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Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref

Jayne Bryant MS
Chair
Children, Young People and Education Committee
SeneddChildren@senedd.wales

29 September 2023

Dear Jayne,

Thank you for your letter of 15th August accompanied by the letter from EYST regarding concerns about racist bullying in schools, the challenges of reporting and collecting data, and the links with school exclusions.

Reporting and recording racist bullying and/or harassment in education settings

It is vital that we all challenge negative attitudes and behaviours that underpin prejudice-related bullying, including racist bullying. It is imperative that children and young people are taught, both at home and in school, about respect, tolerance, and kindness and the Welsh Government condemns bullying and harassment in any form. As set out in our statutory anti-bullying guidance, 'Rights, Respect, Equality', we expect every allegation of bullying and racism to be fully investigated by schools and education settings, with appropriate action taken to address the matter and prevent further instances from happening.

Our guidance also advises that education settings in Wales should record and respond to all racist incidents. Any incident of racial bullying within a school or setting should be recorded and reported to the local authority. When incidents happen, the setting should be clear about their arrangements to challenge racism and support all children involved, including those who may have heard or seen the incident. It is also very important that they engage and work with families of those involved.

While we acknowledge the need to create consistency in our systems of reporting and monitoring data on bullying and harassment, as set out in the Anti-Racist Wales Action Plan, there needs to be a lawful basis for the collection of this data on a national level. This would need to be done by amending The Education (Information About Individual Pupils) (Wales) Regulations 2007.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

It is important that any data that is collected is collected for a purpose. Any data about bullying and harassment should not exist in a vacuum but must be acted on to improve the experiences of children and young people.

My officials are currently considering the collection of data at a national level, including assessing what type of regulatory changes might be needed for this to be undertaken.

Update to the Welsh Government's anti-bullying guidance

As you know, the Welsh Government is also updating and improving our statutory anti-bullying guidance, specifically in relation to prejudice-related bullying. While the work on our system of reporting data is ongoing, we will use this update to advise education settings and local authorities about how data can be effectively used at a local level to prevent bullying and to assess the effectiveness of responses to bullying. This will share effective practice so that data that is already available can be acted on effectively.

In updating this guidance, my officials are drawing on existing and forthcoming evidence around children and young people's experiences of bullying (and specifically racism) in schools, as well as our own recent engagement with children and young people.

One of the key pieces of evidence will be the outcomes within the forthcoming report by the Children's Commissioner for Wales on experiences of racism in secondary schools in Wales. During a recent meeting with the Commissioner, we discussed her concerns regarding progress in supporting learners from ethnic minority communities, including Gypsies, Roma and Travellers. The results of the Commissioner's report are due to be published soon.

As this is an update to statutory guidance, there may be a need to first consult with the public on the proposed changes. If this is necessary, I expect this consultation to take place in early 2024.

My officials are already considering the support schools, education settings and local authorities may need to implement the updated guidance and how this should link with the wider professional development offer to practitioners. My officials will also develop further engagement with practitioners and local authorities during the guidance development which will also inform the delivery and implementation of the updated guidance.

School exclusions

I note that the letter from EYST raises the issue of school exclusions. As set out in section 1.7 of the current Welsh Government guidance, the Equality Act 2010 protects learners from discrimination based on protected characteristics.

The Equality Act does not prohibit schools from excluding learners with a protected characteristic but does prohibit schools from excluding learners *because* of their protected characteristic (e.g. excluding a disabled learner because of their disability) or discriminating unlawfully during the exclusions process. This applies to permanent and fixed-term exclusions.

It is direct discrimination to exclude a learner because they are perceived to have a protective characteristic or because they are associated with someone with a protective characteristic.

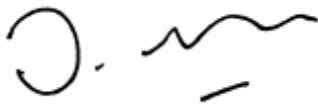
We are taking a two phased approach to revising the Exclusion from School and Pupil Referral Units (PRUs) guidance. The first phase will involve amendments being made to the tone and language used in the guidance, so that it reflects a rights-based and trauma-informed approach, including good practice. The update will also include

amendments to reflect recent changes to legislation. It is my intention is to publish this update during the autumn term.

The second phase will consider what further updates are needed to the guidance. This will involve, for example, amending the guidance in relation to our stated policy intentions and providing guidance about the exclusion of specific groups of children, such as those who are disproportionately excluded.

To support this phase, we have commissioned research into practices used by maintained schools and PRUs to prevent fixed-term and permanent school exclusions; and to explore how local authorities, schools, learners, and their parents/carers can be supported to prevent exclusions from schools and PRUs. It is important the findings of the research, which are expected to be available in the autumn, inform the fully revised guidance. This phase of the guidance will be subject to full consultation.

Yours sincerely

A handwritten signature in black ink, consisting of a circular mark followed by a series of wavy lines and a short horizontal stroke.

Jeremy Miles AS/MS

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