Exclusion from school and recognition of difference

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There has been an overall decrease in exclusion rates and numbers in recent years across the UK. This change has often been heralded as evidence that national inclusion policies are 'working' and that schools themselves are becoming increasingly inclusive. This article examines findings from a recent study on school exclusion in Wales, noting that exclusion is falling here in line with UK wide trends. However, exclusion rates of children with special needs and others who face multiple disadvantages remain stubbornly high. Given these findings, and the evidence that this is the case across the UK, an important question arises about the broader relationship between school exclusion and inequality. This article seeks to address this question, and asks whether and to what extent the politics of recognition of difference, in Nancy Fraser's terms, can help explain the continuing over-representation of some groups of marginalised and vulnerable children in exclusion figures, despite this overall downward trend.

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 findings from a recent study of school exclusion in Wales, noting that there continue to be disproportionately high rates of exclusion among certain groups of children and very low levels of achievement overall for those excluded. Within the context of a national commitment to inclusive practice, and the overall decrease in exclusion rates and numbers in recent years in Wales and across the UK,

these findings may seem surprising, and give rise to important questions about the broader relationship between school exclusion and inequality of outcomes. This article sets out to address this question, asking whether and to what extent the politics of recognition of difference, as argued by Nancy Fraser, can help explain the continuing over-representation of some groups of marginalised and vulnerable children in exclusion figures, despite the overall downward trends.

The analysis draws in particular on Nancy Fraser's discussions of recognition, identity and the problem of displacement. Fraser argues that justice requires both redistribution of resources and recognition of difference. With her, we argue that a focus on recognition of difference has overshadowed attention to inequality, and within education in Wales has led to continued dependence on the use of school exclusion process. We suggest that this reliance on disciplinary exclusion challenges a much-vaunted 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 to reduce disciplinary exclusion *per se* or to raise the attainment of vulnerable or disadvantaged children but through a renewed focus on equality across the education system as a whole.

Context of the research

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. The research team was also asked to make recommendations for policy development. This research study followed on from a series of critical reports highlighting significant concerns in relation to unlawful exclusion from school,

disproportionate rates of exclusion for some groups of children and young people and the low levels of achievement for children and young people who experience exclusion and the variation in processes and outcomes across the country (Estyn, 2012; Butler, 2011; Estyn, 2011; Welsh Assembly Government, 2008; Welsh Assembly Government, 2011a; Welsh Assembly Government, 2011b).

Concerns about disciplinary exclusion have often featured in wider debate about attainment and achievement in the UK and internationally (Thorsborne & Blood, 2013; Cole, Daniels, & Visser, 2013; Parsons, 2011; Slee, 2011; Black-Hawkins, Florian, & Rouse, 2007; Thomas & Loxley, 2007; Munn, Lloyd, & Cullen, 2000). Children and young people excluded from school are already more likely to be disadvantaged, and as noted above, the experience of exclusion often further reduces their life chances (Manstead, 2014). Many young people excluded from school are known to have special educational needs (known as 'additional learning needs' in Wales) and disadvantage may be further compounded by missing significant periods of education through exclusion (Prince's Trust, 2007). 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, 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).

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 of the study, *Evaluation of Education Provision for Children and Young People Educated Outside the School Setting* (McCluskey, Lloyd, Riddell, Weedon, & Fordyce, 2013), are available at

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 study: 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 discussion which follows is based on the analysis of two key aspects of the findings gathered on different aspects of exclusion: unlawful exclusion and disproportionality in rates of official exclusion, linking these to known outcomes following exclusion including reintegration and educational achievement.

Unlawful exclusion

'Unlawful exclusion'[1] 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. Most local authority staff interviewed felt that unlawful exclusion was reducing substantially, helped by closer collaboration between the 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).

However, it was also clear that illegal exclusion still continued in different forms, despite national and local policy aimed at addressing it. Examples included head teachers who had sent a young person home without recording it as required; families who had been asked to collect their child from school early on 'health and safety grounds'; families asked to keep a young person at home for some time during the school day because s/he was 'unsettled' or 'needed to cool down' or 'could only cope with half a day' or 'might benefit from a further day or two at home to calm the situation'. Interviews with parents and carers revealed their anger and anxiety about these events but also their acceptance of the school's prerogative to suggest that, for example, unless their child was taken home or found a place in another school, the head

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[1] 'Unlawful exclusion' occurs when 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 as required in law.

teacher would 'have to' exclude their child. One parent explained, 'You are allowed three suspensions in that school' [if this were found to be the case it would contravene national guidance which sets no such conditions], 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 had not prevented exclusion taking place. Echoing findings of previous research (Pirrie, Macleod, Cullen, & McCluskey, 2011), 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. Many schools were developing internal 'inclusion' or 'time out' units and there was often strong support for these units from local authority staff, who described them as helpful small spaces where individual needs could be better met, nurture groups could be established and specialised support offered with the aim of preventing exclusion. However, 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 schools' inspectorate on inappropriate use of restraint, physical intervention and forced isolation (Estyn, 2011, 2012). The questions raised by the continuing use of unlawful exclusion are important ones then; relating to concern that young people and their families are

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often unaware of their legal rights and that local arrangements developed by schools and aimed at preventing exclusion, may, perversely, increase hidden and internal exclusion. It is particularly worrying that the invisibility of some forms and processes of unlawful 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, analysis of national administrative data highlighted some important trends and patterns. It was notable that the rates of permanent exclusion have decreased over recent years in Wales, while the rate of shorter 'fixed term' exclusions has been increasing (Welsh Government, 2012). It seems likely therefore that the decrease in permanent exclusion rates and the increase in short term exclusion rates are related. National data (Welsh Government, 2012) 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 approximately three times more boys excluded from school than girls; a UK wide issue, which is still rarely addressed in depth by policy. More than half of pupils excluded permanently, or temporarily, have special needs. These statistics also show disproportionately high rates of fixed term exclusion from special schools in relation to mainstream schools. This latter finding seems especially significant. While it is important to acknowledge that the children and young people in special educational provision may have social and emotional difficulties, the use of exclusion seems to punish them for the very reason they have been referred. Such an absence of

understanding resonates with Lingard's discussion of 'pedagogies of indifference' (2007).

Although not the primary focus of this paper, it is worth noting that findings on the quality and quantity of educational provision for excluded children were equally concerning in places. In some local authorities, children received the legally required 25 hours tuition per week, while in other areas they received much less, and in one case, only two hours per week. In some areas, a full, enriching curriculum was on offer, but in others, education was very basic and intellectually undemanding. This variability also extended to local authority survey data, which revealed variable rates of exclusion between schools. Our analysis of this suggests that this variation was not always related to characteristics of the pupil population, for example, to rates of socio-economic disadvantage as might be expected. Local authority staff interviewed in the study identified some schools where higher exclusion rates were associated with, for example, the arrival of a new head teacher seeking to 'make his mark', or a school with a long standing culture of punitive approaches to pupils with difficult behaviour, or with a head teacher who had strongly held views about an autonomous right to use disciplinary exclusion.

This pattern of variability across the country and of continuing disproportionality in relation to some marginalised 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 the impartiality of those charged with oversight of the appeal processes. Despite a very strong body of evidence about the positive effect of involving young people in decision making processes (for recent discussions see McCluskey, 2014; Lingard & Keddie, 2013) and a national commitment to children's rights, it was clear that young people themselves were rarely present at appeal meetings and had few opportunities to contribute to or influence decisions made about them. 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. Overall, 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.

Issues of equality and children's rights were further highlighted by analysis of reasons given for school exclusion. 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 within this, sometimes over what seemed to us 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).

It is interesting that the wearing of jewellery or the dying of hair is seen here as contentious. It seems reasonable that there will be places and times within a school day

where some jewellery is best removed, for example, in practical lessons such as PE or craft and technology. However, it is interesting that head teachers have, according to this interviewee, moved to itemise and particularise these examples. It is also interesting to note a further reference here to, and reliance on, the notion of 'health and safety', suggesting that this has power to disarm any questions about the need for these new rules. It is always important to recognise 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 and whose demands on schools can be daunting. However, the prevalence of relatively minor reasons for exclusion or unofficial 'sending home' as implied above, also serves to mask and obscure the serious inequality in the way schools as systems or institutions respond to challenging behaviour, and in ways these systems fail to understand the difficulties facing children already living with disadvantage.

In summary, the findings on exclusion indicate that although some progress has been made to improve processes, there are serious 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 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 poor outcomes for children who experience disciplinary exclusion overall.

The final report from our research recommended that the 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. The report also pointed to the need for 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, 2013; 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 national data on exclusion under review in this study did not permit analysis at the individual pupil level, so, for example, if a school recorded five exclusions, it was not possible to know whether this related to a single pupil excluded five times or five pupils excluded once. Therefore we also recommended specific changes to a data collection and management systems which would facilitate inter-sectional analysis in relation to different types of exclusion, and in relation to identified groups of children known to be at risk of marginalisation.

Discussion

The findings from this research reveal that children with special needs and others facing multiple disadvantage continue to experience both official and hidden exclusion from school at disproportionately high levels. Although it was clear that strenuous and well-focused efforts to address this were being made, there was also evidence of failure within the system and significant variation and variability in the ways that schools understood and used exclusion processes. Parents of children who had been excluded were angry but also usually resigned to the outcome, especially when exclusion was

presented to them by a head teacher as unavoidable on 'health and safety' grounds.

In view of 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, it seems evident 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 (Condron, 2011; Wilkinson & Pickett, 2010). There is no evidence from this study or previous research that exclusion 'sends a message' to other children and young people about the need for good behaviour, as suggested in popular discourse, or that it leads children with challenging behaviour and problematic interpersonal relationships to change how they interact with their peers, adults in authority or family. On the contrary, disciplinary exclusion often seems to signify a breakdown in relationships which is then left unaddressed and unresolved. It models little 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, or discussion of ways to repair relationships, all of which have been found to be helpful to schools and children themselves (Sellman, Cremin, & McCluskey, 2013; Lloyd & McCluskey, 2009; Kane et al., 2007). It is surely paradoxical that the most commonly cited reason for exclusion, the most serious sanction schools have available to them, is 'defiance of rules' rather than violence. This is also consistently the most common reason for exclusion in England and Scotland where the terms used are 'persistent disruptive behaviour' and 'general and persistent disobedience' respectively. Whilst our research has contributed to official discourse on exclusions (Welsh Government, 2013; Education Parliamentary Monitor, 2013), it has

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generally been used to call for more resources and better training for teachers. However, its first and most important recommendation about the need to move away from the 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 and the inherent contradictions in this for a country with such a positive commitment to children's rights, we turn to Nancy Fraser and her work on recognition of difference, 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, p. 69). Fraser's argument then is as relevant now as it was nearly 20 years ago, and her reflections on the difficulties with recognition of difference may be especially helpful in understanding why schools and education systems in Wales but also across the UK, hold fast 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, this is 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 identified. It is also reflected in the priority given to some factors in the collation of national statistical and the simultaneous lack of attention given to other factors known to intersect with exclusion. Data are 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. As noted above, 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 now the needs of children who have a diagnosis of dyslexia, are refugees or young carers are recognised in the same way as other children with special needs. This development has been seen as a key indicator of progress towards the creation of an inclusive and egalitarian education system. But the expansion of special needs has also 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 (Tomlinson, 2012, 2013). Children who experience disciplinary exclusion are also those 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, p. 113). It is important to understand misrecognition in these terms because it not only leads to derision or devaluing of others, but in denying parity of esteem it 'denies the status of a full partner in social interaction' (2000, p. 113).

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, p. 108), resonate at a micro level with this study's findings about the expansion of 'inclusion units', 'support bases' and 'time out 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. Fraser talks about how 'questions of recognition are serving less to supplement, complicate and enrich redistributive struggles than to marginalize, eclipse and displace them' (2000, p. 108). There has been little recent research interest in outcomes for children and young people in Wales or in the UK educated in such bases or units, beyond some small-scale studies (IoE & NFER,

2014; Centre for Social Justice, 2011; Ofsted, 2006; Dyson, Farrell, Polat, Hutcheson, & Gallannaugh, 2004). Until a larger study is undertaken, there will be unanswered questions about equality of access, provision, opportunity and outcomes for children and young people in those units and bases.

The problem of displacement also emerges in this research study's findings in relation to the ways in which head teachers can seek to circumvent official exclusion process at times. 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 (Welsh Assembly Government, 2011c). Findings reveal very mixed views on this system and although it was clearly helpful for some children, it was also evident that some head teachers used it as a way to avoid the public statement associated with exclusion and to relocate and distance the problem rather than address it. Fraser suggests that this displacement may actually intensify economic inequality. Again, this seems to map closely on to recent research on disciplinary exclusion and the known impact of exclusion on life chances discussed earlier.

We suggest therefore that Fraser's concern with social interaction is integral to understanding the relationships of schooling overall and to the processes of exclusion in particular. Within education in general, her analysis illuminates the ways in which children and young people are systematically marginalised in decisions about key aspects of schooling (McCluskey et al., 2013). In dealing specifically with difficult situations and challenging children and young people and their families, it amplifies both the primacy of professionals in decision making, and the rejection of the notion that pupils who have given challenge to a school should, or could, be trusted to contribute to finding solutions. This 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 findings from a recent study of disciplinary exclusion in Wales. It noted that exclusion rates and numbers are decreasing steadily overall, that there is better general understanding of exclusion guidance and a stronger national challenge to schools on unlawful exclusion. However, it also noted that there continue to be high rates of exclusion for certain groups of pupils, including those with special needs and others who face multiple disadvantages. It suggested that the national imperative for children's rights is fundamentally at odds with officially sanctioned use of exclusion processes. The ensuing discussion focused on seeking to understand how national policy could, on the one hand have an explicit commitment to equality and on the other, continue to support school exclusion. Analysis drew on the work of Nancy Fraser and her discussion of the politics of recognition of difference, to suggest that 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. This has had the effect of further marginalising those with few powerful advocates. The conclusion of this discussion therefore also proposes a beginning and a renewed call for commitment to efforts that tackle inequality rather than focus on difference.

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