



**WRITTEN ASSEMBLY QUESTION
FOR ANSWER BY
THE CABINET SECRETARY FOR EDUCATION
ON 30 AUGUST 2018**

Mark Isherwood (North Wales): Mark Isherwood (North Wales): Will the Cabinet Secretary provide a breakdown of permanent and fixed term exclusions in primary schools and secondary schools for all pupils, and for pupils on the autism spectrum? (WAQ77074)

Mark Isherwood (North Wales): What assessment has the Cabinet Secretary made of the recent upper tribunal ruling on the exclusion of an autistic pupil from school, and the impact it will have on the education of children on the autism spectrum in Wales? (WAQ77075)

Mark Isherwood (North Wales): Will the Cabinet Secretary be issuing guidance to local authorities and schools about appropriate adjustments that can be made for pupils on the autism spectrum following the recent upper tribunal ruling regarding the exclusion of an autistic pupil from school? (WAQ77076)

Mark Isherwood (North Wales): What specific advice will the Cabinet Secretary be issuing to local authorities and schools to ensure compliance with the provisions within the Equality Act 2010, in light of the recent upper tribunal ruling on the exclusion of an autistic pupil from school? (WAQ77077)

Kirsty Williams: Please see the most recent statistics I have provided regarding exclusions. To protect the confidentiality of the data, figures greater than zero but less than 5 have been hidden.

**Number of exclusion for pupils in primary and secondary schools
with an Autism Spectrum Disorder, 2015/16**

Type of Exclusion	Number of Exclusions
Permanent	0
Fixed-term exclusions (5 days or less)	302
Fixed-term exclusions (over 5 days)	21
Total	323

Source: Pupils' Exclusions Record, Welsh Government

Number of exclusions from maintained schools in Wales, by school type, 2015/16

	Number of Exclusions
Permanent	
Primary schools	10
Middle schools (b)	*
Secondary schools	94
Special schools	*
Total - maintained schools	*
Fixed-term exclusions (5 days or less)	
Primary schools	2590
Middle schools (b)	220
Secondary schools	10110
Special schools	492
Total - maintained schools	13412
Fixed-term exclusions (over 5 days)	
Primary schools	119
Middle schools (b)	7
Secondary schools	469
Special schools	32
Total - maintained schools	627

Source: Pupils' Exclusions Record, Welsh Government

"*" means that data is disclosive

The Welsh Government has not completed a formal assessment of the upper tribunal ruling published on 8 August. However, I understand that the ruling indicates that further consideration of the unintended consequences of the Equality Act 2010 (Disability) Regulations 2010 needs to be undertaken. As these regulations are non-devolved, I will await the outcome of the UK Government's assessment.

It would be inappropriate to issue guidance on this matter until a review of the rulings implications has been completed. However I have been clear in our current guidance that I consider exclusions to be a matter of last resort. I will consider revising the guidance further, to ensure that any advice provided to schools and local authorities is compliant with the spirit as well as the letter of the law, when and where appropriate.

The existing statutory guidance on school exclusions already sets out my expectation that schools comply with the Equality Act 2010. The guidance provides clarification regarding the behaviours that would be considered discrimination and signposts users to the detailed guidance issued by the Equality and Human Rights Commission.

Through the Additional Learning Needs (ALN) Transformation Programme, we are reforming and improving the system for supporting children and young people with ALN in Wales. The cornerstone of these ambitious reforms is the Additional Learning Needs and Education Tribunal (Wales) Act 2018. The Act will create a new legislative system that will help to ensure that all learners with ALN, aged 0-25, including those with Autism, are supported to overcome barriers to learning and achieve their full potential.

We have made available a £20m package of funding to support implementation of the Act and the ALN Transformation Programme. A critical part of this includes developing the workforce to ensure that practitioners have the skills to effectively operate the new system and improve outcomes for learners. Working with our 5 ALN Transformation Leads, we are delivering an extensive package of training, core skills development and ongoing professional development for all practitioners.

The provisions in the Act which will help to improve multi-agency working and collaboration through strengthened duties on local authorities and health boards aligns with our Autistic Spectrum Disorder Strategic Action Plan and the new national Integrated Autism Service (IAS) that is being rolled out across Wales this year.

The IAS will be all age and thus aligns with the 0-25 age range that the ALN Act provides for. By making early and effective interventions and providing the right support and provision for children and young people with autism, the Act will help to ensure that behavioural issues that can lead to exclusions can be dealt with earlier and more effectively. The reforms also promote a person-centred approach, which places the views, wishes and feelings of the learner and their parents at the heart of the process and all decisions.

In May we published a Rapid Evidence Assessment (REA) of the effectiveness of educational interventions to support children and young people aged 0-25 with Autistic Spectrum Disorder. We will shortly be publishing an accessible guide for practitioners and parents in relation to the most effective interventions to support learners with autism in education settings based on the findings of the REA.
