challenges faced by minority ethnic young people and their families**
- **Racism experienced by young people in schools**
- **Decision making processes**
- **Alternatives to school exclusion**

We hope that the following recommendations are listened to, considered, and implemented by decision makers in Wales. The 'Right to Education' should be experienced by *all* children and young people living in Wales.

OUR RECOMMENDATIONS

Based upon insights from our clients and case workers we therefore make the following proposals and recommendations:

Data, Reporting and Monitoring

1. Welsh Government to collect real time data on exclusion that tracks each child, distinguished by ethnic subgroup, are needed to identify and address potential patterns of discrimination, in line with Wales Centre of Public Policy's recommendation (Arday, 2021: 12).
2. Welsh Government to commission a national independent monitoring system to collect, store, and share school exclusion rates, which is not influenced by Local Authorities.
3. Local Authorities to review schools that have patterns of high exclusion rates and exclusion rates that overrepresent certain groups, such as minority ethnic pupils.
4. Welsh Government to advise schools and local authorities to record data around the frequency of managed moves, making data publicly available.
5. Local Authorities to publish yearly data of Independent Appeals Panel outcomes, including the rate of upheld and overturned decisions.

Alleviate Challenges Faced by Minority Ethnic Young People and Families

6. Schools to adopt a co-production approach between children, families, and schools, to review school behaviour policies and reporting processes, in line with Race Alliance Wales' recommendations (Race Alliance Wales, 7, 8 and 11).
7. Schools to provide jargon free and accessible resources available to minority ethnic children and their families to ensure they are well informed about their rights, similar to SNAP Cymru's accessible resources tailored towards children with Additional Learning Needs.
8. Welsh Government to revise school exclusions guidance to advise and ensure that parents of pupils who speak English as an additional language can access letters (headteacher decision, discipline committee decision, and IAP letters) in community languages. All families deserve access to information and should not rely on family members, including their children, to interpret important information, as is currently advised in school exclusions guidance (Welsh Government, 2019: 31).

Recognising and Challenging Racism in Schools

9. School exclusions guidance to be reviewed, and put out to formal consultation, to ensure that "exclusions are used in a way that doesn't disproportionately impact specific groups" (Welsh Government, 2019).
10. Welsh Government to review wording in current school exclusions guidance, placing stronger emphasis upon the need to review the context to an incident such as provoked incidents. The guidance could include examples of racist incidents which culminate in an incident, such as a fight, and the importance of reviewing the provocation in these cases.
11. Improved mechanisms to report race-based bullying in schools, in line with recommendations made by EYST Wales and Race Alliance Wales (Wiegand & Cifuentes, 2018; Race Alliance Wales, 2020; Abramson et al., 2021).
12. Reforming current monitoring systems to consistently collect data showing incidents of race-based bullying and harassment. This could be achieved by Welsh Government revising the current 'Education (Information About Individual Pupils) (Wales) Regulations 2007' to allow the collection of this data.

Reviewing Decision Making Processes

13. Welsh Government to recommend reviews of policies and procedures relating to school exclusions processes within specific time periods, providing funding to support educational leaders in reviewing, revising, and implementing.
14. Schools to review training needs for governors eligible to make decisions as part of discipline committees, utilising specialised training delivered by organisations such as DARPL to ensure minority ethnic pupils are treated fairly.

Alternatives to School Exclusion

15. Welsh Government to consult young people, parents, and community members on alternatives to school exclusions, with the aim to refresh the alternatives to exclusion in the school exclusion guidance.
16. Schools to share good practice around alternatives to school exclusions with regional consortia.
17. Schools to trial interventions and alternatives to school exclusions, providing teaching staff with more avenues to utilise instead of reverting to unofficial exclusions, in line with Wales Centre for Public Policy recommendations around the consideration of restorative justice approaches to manage challenging behaviour and conflict (Arday, 2021: 12).

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