

Exclusion from School: compounding or tackling inequality?

Gillean McCluskey, Gwynedd Lloyd, Sheila Riddell, Elisabet Weedon and Mariela Fordyce

University of Edinburgh

DRAFT! Please, do not quote!

Key words: Exclusion; children's rights, educational inequality.

Introduction

Disciplinary exclusion from school, though increasingly governed by state regulation, continues to be a problematic feature of education in the UK, in part because the sanction is applied to children who are most at risk of social marginalisation. Exclusion from school is likely to have a detrimental impact on a child's life chances, dislocating them from their peer group, depriving them of access to the mainstream curriculum and exposing them to serious risks of under-achievement, long term unemployment and poverty. This article examines the findings from a recent study of exclusion from school in Wales, noting that there continue to be disproportionately high rates of exclusion of certain groups of children and very low levels of achievement overall for those excluded. These findings are discussed within the context of known outcomes for children and young people who experience exclusion from school but also within the context of Wales as a recently devolved nation, with an explicit commitment to children's rights.

Our analysis draws on the work of Nancy Fraser and her concern with recognition, identity and the problem of displacement. She argues that justice requires both redistribution of resources and recognition of difference. With her, we argue that a focus on recognition has overshadowed questions of inequality, and within education in Wales has led to continued dependence on the use of exclusion. We suggest that this reliance on disciplinary exclusion challenges the national

commitment to children's rights in general and to the rights of some vulnerable groups of children in particular. Finally we propose that the most effective way to address these issues is not simply through efforts reduce to disciplinary exclusion *per se* or to raise the attainment of vulnerable or disadvantaged children but through a focus on equality across the education system as a whole.

The research study

In 2011 the Welsh Government commissioned the University of Edinburgh to examine the process of exclusion from school in Wales and the delivery, planning and commissioning of education provision for children and young people educated outside the school setting. We were also asked to make recommendations for policy development. The research followed on from issues and recommendations in the National Behaviour and Attendance Review (Welsh Assembly Government, 2008), the Review of Education Other Than At School (Welsh Assembly Government 2011a) and the Behaving and Attendance Action Plan (Welsh Assembly Government 2011b), as well as in recent reports from the national school inspectorate (Estyn, 2011, 2012) and voluntary organisations such as Barnardo's in Wales (Butler 2011). Key issues for Wales included, but were not confined to:

Evidence of unlawful exclusion from school.

Disproportionate rates of exclusion for some groups of children and young people.

Low levels of achievement for children and young people who experience exclusion.

Lack of reintegration.

Significant variation in processes and outcomes across the country.

These reports raise shared concerns about the aims, processes and outcomes of disciplinary exclusion, form an important part of the wider context for this study. Concerns about disciplinary exclusion have often featured in wider current debate about attainment and achievement. Students excluded from school are already more likely to be disadvantaged, and as noted above, the experience of exclusion often further reduces their life chances. Many young people excluded from school are known to have special educational needs (known as 'additional learning needs' in Wales) and these may be compounded by missing significant periods of education through exclusion.

Official statistics across the UK show that the achievement levels of excluded children and young people are consistently much lower than those of other students, and that they are more likely to be involved with the criminal justice system both as victims and offenders. Longitudinal research

strongly suggests they are less likely to go on to further or higher education and more likely to have poor or irregular employment as adults (McAra & McVie, 2010).

Contexts of the research

Following a referendum in 1997, Wales established its own National Assembly, in 2006 gained legislative powers and since 2011 has been able to legislate in certain areas including education without the need to refer to the UK Parliament. The country itself has a largely agricultural economy, with areas of heavy industry, much of this in decline, and a population of around three million people. There are two official languages; Welsh and English, with around 20% Welsh speakers. In socio-economic terms it has the highest proportion of UK children living in severe poverty; a higher proportion of 25-64 year olds with low or no qualifications than both the OECD average and the UK overall; its mean scores for both reading and mathematics for 15 year olds are below the OECD average, and it has a higher proportion than the OECD average of young people not in education, employment or training (National Assembly for Wales, 2011). It therefore faces some significant challenges in economically difficult times. Its political priorities have been shaped by a Labour Government led by First Minister, Carwyn Jones. He is a member of Amnesty International and the Fabian Society. He is a fluent Welsh speaker in a country that places high value on its linguistic heritage. The Government has a strong commitment to the principles of social justice, sustainability and inclusivity, and to tackling the root causes of social and economic disadvantage. There is a strong policy direction within education that emphasises social inclusion and an equally strong emphasis on the need to raise educational achievement and attainment for all children and young people in Wales, with an outcry over poor and worsening Welsh PISA test scores relative to the rest of the UK (OECD, 2013). Improvement in the attainment of children from poorer backgrounds, who are more likely to be excluded from school, has been identified as a necessary measure to improve results overall.

It is important to note that the Welsh Government has fully adopted the United Nations Convention on the Rights of the Child (1989); the first UK government to enshrine the Convention in its own legislation. The latter's emphasis on equality of opportunity, the right of children and young people to receive high quality education, the right to be involved in all decisions about their lives, the expectation that adults must protect the rights of children where they are unable to do so on their own

behalf; - these are all issues which connect to and inform debate about school exclusion. The context for this research was also framed by the report *How Fair is Wales?* (EHRC, 2011), which argued helpfully for inter-sectional analysis in order to understand the complexity of inequalities. This argument was supported elsewhere in the UK by a recent report from the Children’s Commissioner for England (Office of the Children’s Commissioner, 2012) and seemed to us to be helpful in exploring school exclusion especially where disproportionality occurs in relation to a number of dimensions including social disadvantage, special needs and gender. The study was undertaken then in a context of major national political change following devolution, in a country with expressed commitment to comprehensive and inclusive education, where there is an equally explicit commitment to children’s rights and recognition of the need to understand the complexity of inequality, but where there is also now increasing pressure to improve educational outcomes and achievement to the levels of its nearest neighbours.

Research aims and design

The research study had three aims: firstly, to undertake an evaluation of the exclusion process; secondly, to undertake an evaluation of the delivery, planning and commissioning of education provision for children and young people educated outside of the school setting and, thirdly, to make recommendations for policy development. We focus here on the findings from the evaluation of exclusion process. The full findings for the study are available in the report, *Evaluation of Education Provision for Children and Young People Educated Outside the School Setting* (McCluskey et al., 2013), <http://wales.gov.uk/about/aboutresearch/social/latestresearch/education-provision-children-young-people-educated-outside-school-setting/?lang=en>

There were four main strands within the research as a whole: statistical and policy analysis, interviews with key informants, a survey of local authority representatives and interviews with young people, their families and a range of professionals. Overall, 156 people were involved in the formal interviews in this research. The detail on this is outlined below.

Table 1: Participants in the research

Participants in the Research	
Key informants	16

Local authority staff	26
Children and young people	48
Parents/carers	15
Professionals working directly with children and young people	51
Total	156

Findings: the process and outcomes of exclusion

The findings discussed below examine the major themes arising from analysis of all the data gathered on exclusion; issues of unlawful exclusion, disproportionality in rates of official exclusion, and outcomes following exclusion including reintegration and educational achievement. These were all issues which previous research had highlighted as concerns but not explored in detail to date.

Unlawful exclusion

‘Unlawful exclusion’ refers to the situation where a child is ordered to leave school premises because of serious misbehaviour, but where no record is kept of this and parents or carers not formally informed in writing. Unlawful exclusion is not amenable to analysis in the same way as official disciplinary exclusion and so individual incidents and potential patterns of inequality are much harder to discern and track. However, nearly all the local authority staff and all key informants we interviewed reported that illegal exclusion continued to some extent, despite policy aimed at addressing it. Most local authority staff felt that unlawful exclusion was reducing substantially, helped by closer collaboration between local authority and schools and greater understanding in schools of relevant legislation and guidance. One local authority respondent commented, We had one school. We knew they were ‘grey excluding’. We challenged the head on a number of occasions because his exclusions were at zero which didn’t feel right for the catchment area of the school. We had done a leaflet drop to parents to remind them of how exclusion should be managed. And we also developed a sort of exclusion hotline for other agencies (Council V).

Local authority staff talked about different ways in which this hidden exclusion could arise and often focused on the different motivations of head teachers. They recalled examples where a head teacher would seek to avoid a student having an exclusion on their record, knowing the difficulties it would cause for the student and family in finding another school willing to enrol. We were also told about

head teachers who had not followed due process because they were unwilling to admit that they had personally failed with a particular student. They also reported instances where they knew of a head teacher keen to sidestep formal processes, knowing that the school's exclusion rates were under scrutiny and could affect its reputation and standing. It was interesting to note that some key informants, particularly those from voluntary organisations and advocacy groups, were much more critical than local authority staff on this issue and their comments were often much more focused on the detrimental effects of exclusion rather than the likely motivations of excluding head teachers. We heard about parents asked to collect their child from school during the school day on 'health and safety grounds' or because s/he was 'unsettled' or needed to 'cool down' or 'could only cope with half a day' and might benefit from a further day or two at home to 'calm the situation down'. There was also concern about families' lack of knowledge and understanding about whether an exclusion was lawful or not.

Interviews with parents and carers revealed many examples of this, with some saying that they had been told that unless their child was taken home or moved school, the school would 'have to exclude'. One commented: 'You don't want an exclusion on his school record'. Another said, 'You are allowed three suspensions in that school' [there is no such rule in the official guidance given to schools], adding that she felt she could not go on with,

'meeting after meeting with the head teacher, where you knew [her son] wasn't wanted'.

Most of the children interviewed had special needs of some kind, but this did not seem to prevent exclusion taking place. Parents were not always certain about whether or not an exclusion had been official or lawful, but were always keen for their child to avoid any exclusion, knowing that this would have an adverse impact on finding another mainstream school prepared to take their child.

In addition to the explicit removal of children from school, our findings revealed other ways in which exclusion could be masked or avoided, for example, through use of a 'managed move' (Welsh Assembly Government 2011c), to another school, or the use of part-time timetables that controlled the number of hours a child could be in school. We also heard about many schools which were developing internal 'inclusion' or 'time out' units. There was often strong support for these units from local authority staff, who saw these as helpful spaces for nurture groups, for preventing exclusion, de-escalating tension and helping with reintegration. At the same time, some key

informants expressed concern that these same units could be used as ‘sin bins’, or ‘isolation rooms’, in ways that compromised access to high quality education and where inappropriate use of restraint and physical intervention could also take place. This is especially concerning given recent reports from the national school’s inspectorate on the use of inappropriate use of restraint, physical intervention and forced isolation (Estyn, 2011, 2012). It is particularly worrying that the invisibility of some forms and processes of exclusion make it significantly more challenging to address the question of the impact of exclusion overall.

Official exclusion

Turning now to the findings on official, ‘visible’ disciplinary exclusion, our analysis of national administrative data highlighted some important trends and patterns. The rates of permanent exclusion have decreased over recent years in Wales, but the rate of shorter ‘fixed term’ exclusions has been increasing. In 2010-11, there were 158 permanent exclusions from primary, secondary and special schools and pupil referral units in Wales, a decrease of 27 from 2009/10 (Welsh Government 2012). At the same time, the number of permanent exclusions of girls increased from 32 in 2009/10 to 42 in 2010/11. There were 1,480 fixed term exclusions of six days or more over the same period, which represents a rate of 3.7 per thousand students and was a reduction overall on the previous year. There were 16,818 fixed term exclusions of five days or fewer, an increase of 82 from 2009/10. This represents a rate of 42.3 per 1000 students. It seems likely therefore that the decrease in permanent exclusion rates and the increase in short term exclusion rates are related. The table below shows the range of different kinds of official exclusion in use across the country. Shaded boxes indicate rates of exclusion above the national average and shows the variability across the country.

Table 2: Permanent and fixed term exclusion by local authority, 2011-12, rate per thousand pupils, within authority

	Permanent exclusion	Fixed term exclusion of 6 days or more	Fixed term exclusion of 5 days or fewer
Isle of Anglesey	0	15.9	38
Gwynedd	0.9	1.9	25.8
Conwy	0.4	1.9	36.4
Denbighshire	0.7	0.9	53.2
Flintshire	0.3	7.5	50
Wrexham	0.4	16.8	147.7

	Permanent exclusion	Fixed term exclusion of 6 days or more	Fixed term exclusion of 5 days or fewer
Powys	1.5	3.2	43.8
Ceredigion	NA	9.5	27.9
Pembrokeshire	NA	0.9	53
Carmarthenshire	0.6	1.1	30.2
Swansea	0.2	6.9	63.4
Neath Port Talbot	0.9	6.6	50.5
Bridgend	0.5	3.6	59.3
The Vale of Glamorgan	0.3	2.9	16.1
Rhondda Cynon Taff	0.9	4.7	71.1
Merthyr Tydfil	0.8	11.7	94.9
Caerphilly	1.1	7.9	87
Blaenau Gwent	1.2	7.2	81.8
Torfaen	0.8	6.7	90.8
Monmouthshire	0.6	2.3	48.6
Newport	1.5	3.8	71.2
Cardiff	1.1	11.5	145
Wales	0.7	6	67.7

Source: McCluskey et al. 2013, p.47.

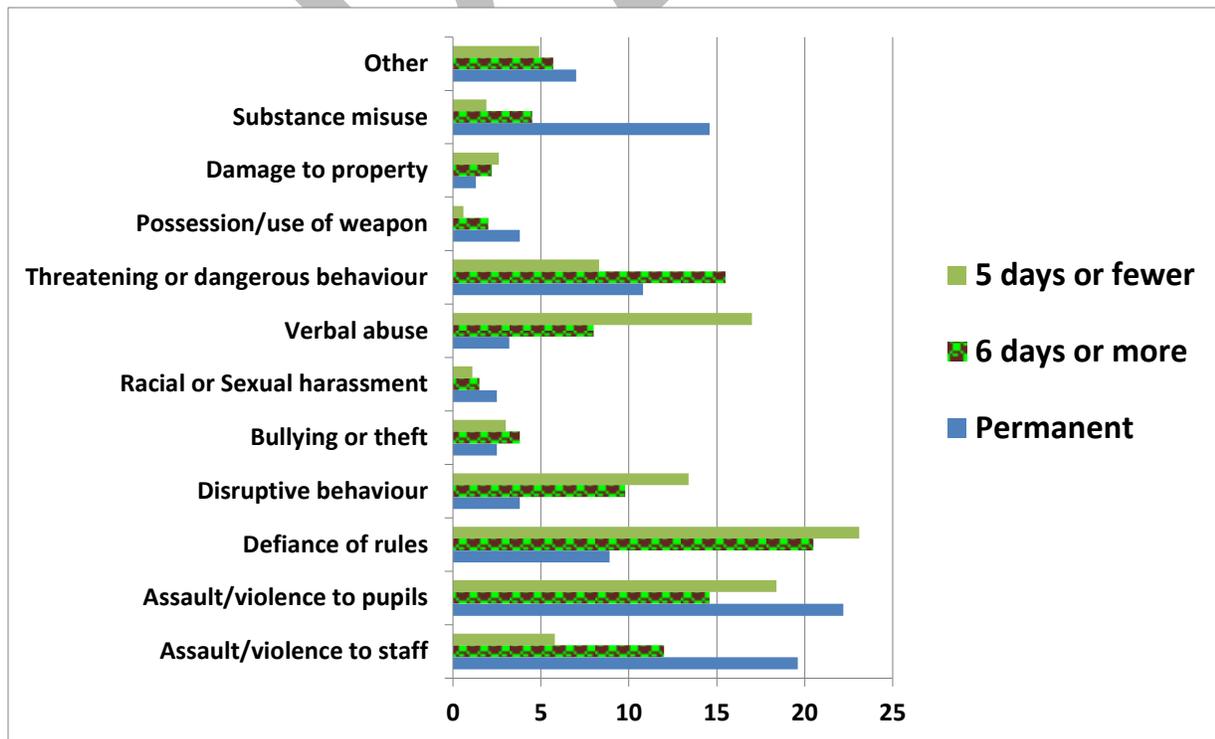
National data also indicate continuing disproportionate exclusion of boys, of children with special needs, and of children from minority ethnic groups (although the overall numbers of pupils from ethnic minority backgrounds are very small, their over-representation has been a feature in the statistics over time and must be a cause for concern). There are three times more boys excluded from school than girls. More than half of pupils excluded permanently, or for six days or more, and for five days or fewer, have special needs. These statistics also show disproportionately high rates of fixed term exclusion from special schools in relation to mainstream schools. Findings on the educational provision for children excluded are equally concerning in places. We found that excluded children in some local authorities received the legally required 25 hours tuition per week, while children in other areas received much less, and in one case, only two hours per week.

This pattern of variability across the country, of continuing disproportionality for some already marginalized and vulnerable groups of children, suggests that inequality persists and is strongly rooted in practices that are highly resistant to change. The decrease in permanent exclusion rates might be celebrated as evidence of a policy that is tackling the detrimental effects of exclusion

successfully, but when short term exclusions have risen over the same period, we should be concerned about increasing numbers of children and young people caught in the net of under-achievement, poor educational outcomes and longer term social exclusion. Our research also examined appeal processes and, in this area too, questions were raised about inconsistency and also impartiality. We learned that children and young people are rarely present at appeal meetings and rarely contribute to or influence decisions. Children and families we spoke with felt much more could be done to communicate and explain reasons for exclusion and to ensure that the exclusion process itself was clearer and fairer. Few we spoke to had any experience of appeal processes. In this, children and young people who had been excluded rarely felt that they had been consulted or involved in decision-making process related to exclusion, though often they said that they were glad not to go back to the excluding school.

Questions of equality and children’s rights were further highlighted by our analysis of reasons given for school exclusion. From the table below, it is clear that exclusion was most often related to ‘defiance of rules’.

Figure 1: Reasons given for exclusion, percentage, 2010-11



Local authority staff talked about the ways in which reasons for exclusion varied from school to school. While most schools recorded exclusion in line with national guidance, there was still much variation and variability, sometimes over what seemed to us to be quite minor issues:

The wearing of jewellery is also contentious, particularly pierced ears and navels which may have health and safety issues attached. Many head teachers had nothing in their policies about jewellery until recently. Some will send children home for wearing earrings. There appear to be quite a lot of problems with this in primary school. Schools must also state in their policy that only natural hair colours are allowed if they want to be able to send children home for having dyed hair (Council I).

While it is important to recognize the dedication and effort of some individual teachers and head teachers in supporting children and young people whose behaviour can be very challenging at times, these relatively minor reasons for exclusion, however, may mask serious and significant inequality in the way schools as systems or institutions respond to challenging behaviour, and in ways these systems perhaps fail to understand the difficulties facing children already living with disadvantage. The local authority survey data clearly demonstrated variable rates of exclusion between schools. This variation was not always related to characteristics of the pupil population, for example, to rates of socio-economic disadvantage and may instead reflect other aspects of school staff or culture, for example different approaches to discipline and to the use of exclusion. Local authority staff in our research identified some schools where higher exclusion rates were associated with, for example, the arrival of a new head teacher, or a culture of punitive approaches to pupils with difficult behaviour, rigid tariff systems or where head teachers had strongly held views about their right to continue to use disciplinary exclusion as they chose.

In summary, the findings on exclusion indicate that although some progress has been made to improve processes, there are serious and urgent questions still to be asked about the outcomes for children and young people who experience exclusion in all its forms; lawful or unlawful, permanent or fixed term, external or internal to the school. The reasons given by schools for excluding young people are broadly consistent with Welsh Government guidance but interpretation varies so significantly across local authorities so that there is a kind of ‘postcode lottery’ for individual

children and their families. Boys continue to have proportionately high rates of exclusion. Children with special educational needs account for more than 50% of all exclusions and our findings overall reinforce concern about the links between these experiences and the known poor outcomes for children who experience disciplinary exclusion overall.

The final report from our research recommended that:

- Welsh Government should emphasise the use of exclusion from school as a sanction of last resort and, in the longer term, move away from the use of exclusion as a disciplinary sanction.
- Consideration should be given to the development of a national strategy to support staff training, communication and development in positive behaviour management, children's rights and wellbeing.

We drew attention to evidence that the sanction of exclusion is applied disproportionately to particular groups of children and young people (Riddell & McCluskey 2012, Parsons 2011), and the need to collate data at national level which would allow development of a clear set of parameters for measuring change and challenging inequality. The data on exclusion does not currently allow for analysis at the level of individual pupil and simply records incidences of exclusion, so that, for example, if a school records five exclusions, it is not possible to know whether this relates to a single pupil excluded five times or five pupils excluded once. Therefore, we also recommended specific changes to a range of processes and strategic data collection and data management systems which would ensure data is collated to allow for inter-sectional analysis in relation to different types of exclusion, and in relation to identified groups of children such as 'looked after' children which are not currently monitored, the use of 'managed moves', processes of appeal, the use of isolation and seclusion, and the outcomes for excluded children and young people.

Discussion

The findings from this research reveal that children with special needs and others who often already face multiple disadvantage, continue to experience both official and hidden exclusion from school at disproportionately high levels. Local authority staff and the key informants in this research reported

some improvements but they also talked about failures in the system and significant variability. Parents we spoke to were often angry about the exclusion process though usually resigned to it when exclusion was seen to be unavoidable on 'health and safety' grounds.

Given the large body of international evidence on the relationship between disciplinary exclusion and underachievement, long term unemployment, poverty and involvement with the criminal justice system, we would argue that disciplinary exclusion has no place in the education system in Wales or indeed anywhere else in the UK. There is strong evidence that efforts to raise levels of achievement are most successfully targeted at increasing the equity of education systems overall (Wilkinson & Pickett 2010). There is no evidence from our findings here or in previous work in this area that exclusion works to send a message to other children and young people about the need for good behaviour, as is often suggested, and there is no evidence that it leads children with challenging behaviour and relationships to change how they interact with their peers, adults or family. On the contrary, disciplinary exclusion often seems to signify a breakdown in relationships which is then left unaddressed and unresolved. It models nothing that we would want children and young people to learn about effective and pro-social ways of relating to and communicating with others. It rarely offers authentic opportunity for acknowledgement of harm done, conflict to be resolved, and full discussion of ways to repair relationships, all of which have been found to be helpful to schools and children themselves (Kane et. al. 2007, Lloyd & McCluskey 2009, Sellman, Cremin & McCluskey, 2013).

It seems extraordinary that the most common reason for exclusion should be related to the relatively much more minor reason, 'defiance of rules'. This is also the most common reason for exclusion in England and Scotland where the terms used are 'persistent disruptive behaviour' and 'general and persistent disobedience' respectively. Our research report has cited on several occasions in Welsh Parliament since its publication and the ministerial response (Welsh Government 2013b). It has been used as a basis to call for more resources and better training for teachers, but our first recommendation about the need to move away from use of exclusion altogether did not feature in the Ministerial response and has thus far been absent from discussion in Parliament.

In trying to understand the persistence and grip that exclusion has on education processes despite its lack of effectiveness, and the inherent contradictions for a country with such a positive assertion of children's rights, we turn to Nancy Fraser and her work on recognition, identity and displacement. For Fraser, achieving justice requires both redistribution of resources and recognition of difference. She has talked about the way in which 'economic disadvantage and cultural disrespect are currently entwined with and support one another' (1995, 69) and Reay (2012) has reminded us that the distance between rich and poor has increased rather than decreased in the last 25 years. While Fraser's argument then is as relevant now as it was nearly 20 years ago, her more recent reflections on the difficulties with recognition of difference may also be helpful in understanding why schools or perhaps more particularly in this case, the education system in Wales, holds on to the need for disciplinary exclusion. Fraser argues that calls to redistribute resources as a way of achieving equality have been set aside in favour of calls for 'recognition of difference' (2000, 108). In education, we can see this reflected in the expansion of categories of special needs in recent years and, for example, in the vying for recognition of the 'new disabilities' alongside those previously recognized. We may also see it reflected in the priority given to some issues in national statistical data gathering in respect to exclusion and the simultaneous lack of attention given to other factors known to intersect with exclusion. Data is collated nationally, for example, which allows some discussion of the relationship between special needs and exclusion but not the relationship between being 'looked after' and exclusion or between socio-economic status and exclusion. Again, our research report strongly recommended these gaps be addressed.

This expansion in interest and concern about special needs has often been read as a welcome recognition of difference; so that the needs of children who, for example, have dyslexia or who are refugees or young carers, are recognized and supported in the same way as other children with special needs. This development has been seen as a key indicator of progress towards success in inclusion and achieving equality. But the expansion of special needs has created an insidious hierarchy, driven at least in part by the capacity of some groups to agitate more effectively for recognition and access to resources than others. Inevitably and always, children who experience disciplinary exclusion are least likely to have a vocal and influential lobbying group. This can be construed as 'misrecognition' in Fraser's terms where exclusion pathologises, silences and subordinates excluded children and their families (2000, 113). It seems to us important to

understand misrecognition in these terms because it not only leads to derision or devaluing of others, but denies parity of esteem and ‘denies the status of a full partner in social interaction’ (2000, 113). It runs counter to the aims of the Welsh Government’s children’s rights agenda.

In a similar way, the concern Fraser has with a move from redistribution to recognition is also revealed in educational practices related to hidden or internal exclusion. Her discussions of the ‘problem of displacement’ (2000, 108), resonate at a micro level with our study’s findings about the expansion of ‘inclusion units’, ‘bases’ and ‘rooms’, where small groups of pupils are literally ‘displaced’ from the mainstream classroom and their peers, so that, the argument goes, their individual needs can be better met. She talks about how ‘questions of recognition are serving less to supplement, complicate and enrich redistributive struggles than to marginalize, eclipse and displace them’ (2000, 108). There has been little research interest in outcomes for children and young people in Wales or in the UK educated in such bases or units, beyond some isolated small scale studies. Until a larger study or a meta analysis is undertaken, there will be unanswered questions about equality of access, provision and opportunity for children and young people in those units and bases. The problem of displacement also emerges in our findings about the ways head teachers talk to parents and seek at times to avoid going through the official exclusion process. As noted earlier, the Welsh Government advocates the use of a system of ‘managed moves’ to allow children to change school, often to avoid exclusion. We found very mixed views on this system and although it was clearly helpful for some children, we also heard about times when head teachers used it as a way to move avoid the public statement associated with exclusion and to move the problem away from their school rather than address it. Fraser suggests that this displacement may actually intensify economic inequality. Again, this seems to match the experience of disciplinary exclusion and the known impact of exclusion on life chances discussed earlier.

Fraser’s concern with social interaction is integral to understanding the relationships of schooling overall and to the experience of exclusion in particular. Within education in general, this illuminates the ways in which children and young people are systematically marginalised in decisions about key aspects of schooling (McCluskey, 2013). In dealing specifically with difficult situations and challenging children and young people, it amplifies both the primacy of professionals in making decisions about participation and exclusion and reintegration, and rejection of the notion that pupils

who have given challenge to a school should or can be trusted to offer solutions. Her analysis helps to shed light on our findings and interpret exclusion both as process and outcome, so that it can be seen no longer as the necessary and inevitable consequence of an individual child's inappropriate or challenging behaviour, but the contingent outcome of silencing particular groups of children who have fewest resources to challenge dominant sources and structures of power.

Conclusion

This article explored the findings from our recent study of disciplinary exclusion in Wales. We noted that some progress is being made; that rates of permanent exclusion have decreased, there is better understanding of exclusion guidance and unlawful exclusion is under much greater scrutiny. However, major concerns still remain. There continue to be high rates of exclusion for certain groups including boys and children with special needs. Some unlawful exclusion continues and its forms may be expanding, and the kinds of provision made for students facing exclusion varies significantly. We have suggested that the imperative for children's rights enshrined in Welsh legislation is fundamentally at odds with use of exclusion processes. While exclusion continues, and while it continues to impact in predictable, damaging ways on vulnerable and disadvantaged children, often with special needs, then it derails and diminishes that espoused commitment to children's rights and equality. Given the continuing commitment to both exclusion and children's rights, we have suggested that the resistance to examination of the tension between these two priorities has arisen because calls to redistribute resources as a way of achieving equality and justice have been set against and overshadowed by calls for recognition of difference in Nancy Fraser's terms, further marginalising those who with few powerful advocates.

References

- Butler, V. (2011). Experiences of illegal school exclusions in Wales: a qualitative study. Cardiff: Barnardo's Cymru.
- Education Parliamentary Monitor (2013). EPM Weekly PQs – Wales/Cymru, Weekly Edition No. 630, 08, 10 November, 2013.
- Equality and Human Rights Commission (2011). How fair is Wales? Equality, human rights and good relations. London: EHRC.
- Estyn (2011). Joint Investigation into the handling and management of allegations of professional abuse and the arrangements for safeguarding and protecting children in education services in Pembrokeshire County Council. Cardiff: CSSIW.
- Estyn (2012). Investigation into the Handling and Management of Allegations of Professional Abuse and Arrangements for Safeguarding and Protecting Children' in one local authority.
- Fraser (1995) From redistribution to recognition? Dilemmas of justice in a 'post-socialist' age. *New Left Review*, 1/212, 68-92.
- Fraser, N. (2000). Rethinking recognition. *New Left Review* 3, 107-119.
- Kane, J., Lloyd, G., McCluskey, G., Riddell, S., Stead, J. and Weedon, E. (2007) Restorative practices in three Scottish councils: final report of the evaluation of the first two years of the pilot projects 2004 – 2006. Edinburgh: Scottish Government.
- Lloyd, G. and McCluskey, G. (2009). Restorative Approaches in Scottish Schools: Follow up report. Edinburgh: Scottish Government.
- McAra, L. and McVie, S. (2010). Youth crime and justice: Key messages from the Edinburgh Study of Youth Transitions and Crime. *Criminology and Criminal Justice*, 10(2), 179-209.
- McCluskey, G., Lloyd, G. Riddell, S., Weedon, E. and Fordyce, M. (2013). Evaluation of education provision for children and young people educated outside the school setting. Cardiff: Welsh Assembly Government.
- McCluskey, G., Brown, J., Munn, P., Lloyd, G., Hamiton, L. Macleod, G. and Sharp, S. (2013). 'Take more time to actually listen': students' reflections on participation and negotiation in

school. *British Educational Research Journal*, 39 (2), 287-301.

National Assembly for Wales. (2011). *Key Issues for the Fourth Assembly*. Cardiff: National Assembly for Wales.

Office of the Children's Commissioner (2012). 'They never give up on you'. London: Office of the Children's Commissioner.

OECD (2013). *Results from PISA 2012, United Kingdom Country Note*.

<http://www.oecd.org/pisa/keyfindings/PISA-2012-results-UK.pdf>

Parsons, C. (2nd ed 2011). *Strategic alternatives to exclusion from school*. Stoke-on-Trent: Trentham Books.

Reay, D. (2012). *Think piece: What would a socially just education system look like?* London, Centre for Labour and Social Studies (Class).

Riddell, S. and McCluskey, G. (2012). 'Policy and provision for children with social, emotional and behavioural difficulties in Scotland: Intersections of gender and deprivation'. In T. Cole, H. Daniels and J. Visser, J.(Eds.), *The Routledge international companion to emotional and behavioural difficulties*. London: Routledge.

Sellman, E., Cremin, H. and McCluskey, G. (2013) (eds.) *Restorative Approaches to Conflict in Schools: interdisciplinary perspectives on whole school approaches to managing relationships*. London: Routledge.

Welsh Assembly Government (2008). *The National Behaviour and Attendance Review Report*. Cardiff: Welsh Assembly Government.

Welsh Assembly Government (2011a). *Review of Education Otherwise Than at School and Action Plan.*, Cardiff: Welsh Assembly Government.

Welsh Assembly Government (2011b). *Behaviour and Attendance Action Plan for 2011-2013*. Cardiff: Welsh Assembly Government.

Welsh Assembly Government (2011c). *Effective managed moves: a fresh start for children and young people*. Cardiff: Welsh Assembly Government.

Welsh Government (2012) *Pupils educated other than at school, 2011/12 (experimental statistics)*, 29

August 2012. Cardiff: Welsh Government.

Welsh Government (2013). Response to the Edinburgh University research report: Evaluation of education provision for children and young people educated outside the school setting. Cardiff: Welsh Government.

Wilkinson R. and Pickett, K. (2010). The spirit level: why equality is better for everyone. London: Penguin.

DRAFT