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Rights, rules and remedies: interrogating the policy discourse of school exclusion in Wales

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ABSTRACT

Wales is often compared favourably to other countries because of its commitment to the UN Convention on the Rights of the Child and lower levels of school exclusions. Systematic analysis of policy documents reveals the dominance of a rights-based discourse in approaching the challenge of school exclusions, which are explained in terms of socio-economic circumstances rather than individual pathologies. However, the analysis also reveals silences and tensions within the discourse which suggest that a rights-based approach may not provide a useful framework for reducing school exclusions. There are challenges in balancing competing rights and in reconciling children as rights-holders with the rules and regimes of schools. There is also a significant mismatch between the causes of exclusions and the proposed remedies. The paper concludes by arguing that until these incongruities are addressed, it is hard to see how policy relating to school exclusion can be effective.

Introduction

This paper interrogates the policy discourse around school exclusions in Wales. Wales is often compared favourably with its neighbour England because of the Welsh Government's commitment to the UN Convention on the Rights of the Child (UNCRC) (McCluskey, Riddell, & Weedon, 2015) and its lower levels of school exclusion (Power & Taylor, 2020). While there has been an increase in rates of exclusion in Wales more recently, these rates continue to be much lower than in England (Cole, McCluskey, Daniels, Thompson, & Tawell, 2019). In 2018–2019, the rate of permanent exclusions in England was twice that of Wales (1 per 1000 compared to .5 per 1000), and the rate of temporary exclusions was nearly 40% higher (54 per 1000 compared to 39 per 1000).[1]

Over the last six years we have been undertaking comparative research with colleagues in the Universities of Edinburgh, Oxford, and Queen's Belfast in order to understand why rates of school exclusion vary so widely across the four nations of the UK. Throughout our discussions, it has become clear to us that the dominant discourses around school exclusion also vary widely. Initial impressions suggest that the policy discourse that prevails in

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Scotland and Wales is very different from the predominantly punitive discourse that prevails in the US (Kupchik, Green, & Mowen, 2015) and that of England (Tawell & McCluskey, 2022). While the factors which contribute to levels of school exclusion are complex, the framing of policy must be considered as one element in the reduction – or obscurement – of levels of school exclusion.

In this paper, therefore, we explore the discourse around school exclusion in Wales more systematically. We believe such an exploration will not only provide a robust basis for undertaking cross-national comparisons but may also be useful in exposing any tensions and absences that frustrate the development of policy and practice designed to manage, reduce and possibly even eliminate school exclusions in Wales.

The Welsh policy context

Since parliamentary devolution in 1999, the political climate in Wales has developed very differently from that which prevails in England. In 2002, Wales' First Minister, Rhodri Morgan, promised to put 'clear red water' between Wales and England (Morgan, 2002). As a result, the Welsh Government has pursued a political agenda of what the First Minister calls 'progressive socialism' (Drakeford, 2021). This entails a commitment to strong government, cooperation rather than competition, universalism rather than choice and diversity, and progressivism rather than traditionalism (Drakeford, 2007). In relation to education, this has meant that the Welsh Government has eschewed those reforms put in place in England that have sought to diversify school provision, stimulate competition between schools and celebrate 'old fashioned' approaches to learning and teaching. In Wales, curriculum reforms promote progressive pedagogies, encourage community-based schools for local people, and give practitioners greater influence on the development of education policy and practice.

Evidence of Wales' distinctive policy approach can be seen in two pieces of landmark legislation – each of which has a bearing on the discourse framing school exclusions. In 2004, Wales was the first country in the UK to formally adopt the United Nations Convention on the Rights of the Child (UNCRC) (UN General Assembly, 1989) as the basis of policy-making relating to children and young people. This commitment was later enshrined in Welsh law through *The Rights of Children and Young Persons (Wales) Measure 2011* (WG, 2011). In 2015, the Welsh Government introduced *The Well-being of Future Generations Act* (WG, 2015a). The Act requires public bodies to ensure the positive long-term effect of policies on current and future generations. It also led to Wales becoming the first and, so far, only country in the UK to appoint a Future Generations Commissioner.

Key contributors in shaping the Welsh Government policies on school exclusion also include members of the Labour-controlled Senedd, Government-appointed commissioners (the Children's Commissioner for Wales, in addition to the Future Generations Commissioner), Government-funded but independent organisations such as Estyn (the education and training inspectorate for Wales) and the Public Services Ombudsman for Wales. The Welsh Government also commissions evidence from various third sector organisations concerned with supporting marginalised young people (e.g. Samaritans, SNAP Cymru) and trades unions.

In addition to seeking advice from interest groups within Wales, the Welsh Government has also typically looked to similar small countries for inspiration and evidence to inform

policy. In relation to education in general, and to school exclusions in particular, the Welsh Government has looked to Scotland, which has significantly reduced levels of school exclusion since devolution. For example, research commissioned from the University of Edinburgh (McCluskey, Lloyd, Riddell, Weedon, & Fordyce, 2013) underpins the Welsh Government's (WG, 2019) current guidance on school exclusions and pupil referral units.

Why discourse matters

Of course, discourse as articulated in policy documents and guidelines does not in itself determine what happens in schools and classrooms. But analysis of discourse does reveal how the 'problem' of school exclusion is framed, how various policy levers are warranted and what kind of language is deemed legitimate when discussing the challenges of (not) excluding young people from school. Analysis of discourse also reveals tensions and gaps between the 'problem' and the 'solution'. What issues remain unspoken? Whose experiences are overlooked or marginalised? As Ball (1994) put it: 'Policies do not normally tell you what to do: they create circumstances in which the range of options available in deciding what to do are narrowed or changed' (p. 19).

Ball (1993) has argued that it is important to make a distinction between conceptualising 'policy as text' and 'policy as discourse'. A simple description of the distinction might reside in the extent to which we focus on language or on practice. Exploring 'policy as text' entails examining the ways in which terms are mobilised and competing definitions reconciled – the processes that contribute to the particular constellation of meanings. Thinking of policy as discourse, on the other hand, entails a more fundamental reorientation of the relationship between policy-making and policy. Drawing on Foucauldian approaches, Ball (1993) argued that policy discourse not only frames practice but is *constitutive* of that practice. Theoretically this paper is closer to what Ball would call 'policy as text' rather than 'policy as discourse'. In future research, we will be looking at policy as discourse when we see how teachers and young people read, re-create and enact school exclusion policies. For now, we look to explore the processes through which the Welsh Government's communicative intent is shaped.

The research

The data from which this analysis draws derive from 40 national policy documents that directly address school exclusion. They have all been published since parliamentary devolution in Wales in 1999, from which time, as we discussed earlier, the policy context in England and Wales diverged significantly. There are of course many documents that have relevance for those working with children at risk of school exclusion, particularly those relating to additional learning needs. However, for this analysis we decided to include only those policies that are in the public domain, of the *most* relevance, and which were identified through text-searching using the term 'school exclusion'. We have also included only Wales-wide documents. While the 22 local authorities in Wales are responsible for overseeing issues around school exclusions, their own policies simply reflect Welsh Government policies and guidance. We have also excluded statistical reports and policy updates – using the latest version available. Table 1 outlines the source of the documents included in the analysis. The majority of documents comprise policy

Table 1. Source of documents.

Publishing organisation	No. of documents
Welsh Government[a]	16
Senedd Cymru[b]	9
Other legal bodies and agencies (e.g. Estyn, Ombudsman)	6
Children's Commissioner	5
Charities (e.g. Samaritans, SNAP Cymru)	4

[a]Prior to 2011, the Welsh Assembly Government (WAG)
[b]Prior to 2020, the National Assembly for Wales (NAfW)

frameworks, research reports, action plans or good practice guidance for local authorities and schools, written or commissioned by the Welsh Government, the Children's Commissioner or charities.

In order to aid cross-national comparison, a common protocol for documentary inclusion and a coding framework was agreed with colleagues in England, Northern Ireland, and Scotland. Developing the coding framework was an iterative process and ultimately jurisdictional differences meant that it had to be slightly modified for each context. For example, in Wales, there are more levels of governance (four – national, regional consortium, local authority, and school) than there are elsewhere – particularly Northern Ireland where all schools fall into one authority. To ensure consistency of coding, a pilot analysis of two key documents (one from Northern Ireland, one from Wales) was undertaken. The documents were coded using NVivo in 2021 and subsequently analysed through a variety of text searches and word frequency queries, as well as more qualitative thematic analysis using the codes.

It should be noted that the voices that speak through the policy documents are not always consistent – and occasionally some of the language in the policies seem at odds with the general tenor. This is particularly the case with some of the earlier documents where the language appears discordant with the prevailing discourse.[2] However, these discordances illuminate the messy and shifting terrain in which policy gets made and remade.

The policy discourse of school exclusions

Our analysis begins by presenting the dominant discourses of policy documents relating to school exclusion in terms of how the 'problem' of school exclusion is framed, its causes and consequences. We then go on to look briefly at the policy levers that the Welsh Government has put in place to try to minimise school exclusions. Finally, we provide a critique of the dominant discourses and policy levers through examining the silences and incongruences.

Dominant discourses

The rights of the child

Within the 40 documents, there are 1192 references to 'rights' and 222 references to the United Nations Convention on the Rights of the Child (UN General Assembly, 1989) and 269 in its abbreviated form UNCRC. Welsh Government policy documents emphasise that the starting point for dealing with pupils at risk of being excluded from school must entail

recognition of their rights. The Convention is referenced 10 times in the key Welsh Government document which provides the guidance for all local authorities and schools in Wales. This document begins with the statement that:

> The best interest of the child, in line with the United Nations Convention on the Rights of the Child, needs to be at the core of any decision to exclude and any subsequent exclusions procedures. (WG, 2020, update from original guidance in 2013)

Throughout all of the documents, irrespective of source, the need to put in place appropriate policy and guidance is justified in claims about the extent to which existing arrangements *deny* young people's rights (e.g. Children's Commissioner, 2020b). SNAP Cymru (Date Unknown: 36) report that some schools are unofficially sending children home which raises concerns that schools are 'breaking children's rights'.

The social causes of school exclusion

Unlike discourses around exclusion and pupil behaviour that locate the problem within the child itself, the overwhelming consensus in the Welsh documents – irrespective of their source – is that the behaviours that lead to exclusion arise from circumstances *outside* of the child's control. There is very little allocation of blame to the young person themselves. And while there are occasional references to 'troubled' families, the troubles these families experience are also generally seen to arise from broader socio-economic difficulties, e.g.:

> Irregular attendance, arriving at school hungry, a lack of concentration or hostile behaviour are just some of the signs that a pupil may be experiencing poverty and schools must be equipped to identify and manage this. (Samaritans Cymru, 2019, p. 10)

Further Welsh Government-commissioned research highlights that the relationship between school exclusion and poverty is a particular issue for Wales, which has the highest proportion of children in the UK living in severe poverty (McCluskey et al., 2013).

The connection between poverty and children's 'inappropriate' behaviour is frequently underlined, particularly when it is compounded with other factors, such as special educational needs, as the following extracts illustrate:

> Research shows that exclusion is more common among children and young people who are experiencing socioeconomic disadvantage. Poverty can create a cycle of inequality for children and young people, one in which opportunities and chances for success are already reduced … a high degree of those excluded from school were from socioeconomically deprived backgrounds. (Samaritans Cymru, 2019)

> The impact of poverty for many children with SEBD [social, emotional and behavioural difficulties] is far reaching; not only does it impact on their learning but also on their health and support needs. (Children's Commissioner, 2020b)

Estyn, in written evidence to the Senedd (NAfW, 2018), noted that while rates of exclusion may have been falling, there is no overall trend of reduction in the rate of exclusions for socio-economically disadvantaged pupils (i.e. those eligible for free school meals), who are still much more likely to receive fixed-term exclusions than others. Further evidence to the Senedd (NAFW, 2018) makes it clear that the blame should not be laid at the door of parents:

> All the research shows that we do not have all these feckless parents out there in our most disadvantaged communities who do not care about their children and do not care about education. That is an urban myth. (p. 24)

Consequences of school exclusion

Just as there is consensus over the social and economic causes of behaviours that lead to exclusion, so too there is recognition of the deleterious consequences of exclusion. The documents underline both the individual and societal costs of exclusion. For example, Barnardo's (Butler, 2011) and Samaritans Cymru (2019) draw attention to the emotional damage on young people, which can lead to suicidal thoughts. A Senedd (NAfW, 2013) report talks about the broader consequences for their community engagement:

> We are concerned that there is insufficient focus on supporting children and young people back into mainstream provision and avoiding the spiral of exclusions that can not only affect educational achievement but potentially isolate children from both their community settings and their peers. (p. 47)

The Samaritans Cymru (2019) underscore the significance for inequalities in general:

> The striking and overarching theme of our roundtable discussions was that exclusion from school is a major inequality issue. Whether we look at the cause or causes at one end of the scale, or the consequences at the other, the links between inequality and exclusion were seen as significant …
> Exclusion is often therefore part of a self-perpetuating cycle in which inequality is entrenched. (Samaritans, p. 9)

In short, the policy discourse emphasises that school exclusion is a damaging event in the career of the pupil and that schools must uphold the rights of the child when considering whether to exclude or not. Moreover, the circumstances that lead a child to behave in ways which might in turn lead to exclusion can be explained with reference to broader structural and cultural inequalities rather than through any individual pathology on the part of the child – inequalities which are then compounded by school exclusion.

Strategies to reduce school exclusions

In view of the serious consequences of school exclusions on the lives of young people, their families, and their communities, it is not surprising that many of the policy documents outline a number of measures and policy levers to reduce the frequency of exclusions. These strategies entail a combination of legislation, guidance, resources and range of incentives/disincentives for schools.

In addition to the overarching legal frameworks provided by the *Equality Act* (2010), the *Rights of Children and Young Persons (Wales) Measure* (WG, 2011) and the *Well-being of Future Generations Act* (WG, 2015a), the Welsh Government and the Senedd have put in place a range of legal measures specifically relating to school exclusion. For example, *Education (Pupils Exclusions and Appeals) (Maintained Schools) Regulations 2003* (NAfW, 2003) lays out the legal obligations of schools and the entitlements of parents and pupils. These measures mean that Wales is the only country in the UK where children and their parents both have the right to appeal when the child is between 11 and 16 years of age.

In addition to legislating the grounds on which a pupil can or cannot be legally excluded, there has been increasing concern about illegal exclusions. As the Special Educational Needs Tribunal Wales (SENTW, 2019) points out in relation to exclusions, the Equality Act applies not only to permanent and fixed term exclusions, but to lunchtime exclusions as well.

The legality (or otherwise) of exclusions was highlighted by a tragic incident in which a boy who had been unofficially excluded died in an accident. As result of this, the Children's Commissioner (2007) launched an investigation into the circumstances leading up to the boy being sent home from school. The report recommended that an awareness raising campaign should be conducted among parents and pupils, to ensure that they understand the legal status of unofficial exclusions.

The awareness raising campaign involves the Welsh Government and other agencies, such as the Ombudsman, publishing information for parents and young people to make them aware of their legal entitlements, and particularly alerting them to 'unofficial' exclusions. For example, the Welsh Government's (WG, 2015b) *Are you being excluded from school?* provides pupils with information about the sole conditions under which a pupil can be excluded and spells out very clearly when schools should *not* exclude, as well as what the processes are for appealing decisions to exclude. SNAP Cymru (n.d.) and the National Autistic Society (2020) provide guidance for parents on how to challenge decisions and make complaints to the school and local authority if they feel their child has not been treated fairly.

In addition to putting in place legislation to reduce the incidence of exclusions – both official and unofficial – the Welsh Government guidance (originally published in 2012, updated in 2019) for schools and PRUs (Pupil Referral Units) recommends four alternatives to exclusion. These entail:

- *Pastoral Support Programmes* (PSPs) which are multi-agency interventions to manage pupils not responding to schools' efforts to manage their behaviour;
- *Restorative justice*, which gives the pupil the opportunity to redress harm;
- *Internal exclusion*, to another area within the school or another class;
- *Managed moves* to other schools in agreement with the consent of parents and the local authority.

Additionally, many policy documents outline a range of strategies to enable schools to support pupils at risk of exclusion. These include directing more resources at disadvantaged schools through the targeted use of the Pupil Development Grant – the funding allocated to schools in proportion to the number of pupils eligible for free school meals (Senedd, 2018). In relation to managed moves it is also suggested that receiving schools might receive a form of 'dowry' to help them accommodate the incoming pupil (WG, 2019).

In general, it appears that these kinds of extra resources are to be used for improving the skills of classroom teachers. For example, the Welsh Government-commissioned enquiry into 'education other than at school' (EOTAS) concludes that the main focus should be on professional support:

> Efforts to reduce exclusion from schools should focus on building the capacity, skills and confidence of staff in mainstream schools using, for example, restorative practices, to improve relationships and behaviour in schools. (McCluskey et al., 2013, p. 15)

These skills might entail deploying 'solution-focused approaches', 'the transtheoretical model of change' or 'cognitive behavioural approaches' as recommended in the Welsh Government (WG, 2012) handbook on *Practical Approaches to Behaviour Management in the Classroom*. There are also recommendations to introduce various forms of mental health education for pupils. As the Samaritans Cymru report (2019) argues:

> Mental health education could enable children and young people better to understand their emotions and emotional distress and develop coping strategies … We must provide pupils with the tools they need better to manage their own mental health where possible. (p. 17)

In short, the range of policy documents focusing on reducing school exclusions, and particularly illegal school exclusions, include not only legislation but awareness-raising leaflets for parents and pupils. For schools, a range of alternatives to exclusion are proposed, alongside resources to support professional development of teachers in dealing with pupils at-risk of exclusion and mental health education.

Silences and incongruities within the discourse

Laying out the way in which the 'problem' of school exclusion is discursively framed and the policy measures that have been put in place to reduce the 'problem' enables us to take a critical look at the discourse. Where are the silences? Are there incongruities between the 'problem' and the 'solution'? The following critique is structured around three themes: rights, rules, and remedies.

Rights

In view of the continued occurrence of school exclusions – official and unofficial in Wales (Power & Taylor, 2020) – it is appropriate to question whether the discourse of children's rights provides an effective angle from which to reduce the incidence and negative consequences of school exclusion.

Some argue that one of the main problems is that the rights-based discourse is not yet fully embedded within the education system. A review commissioned by the Senedd (2020) lists those areas where the UNCRC has had a visible impact and those areas where it has not. The latter includes 'exclusion from school and the use of isolation booths' (p. 24). However, there may be more fundamental problems with the adoption of the UNCRC framework. First and foremost, there is the question of whose rights are being prioritised. Within the policy discourse, these are undeniably the rights of the child who is being excluded rather than those of their classmates or teachers who may be considered 'victims'. Within the discourse, there is only one instance (WAG, 2001) where the interests of classmates are mentioned. It should also be noted that this reference comes from a very early document – some years before the adoption of the UNCRC in Wales.[3] Subsequently, there has been no explicit recognition within the discourse of these kinds of issues nor of the need to balance competing rights. Of course, it may be argued that the rights of the 'well-behaved' are taken as given. Nevertheless, the

silence in the discourse is remarkable. As Ferguson (2020) argues in relation to the equivalent discourse of 'best interests' that prevails in policy documentation in England:

> … it is only able to focus on one child's position … The test for permanent exclusion requires the balancing of the 'interests' of the child at risk of exclusion against the 'interests' of all others in the school. (p. 668)

And even if one accepts, for a variety of reasons, that the interests of the child to be excluded must be the priority, there is no evidential basis on which to establish what *is* in the best interests or rights of that individual child.

> … because the balancing of competing qualified rights turns on the justifications for infringing those rights, the absence of sound empirical evidence regarding how to weigh those interests undermines the potential for children's rights to better underpin just outcomes for children at risk of exclusion. (Ferguson, 2020, p. 670)

There is no clear delineation within the policy discourse of the type or quality of education to which children have a right. In short, Ferguson (2020) concludes:

> … there is no sound empirical evidence on the differential impact on children of alternative outcomes such as placement in an internal exclusion unit, a 'managed move', or permanent exclusion. The undermines the ability of a rights-based approach to underpin a just exclusions regime. (p. 672)

There is a further tension within the discourse of the UNCRC as it applies to school exclusions which resides in the juxtaposition of professionals and pupils. As Pupavac (2001) argues:

> Equally important as the novel conceptualisation of childhood and children's rights under the international children's rights regime is the (unspoken) mistrust of adulthood and political rights that informs the imperative to institutionalise children's rights as higher law. (p. 95)

Within many of the policy documents there is a tacit, and sometimes explicit, mistrust of schools. For example, the Children's Commissioner (2007) recommends:

> Register audits should be conducted whereby LEAs periodically and without notice carry out an audit of all attendance registers at a particular school … Clear sanctions should be identified for schools found to be unofficially excluding pupils. This would provide a clear disincentive for schools considering unofficially excluding a pupil. (p. 20)

Children's rights discourses present a simple adult–child binary (or for the purposes of this discussion, a school/teacher-pupil binary) – with adults seen as the dominant group and children their sub-ordinates (Gallagher, 2008). As Papadopoulou and Sidorenko (2022) argue:

> … viewing power relationships only through the lens of generational ordering may fail to capture the multitude of ways in which children may exploit, contest, resist, appropriate or even comply with the participatory agenda. (p. 357)

Rules

It is also the case that simply asserting rights does not lead to the realisation of those rights. In the context of the school, this is more than simply a difficulty of implementation and enactment. As Pupavac (2001) points out:

> The children's rights advocacy movement has striven to move away from the child-salvation approach of earlier children's rights campaigners … children are considered not just as recipients of rights' protection, but as rights-holders in their own right. (pp. 98–99)

However, there is surely a fundamental incompatibility between exhorting children's rights as enshrined in the UNCRC while at the same time requiring compliance with the rules and regimes of school. This incompatibility is most clearly exemplified in the tension between schools' uniform requirements and children's rights to wear the clothes they want. The Children's Commissioner (2020a), in her report *School uniform wars: time for a rights-based approach,* is highly critical of recent developments which she sees as 'upping the ante with strict uniform and appearance policies':

> … many schools now not only expect a uniform, but also impose strict rules on coats, shoes, hair, and the shape and length of skirts and trousers … I am very sceptical about some of these rules, which appear to have been brought in without regard to hard evidence of 'what works' and in some cases may breach children's rights to education, socialisation, play, fair treatment and non-discrimination.

The Welsh Government (2019) guidance explicitly makes it clear that schools should not be excluding pupils for 'breaches of school uniform rules or rules on appearance (including jewellery and hairstyle)'. However, it also goes on to qualify this ruling with the statement that school exclusion *may* be appropriate when these breaches are 'persistent and in open defiance of such rules and where all other avenues for resolving the uniform dispute have been exhausted'. There is a similar incompatibility in reconciling children's rights to express themselves with many aspects of school life – whether these relate to time-keeping, 'appropriate' conduct in classrooms and corridors, or selective truanting from lessons that are disliked. In short, it is difficult to see how the kind of self-determination promised by a rights-based approach can be realised when refusal to follow rules leads to school exclusion.

Remedies

Another incongruity within the discourse is the identification of the causes of behaviours that lead to exclusion and the proposed remedies. As we saw earlier, the policy discourse makes it very clear that the factors that contribute to being at-risk of school exclusions largely reside *outside* the school. Most of all, it appears that poverty is presented as the principal culprit. However, with the exception of one allusion to the need to 'prevent and tackle poverty' (Children's Commissioner, 2020b), the remedies proposed within the documents are seen to lie *within* the school. As noted in the last section, the proposed interventions involve the professional development of teachers and strategies to foster the mental health of young people. Not only is it difficult to see how these kinds of interventions will make much of an impact on the underlying causes of disengagement from school, they also carry risks.

Reynaert, Bouverne-De Bie, and Vandevelde (2012) point out that many proponents of children's rights presuppose agreement over what these rights are, with the consequent assumption that 'the implementation of *more* children's rights is logically *better* for children' (p. 255, their emphasis). They argue that this may not always be the case. Of particular relevance here is their critique of restorative justice – one of the main alternatives to

exclusion proposed by the Welsh Government. Reynaert et al. (2012) argue that this carries the risk of 'educationalising' a social problem into an individual problem.

The strategy of reducing exclusions through improving the mental health of young people has similar tensions. It is difficult to see how therapy and counselling can mitigate the harmful consequences of the socio-economic circumstances that are seen to lie behind behaviours that lead to school exclusion. Moreover, such an approach implies that those at risk of exclusion are mentally 'ill'. As Pupavac (2001) points out:

> … while the rights-based approach consciously sought to move away from the earlier moralising child-salvation model, psycho-social rehabilitation reveals a similar preoccupation with deviancy, but conducted through the paradigm of psychological functionalism. (p. 96)

Conclusion

This paper has entailed the interrogation of the policy discourse surrounding the issue of school exclusions in post-devolution Wales. With a few exceptions, and some minor changes in tone over time, there is remarkable continuity within the 40 documents examined – irrespective of their authorship. The dominant discourse is that decision-making – either prior to or after a school exclusion – must centre on the rights of the child. School exclusion is presented as extremely damaging for the excluded child, their parents, and their communities. Moreover, explanations for the kinds of behaviours that lead to exclusion generally focus on wider socio-economic circumstances, and poverty in particular.

In trying to reduce these damaging consequences, the Welsh Government, and other agencies, have put in place legislation and guidance designed to reduce school exclusions – illegal or otherwise. For example, pupils and parents are provided with information about their rights, and how they might challenge school decisions. Alternatives to exclusion are recommended, together with resources to support teachers dealing with pupils and promoting mental health.

Irrespective of the extent to which the policy discourse is manifest in practice, it is clear that there are significant silences and incongruities in the discourse. There is very little guidance on how to balance the competing rights of the child at-risk of exclusion and other learners in the school, as well as teachers. And even if one were to privilege the rights of the potential excludee, there is a lack of any sound evidence on what kind of provision will best fulfil their entitlement to an education. There is also a real incompatibility between a rights-based discourse and a rule-based education system – as is evidenced in the challenges posed by school uniform rules and rule-breaking. Moreover, there are paradoxes within the rights agenda between presenting the child as an autonomous agent, and a victim of circumstance who needs therapy. Until such time as these kinds of tensions are resolved in discourse, it is difficult to see how the challenge of what to do with the 'wicked problem' (Armstrong, 2018) of behaviour in schools can be addressed in practice.

In conclusion, the emphasis on children's rights within the policy discourse in Wales arguably provides a more constructive approach to dealing with 'troubled' students than the punitive discourses that prevail in other contexts. However, it offers little more than rhetoric in the absence of any concerted strategy to address the

socio-economic and domestic circumstances that exacerbate 'trouble' or any meaningful levers for schools to balance the 'troubled' student's rights with their other responsibilities.

Notes

1. More recent figures are not comparable because of the disruption to school attendance resulting from the Covid-19 pandemic.
2. There are, for instance, occasional allusions to parents who fail to maintain discipline in the earlier documents which disappear in later documents. Concepts such as behaviour management also become less frequent.
3. This is also the only document analysed that contains a statement of parental responsibility for pupil behaviour, through its suggestion that schools should be 'encouraging parents to take responsibility for their children's conduct' (WAG, 2001).

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No potential conflict of interest was reported by the author(s).

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