THE RIGHT WAY

A Children's Rights Approach for Education in Wales

A Children's Rights Approach is a principled and practical framework for working with children, grounded in the UN Convention on the Rights of the Child

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WHY A CHILDREN'S RIGHTS APPROACH?

Foreword by Sally Holland, the Children's Commissioner for Wales

As Wales' children's champion I aspire to a Wales where all children and young people have an equal chance to be the best that they can be. In 2017 very many children and young people in Wales lead safe, happy and active lives and feel listened to and respected by the adults around them. However, despite lots of effort by organisations working with children, there remains much to do in order to make rights a reality for all children in Wales.

My work is guided by the UN Convention on the Rights of the Child (UNCRC) and I strive to ensure that it is implemented fully in Wales. I have created this guide with expert advice from the Wales Observatory on Human Rights of Children and Young People (based at Swansea and Bangor Universities) and by including the real experiences of educational settings in Wales. Some settings have successfully developed a children's rights approach using support from external experts, such as UNICEF, or by working with my office. Many other settings have developed elements of this approach without this guidance. This document has been developed to give leaders, teachers, governors and other educational professionals the guidance to develop a Children's Rights Approach so that all over Wales children and young people have the opportunity to access and learn about their rights throughout their education.

This Children's Rights Approach to education will safeguard the long term needs of children and young people and will help develop healthy and confident individuals who can learn and thrive. Implementing this approach also provides meaningful opportunities for children and young people to participate as ethical, informed citizens in their communities.

"Article 42 says we should all know our rights. If all children know what they should have then maybe we would live in a fairer world."

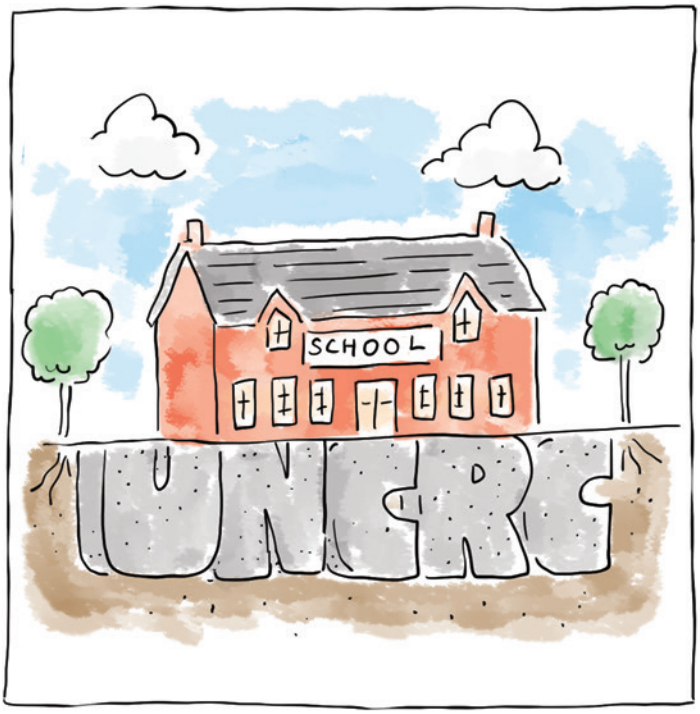
Child, Primary School

"[A children's rights approach] has given our children a platform to continually assess their lives and has helped engagement in learning"

Head teacher, Primary School

INTRODUCTION

A Children's Rights Approach is a coherent, politically neutral and practical framework for working with children, grounded in the UNCRC. It is a durable approach that withstands social change. **It is about placing the UNCRC at the core of a child's experience of education and at the core of school planning, teaching, decision-making, policies and practice.**



Policy and legislation on children in Wales is underpinned by the UNCRC. The Rights of Children and Young Persons (Wales) Measure 2011, the Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015 all establish duties on public authorities that contribute toward the realisation of children's rights. A Children's Rights Approach is consistent with these duties, and will help educational settings meet their statutory duties.

Education settings in Wales work hard to enable children to realise their rights but in some settings the link between their work and the rights of children is not clear to staff, learners or the wider community. When schools do make the link between their work and the rights of the child explicit they are establishing a clear framework and rationale to their work. The UNCRC provides a strong foundation of values for a school community, which are recognised in international law.

"These principles [of children's rights] permeate the whole school community. This has a very positive effect on pupils' behaviour and attitudes towards others."

Estyn, School Inspection Report 2012

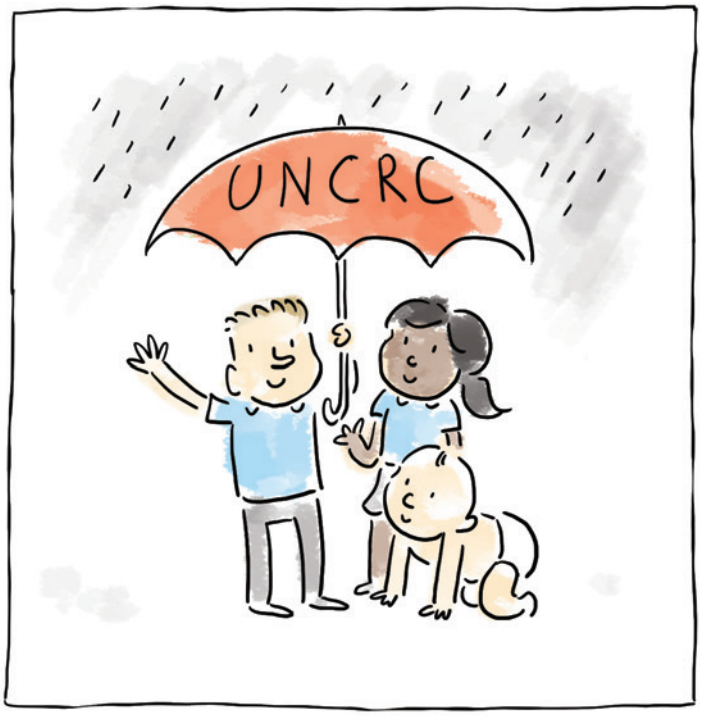
The human rights of children

"Rights has given us all a universal language"

Governor, Primary School

Human rights guarantee basic freedoms and meet the basic needs of all humanity, underpinned by respect for human dignity. Human rights are binding on government and on public authorities at all levels in the UK, and provide a strong ethical framework for planning, decision-making and action.[1,2]

Children are entitled to their human rights, including being able to access and exercise their rights. Children's rights are set out in international treaties, including the European Convention on Human Rights (ECHR). Children's rights are entitlements, they are not optional. **Children aged 0-17 years are given special human rights protection by the United Nations Convention on the Rights of the Child (UNCRC).**



In 1991 the United Kingdom formally agreed to ensure that every child in the UK has all the rights listed in the convention by ratifying the UNCRC. The Welsh Government adopted the Convention as the basis for policy making for children and young people in Wales in 2004. The Rights of Children and Young Persons (Wales) Measure 2011, strengthened and built on the rights based approach of the Welsh Government to making policy for children and young people in Wales, placing a duty on all Welsh Ministers to have due regard to the UNCRC when exercising any of their Ministerial functions.

The UNCRC recognises that children are in a different situation than adults and will often have different needs, and that children face particular challenges because childhood involves stages of physical or emotional development. Part 1 of the UNCRC, contains 41 articles, which guarantee children a comprehensive set of rights. Article 42, in Part 2 of the UNCRC requires the State, including public authorities, to make the UNCRC widely known to children and adults. The remainder of Part 2, and Part 3 of the UNCRC deal with monitoring and reporting responsibilities to the Committee on the Rights of the Child.

The rights set out in the UNCRC are an additional safeguard of their safety and development, and support children's capacity to take decisions and act autonomously. All of the articles of the convention cover three main themes:
Participation, Provision and Protection.

The articles on **Participation** are based on the idea of the child or young person as someone who actively contributes to society as a citizen in the here and now and not just someone on the receiving end of good or bad treatment from others.

Provision articles cover the basic rights of children and young people to survive and develop. These range through health care, food and clean water to the education and environment which allow children to develop. The Convention is clear that the best place for a child is normally with their family, and that the Government has a duty to support and assist parents but provide special care when children are unable to live with their parents.

Protection articles deal with exploitation of children and young people at work; physical, sexual and psychological abuse; discrimination and other mistreatments which many still suffer, including in the UK. The Convention makes it a duty for Governments to protect children and young people and, where necessary, to provide rehabilitation for them.

The Committee on the Rights of the Child[3] is a committee of experts responsible for monitoring the implementation of the UNCRC. The Committee holds regular sessions to review and assess the progress toward realisation of children's rights by governments across the world, including the UK. The Committee also make suggestions to help governments better realise children's rights. These are set out in documents called General Comments[4].

A 'CHILDREN'S RIGHTS APPROACH'

The model set out in this guide has been developed for education settings in Wales and is applicable across the educational sector, to both statutory and non-statutory provision. Our case studies illustrate practice that can be implemented from Early Years to Post-16 education and reflect practice in mainstream and non-mainstream settings. Many settings will already have procedures which are consistent with a **Children's Rights Approach:** often adopting the principles and practices described below will complement or improve what is already working.

The principles of a Children's Rights Approach[5] are:

- **Embedding children's rights**
- **Equality and Non-discrimination**
- **Empowering children**
- **Participation**
- **Accountability**

Embedding children's rights

Children's rights should be at the core of whole-school planning and delivery. This requires that all staff in the school, including associate and support staff, understand the UNCRC as a framework for the work of the school. Similarly all governors need awareness of the principles and content of the UNCRC. School policies should be revisited to ensure that they are consistent with the principles of the UNCRC. There should be coordination across different areas of the school, and also with external services to ensure application of the principles and practice of a Children's Rights Approach. This will help ensure that the best interests of the child are a primary consideration in all decision-making concerning individual children and groups of children (as guaranteed by Article 3 of the UNCRC). It should be clear and transparent where children's rights have been taken into account.

In order to put this principle into practice education settings should aim to:

- **Refer to the UNCRC in all policies** and other documents setting out vision and values.
- **Ensure that staff, governors and parents** are aware of this commitment and familiar with the UNCRC.
- **Ensure that learning outcomes** about the UNCRC and children's rights are included into teaching and learning.
- **Prioritise training** on children's rights for the whole school community.
- **Identify key individuals and/or a team** with responsibility to act as champions of children's rights, who are available to support other staff to develop their practice.
- **Carry out an initial and then regular audit** of all policies to assess compliance with the values of the UNCRC.
- **Carry out an initial and on-going evaluation** of levels of knowledge and understanding of children's rights amongst staff, governors, pupils and the wider school community.
- **There should be a clear commitment** to ensuring adequate human and financial resources are allocated to support the setting to implement children's rights.

Case Study 1:

A whole-school approach to embedding children's rights was taken by a primary school in Wales. At this school all staff, governors and pupils understand the principles of the UNCRC as their guiding principles and have informed parents and carers about the Convention repeatedly through its inclusion in newsletters, letters, homework and school policies. Pupils have led consultations with parents and carers to identify what they know about children's rights and will lead sessions to further develop understanding.

"the principles [of the UNCRC] are embedded throughout all our curriculum, policies and practices. It has provided us with a framework which provides a real meaning and understanding for everything we do."
Head teacher, Primary School

Case study 2

In another primary school also taking a whole-school approach classroom rules have been completely replaced by charters in all areas of school. Charters are based on the UNCRC and have explicit references to articles. Children understand that their rights are unconditional and that adults are the duty bearers of their rights, **"adults make sure we get our rights"**. Children also understand that while they are not themselves responsible to ensure other children access their rights, their own actions and behaviour can help to support other children to enjoy their rights, for example, they can support their peers' rights by making sure they listen to each other so everyone can share ideas in class. Pupils make explicit reference to articles relating to their roles in school, for example a trained peer-mediator explained that, **"all children have the right to be heard and feel safe".** Pupils also understand that their actions can have an impact beyond their school and view global citizenship projects through the lens of universal equality, as one child says **"I am born with rights and so is every child in the world."**

"it has to be a whole-school approach, it can't be just one teacher in a classroom. Every single member of staff needs to understand that these are the principles that guide you"
Deputy Head teacher, Primary School

Equality and Non-discrimination

Equality is about ensuring that every child has an equal opportunity to make the most of their talents and develop to their fullest potential, and that no child has to endure poor life chances because of discrimination. Many children and young people in Wales face discrimination in education settings. Sometimes children face discrimination due to their identity, for example, children and young people can experience bullying due to sexual identity or because they are a member of a minority ethnic community. In a study about bullying, the Children's Commissioner for Wales consulted more than three thousand children and young people in Wales, and this showed that exclusion and bullying are also responses to characteristics that are not protected by equalities legislation, for example bullying due to poverty, appearance or clothing, as illustrated in the drawing below.

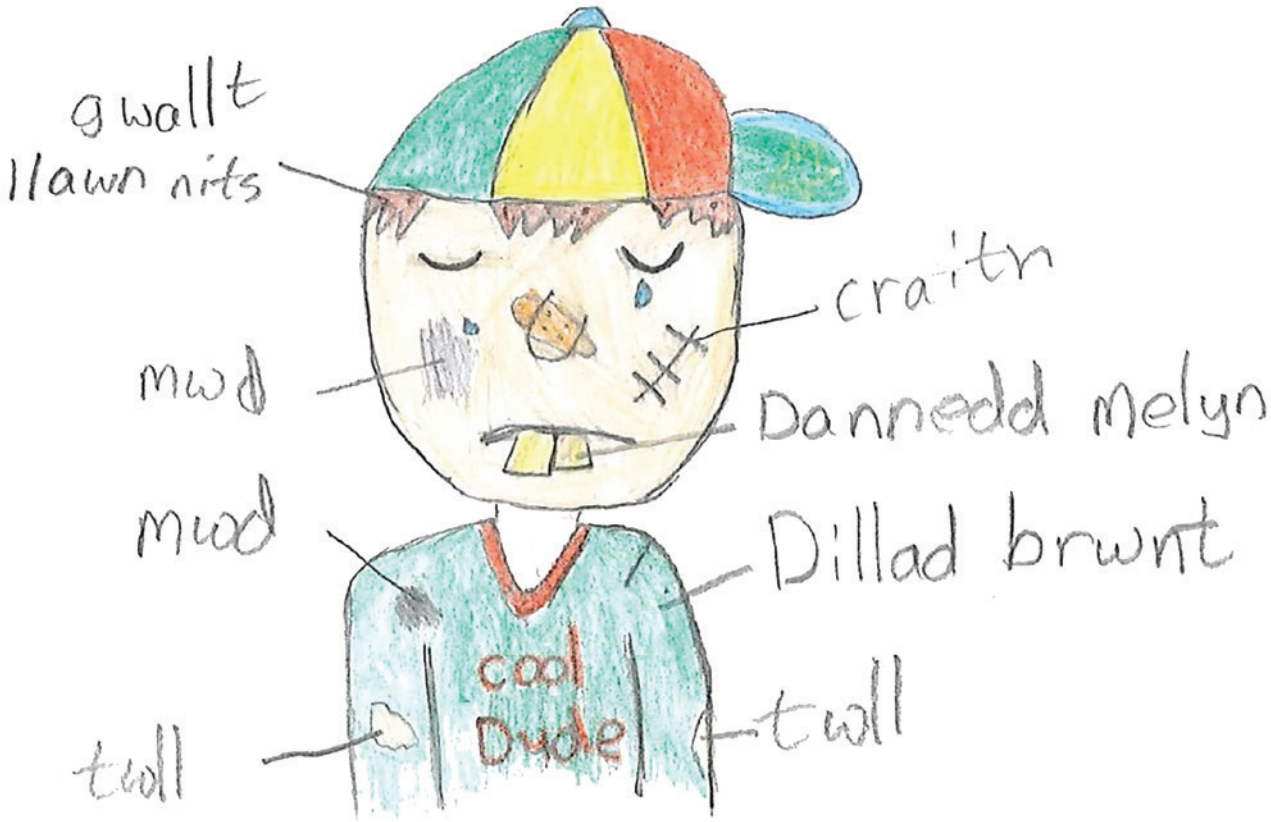


Figure 1: Image drawn by child, captured as part of Children's Commissioner for Wales consultation about children's experiences of bullying, 2016. Children were asked to draw a picture of a child who was experiencing bullying.

- gwallt llawn nits: hair full of nits
- mwd: mud
- twll: hole
- craith: scar
- dannedd melyn: yellow teeth
- dillad brwnt: dirty clothes

The consultation showed that effects of this experience can be profound, with missing education highlighted by children and young people as a common response to bullying. Non-discrimination is a right under the UNCRC (Article 2) and promoting equality means taking action to tackle discrimination. In education that means working with all staff, learners and the wider community to ensure that children do not experience discrimination. Children's rights provide a clear language through which children can describe and frame their relationships to each other.

In order to put the principle into practice schools should aim to:

- **Include a clear commitment** to promoting equality and tackling direct and indirect discrimination against specific groups of children in all significant policies, and share this as a clear and consistent message with the school community.

- **Celebrate the different identities** in the community and support children and young people to celebrate and feel positive about difference.
- **Enable all children, young people and staff** to explore and feel proud of their own unique personal identity.
- **Make the implications of discrimination** widely understood by staff and children themselves.
- **Gather relevant data,** including disaggregated data, to enable identification of discrimination or inequalities to identify children who may be discriminated against.
- **Develop appropriate priorities and programmes of action** to reduce discrimination against excluded, socially marginalised, disadvantaged children and to promote equality for these groups.
- **Require external services and experiences,** for example, school visits and trips, to be provided in ways that do not discriminate against children or groups of children.
- **When children or young people** return to school after absence routinely check if they are experiencing bullying or social difficulties that are causing them to miss education.

Case Study 1

In a primary school pupils undertook a topic about beauty, which was underpinned by a whole-school approach to rights and linked directly to Article 2 (equality). Using self-chosen creative methods, pupils explored what beauty means to them and presented their own 'beauty project' to the class to share what they thought was beautiful. The project transformed how some pupils thought about beauty, one Year Five girl explains,

"I used to think that beauty was make up and nails but when I did my beauty presentation... I took lots of photos of every single person in my class... I thought it meant friendship... it changed my view of beauty."

Case Study 2

All staff at a secondary school (teaching, support and associate) received training in restorative approaches to peer conflict. This is in the context of a clear commitment to children's rights identified in the school development plan. A whole school charter linked to rights is displayed around the school and a new behaviour programme has been developed as a shared enterprise with young people, who have been key in its development and evaluation, exemplifying the school's commitment to Article 12 (right to express opinions). The programme emphasises the recognition of positive behaviour and one young person explains that **'the system encourages you to respect the rights of others'.** Since the new programme has been in place the number of fixed term exclusions has fallen dramatically. Alongside restorative approaches, teaching staff have meticulously mapped the coverage of the UNCRC across all learning and teacher planning, meaning that an understanding of rights and how they relate to decision making in different contexts can be continually developed and explored.

"with rights we have developed more empathy towards others, especially the right to learn"
Pupil, Secondary School.

"When your school commits to rights it's not an add-on. You need to go back to what you're trying to do, to your school values and then take it through everything... it transforms the relationships in the school"
Deputy Head teacher, Primary School.

"I have never been in a more welcoming school... [X's] behaviour has improved and he's settled here, rights have definitely helped with this."
Parent, Special Education Setting

Empowering children

Human rights should empower children. Empowerment means enhancing children's capabilities as individuals so they are better able to take advantage of rights, and to engage with, influence and hold accountable the people and organisations that affect their lives. Children should be able to make choices and to affect outcomes for themselves. Children should be given information to increase their understanding about their rights, and access to resources to enable them to make use of rights in their everyday lives. Empowerment changes the relationship between children and adults in education settings. It means adults handing over or sharing decision making with children. This principle applies equally to younger children and should be seen as an important contribution to the development of the child (guaranteed by Article 6 of the UNCRC).

In order to put this principle into practice authorities should aim to:

- **Provide children with opportunities and the skills** to engage with and influence school policies and processes. Offer training and information accessible to children and establish clear guidelines for how children will influence decisions.
- **Make data gathered about children available** to them in an appropriate way so that they can share decision making about school priorities and strategies.
- **Provide children with opportunities to act collectively** to develop ideas and proposals, to take action and to influence decisions. Consider how all children can take part in this, for example, ensure that there are mechanisms by which school council members can be genuinely representative of views held by other children, for example by enabling classes to discuss agenda items prior to meetings.
- **Proactively identify opportunities for children** to take decisions according to age and maturity, including opportunities to make significant choices which transform their lives, and inform children of these opportunities.
- **Provide children with accessible information and education** to develop their understanding of their human rights. There are many resources available to support this: www.uncrcletsgetitright.co.uk
- **Provide children with accessible information** about local and national services and the Children's Commissioner. Our Ambassador schemes will support this: www.childcomwales.org.uk/our-schemes

Case Study 1

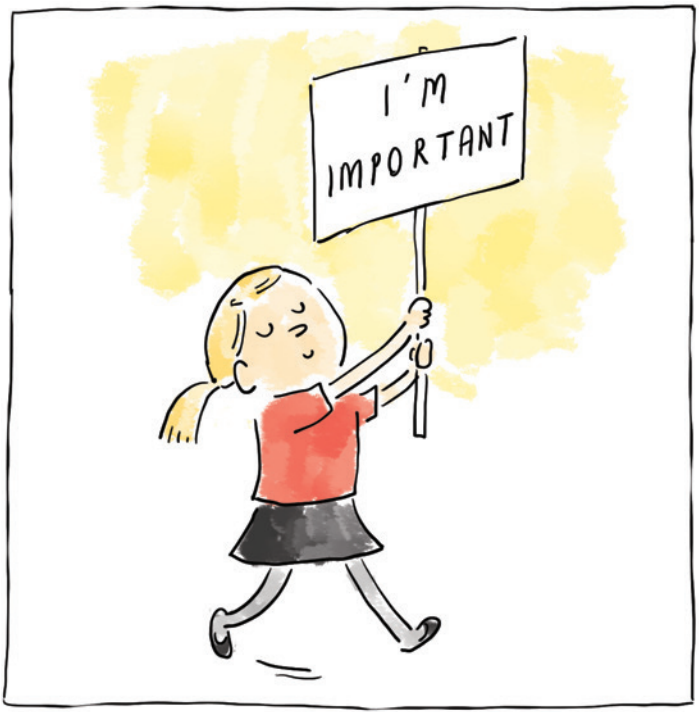
A primary school has developed an assessment policy with pupils, using pupils' comments as the feedback statements they would receive. Pupils then evaluated the assessment policy when it was implemented. In the same school, pupil voice is extended wider than elected committees with committee members actively seeking the views and opinions of all pupils through class discussions and ensuring that their agenda items, minutes and feedback are readily available to other pupils. Pupils are also encouraged to express themselves not only through elected councils but in lessons and through the use of circle time.

Case Study 2:

A Pupil Parliament has recently been introduced in a primary school which mirrors the Welsh Government structure, with Cabinet Members taking particular responsibility for different priority areas in the school. The parliament has worked closely with the Head to review the school development plan and set whole school priorities and has also introduced a pupil participation award to celebrate others' contributions to school life.

"I can talk to grown-ups and explain... what our rights are and what we would like to change."
Year 6 Pupil.

"It's had a huge impact on their confidence and sense of pride. They've made changes and know they have a voice. It's given them a real sense of responsibility toward younger pupils"
Teacher, Primary School.



Participation

Participation means listening to children and taking their views meaningfully into account. All children should be supported to freely express their opinion; they should be both heard and listened to. Their views should be taken seriously when decisions or actions are taken that affect their lives directly or indirectly (as guaranteed by Article 12 of the UNCRC). Participation can take place in different forms, appropriate to different circumstances. Children should be supported to take part in decisions that contribute to the lives, shape the school and the communities they live in and wider society. Children's views will need to be taken into account and given due weight in light of their age and maturity, but young age or relative immaturity is no reason for discounting children's opinions or for giving them less attention in decision-making processes. Children should be fully informed and given opportunities to be involved in decision making. It should be clear how children have influenced decisions and how their views have been taken into account, with feedback always given to the children who are involved in the process. Participation should not be understood as an end in itself, but as a process, which is safe, enabling and inclusive, and which supports dialogue between children and professionals.

In order to put this principle into practice education settings should aim to:

- **Recognise that there are different levels of participation**, relevant to different circumstances. A participation model can help clarify the degree of ownership that young people will experience in each process.
- **Include a clear commitment** to participation of children in all significant school policies.
- **Adopt the National Participation Standards.**
- **Develop targets and programmes of action to increase participation,** in particular amongst otherwise excluded/marginalised or disadvantaged children and young people.
- **Involve children directly** in the design, monitoring and evaluation of teaching and learning. This can be a simple as asking pupils to give feedback after a lesson but can be developed into a continuous process encouraging pupils to reflect upon their learning and social development to help inform how teachers can best support them.
- **Involve children** in the proofing of budgets.
- **Create choice about learning.**
- **Enable pupil voice** in the classroom through participative pedagogy.
- **Involve children** in the recruitment of staff and governors.
- **Provide feedback to children and staff** on the outcomes of children's involvement, highlighting any changes brought about by their participation.
- **Ensure that resources** (human / financial) are identified to support participation.

Case Study 1

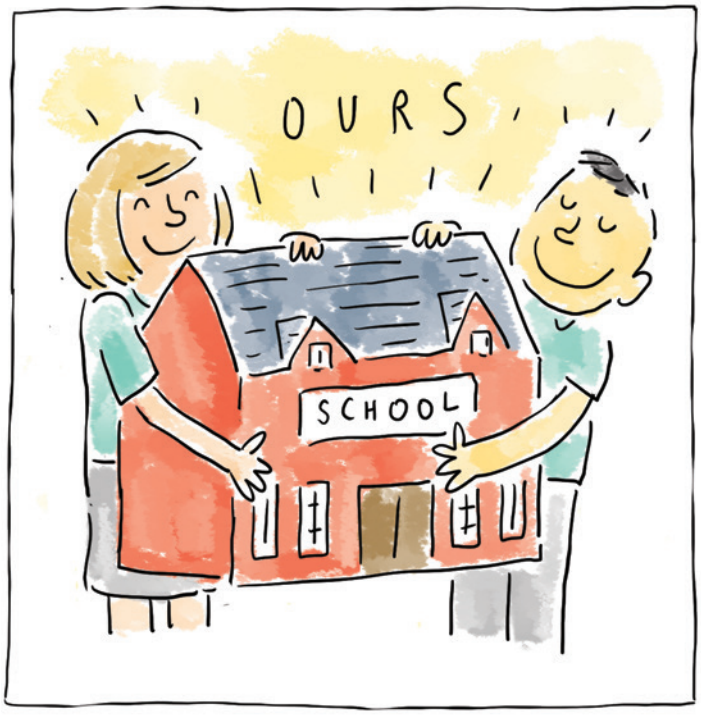
A primary school has enabled all teaching staff to receive constructive feedback and recommendations from children about their teaching through a scheme called *You Said... I Did.* This has been displayed throughout the school and pupils have related it directly to the implementation of Article 12 in their school.

Case Study 2

A school for pupils with a wide range of special needs has empowered all pupils to take an active role in their school and wider community, with the Head stating that "we work within the guiding principles of the UNCRC in all that we do". Through whole school consultation and by working with the school council, pupils contributed their opinions to a pupil friendly School Development Plan, linked to Estyn's key questions. Staff are annually invited to sign their support for this whole school development, which includes their responsibility as duty bearers to promote and uphold the rights of children. Article 12 is at the heart of school life, with pupils meaningfully participating in the development of policies, for example, pupils have created their own version of the Safeguarding policy to include symbols and photographs. Individual learning targets have been negotiated in collaboration with pupils and link explicitly to Article 29 and where possible pupils have led their own annual review meetings.

"pupils feel safe and secure here and know they are listened to."
School Governor

"Student voice is involved in everything we do. This is their school, they respect it far more when they have ownership of it."
Teacher, Secondary School.



Accountability

All staff in education settings have responsibilities and take decisions and actions that impact on children. Children should be provided with information and given access to procedures which enable them to question and challenge decisions that have been taken in educational settings. For this to be effective education settings need to be transparent and provide reasons for their decisions and actions. Wherever possible these should be linked to children's rights. To obtain any right a child must know they are entitled to it and be able to actively claim it, including when making a complaint or challenging decisions and actions. Accountability means holding decision-makers to account, which requires information and data on performance against children's rights standards.

In order to put this principle into practice education settings should aim to:

- **Include a clear commitment** to accountability in all significant policy statements or other documents setting out their vision or key objectives.
- **Ensure that staff and governors** understand their responsibilities and obligations to children including by making this explicit in job descriptions and policies governing the conduct of staff.

- **Ensure that children and young people are not given the message either that they bear responsibility for the rights of others or that their own rights can be removed. Children's rights are inalienable (they cannot be taken away) and it is the duty of adults to uphold their rights. With this knowledge, children and young people can be encouraged to support and respect the rights of others, and can understand that their actions can impinge upon the rights of others. Children can also explore how they balance their own rights with other people's rights in their school setting or community.**
- **Staff supervision and performance management** should include individual responsibility for children's rights, using individual performance indicators as appropriate.
- **Carry out children's human rights** monitoring consistently against children's rights standards. This should include involving children to develop applicable children's rights indicators (using key articles as a starting point), involving children in monitoring and making your findings available to children.
- **Enable children to give feedback** and constructive evaluation of teaching and learning.
- **Provide accessible information** about processes for making complaints about the setting or individual staff and accessible information on how to access advice, such as advisory services or professional legal advice.

Case Study 1

A secondary school in Wales has provided pupils with associated governor training and pupils attend Governing Body meetings to represent the school council, pupils then report back to the school council and provide a link meaning that the two bodies can work together to make changes in their school. Similarly, pupils at a primary school also regularly attend sections of Governing Body meetings, which include the effectiveness of pupil voice as a regular standing item. At both of these schools pupils are involved in the recruitment of staff and have received training to interview for staff appointments.

"We do things with children and not for children"
Teacher, Primary School

CONCLUSION

by Sally Holland, Children's Commissioner for Wales

Investing in children's human rights has real benefits for educational settings, including **enabling more children and young people** to participate and take ownership of decision making, ensuring there's a **real focus on the particular needs of children and young people** whose voices can be lost or silenced, and creating an educational environment that is **accountable to all** of its learners.

Children's human rights are delivered internationally, regionally and domestically. The UNCRC is often seen as an abstract concept. This guide is intended to bring to life the real, positive impact that educational settings in Wales can have on delivering a Children's Rights Approach in communities across Wales, an approach that will have a meaningful impact on how Wales responds to and safeguards the long term needs of its children.

Why is a Children's Rights Approach important in Wales?

- **The United Nations Convention on the Rights of the Child (UNCRC)** was adopted by the Welsh Government in 2004 as the basis of all its policy making for children and young people.
- **The UNCRC is a key document** to underpin the framework and values for education settings and safeguard the long-term needs of children and young people.
- **Children that are experiencing rights feel valued** in their educational setting and are more likely to be healthy, confident individuals who can learn and thrive.
- **All children have the right to an education** that promotes their rights and helps them develop their skills and talents to the full. However, many children do not have the opportunities to develop their ambitions and capabilities, and can face discrimination. A children's rights approach directly tackles this discrimination.
- **Currently, too many children in Wales don't know that they have rights.** Welsh Government's 2016 survey into awareness levels of children's rights showed 41% of children and young people surveyed did not know children have specific rights and 77% had never heard of the UNCRC. A Children's Rights Approach means children and young people know their rights.

- **Despite being experts** on their own lives, children are often excluded from decisions that affect them, and this applies in their education and beyond. A Children's Rights Approach means that children are provided meaningful opportunities to influence decisions about their lives and also to participate as ethical, informed citizens in their communities.

We must endeavour to match the principles of our laws and policy with meaningful actions which improve outcomes for children and young people. Delivering a Children's Rights Approach in Wales will help heighten public awareness of the UNCRC and help us to further foster a culture which promotes thinking about the impact of what goes on in society on children, which challenges bad practice, and which promotes positive outcomes. Practical improvements leading to beneficial outcomes are essential for children's rights to have real meaning.

FOOTNOTES

[1] Find the core international human rights texts here

[2] Find out more about the Committee on the Rights of the Child here

[3] Read the Committee's observations on progress on Children's Rights in the UK here

[4] Read General Comments published by the Committee here

[5] The principles of Children's Rights Approach are not intended to be used in any particular order. Instead they should be thought about and used together to inform the work of the school. Inevitably there are some overlaps. For example, empowering children to take decisions and make choices is very close to providing opportunities for children to participate in decisions that affect their lives, and participation will only realise rights for children if it is carried out based on the principle of non-discrimination and equality. However, the overlapping principles are mutually re-enforcing and contribute to a holistic, coherent and comprehensive approach to realising children's rights

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