

Exploring the Extent of Enactment of Young Children's Rights in the Education System in Wales

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ABSTRACT

The United Nations Convention on the Rights of the Child (1989) (UNCRC) is the most widely ratified of all the human rights treaties. In contrast to recent UK-wide developments, the UNCRC has been vigorously taken up in post-devolution policy and law in Wales. The Assembly's stance on children's rights distinguishes Welsh policy from the rest of the UK and children's rights have been described as 'emblematic' of Welsh devolution. This paper presents the findings of a review of readily available empirically based literature that evidences the extent to which young children in Wales (aged three to seven) routinely access their rights in education settings. The findings are presented under eight themes and provide a picture of inconsistency as well as some positive indicators. Reasons for a limited, patchy and variable evidence base for the enactment of young children's right in education settings in Wales are considered, alongside recommendations for action that would seek to address such shortfalls.

Key words: children's rights, Wales, education, Foundation Phase, policy

Introduction

In the first decade of devolved government in Wales, The United Nations Convention on the Rights of the Child (1989) (UNCRC) assumed a remarkable prominence in public policy compared to elsewhere in the UK. In 2011, the National Assembly for Wales (the Assembly) passed a law requiring Welsh ministers, whenever they exercise their functions, to have due regard to the UNCRC. Just three years later, a further law was passed imposing a similar legal duty on persons and bodies having social services and well-being functions (Williams, 2013). No such legal duties exist elsewhere in the UK.

Within the context of education, children are accepted as rights-bearers (Lancaster et al., 2010; Vanner, 2014), although there is evidence to suggest that the implementation of rights within education is an evolving challenge (Sinclair, 2004; Jones and Walker, 2011; Theobald et al., 2011). Given the rights-imbued legal framework in Wales (Williams, 2013) the authors set out to investigate the evidence that exists regarding the enactment of children's rights in early childhood education (aged three to seven) in Wales. In order to contextualise the study, we first summarise the available evidence of children's rights enactment in education internationally and more specifically within the UK and Welsh context, including the Welsh legal and policy framework for early childhood education.

International context

Studies that focus on 'how' children enact their rights in the classroom are limited (Bae, 2009; Theobald et al., 2011; Venninen et al., 2014), however Moss (2007) found that Sweden, Norway and Iceland explicitly recognise and include 'democracy' in curriculum documents whereas England does not, while in Australia progress has been made in policy relating to children's rights, but very little change made in practice (Theobald et al., 2011). Lundy (2012) reports that despite the twenty-seven European member states having compulsory education systems they all face similar challenges in terms of raising attainment for all children and dealing with equality. Also, at a European level, there is limited research that focuses on the enactment of the UNCRC principles in practice (Lundy, 2014). More analysis is needed across Europe on the impact of policies and practices relating to children's rights which would help to broaden knowledge and

understanding, and improve services for children and their families (Herczog, 2012).

In terms of 'participation' and children's rights more evidence is available. Many international curricula have acknowledged children's participation (Theobald et al., 2011); however, Bae (2009) highlights that practitioners are faced with the difficulty of how this may play out in practice. Vandekerckhove (2013) agrees and suggests that the majority of the policy rhetoric around children's rights is vague and open to interpretation. Herczog (2012) suggests that children's participation needs to be improved across Europe despite many efforts being made to listen to children in practice.

Zhang (2015) reviewed research in Australia and New Zealand in the context of early childhood education and the child's voice, and found that whilst the voice of the child is recognised, there is a gap between rhetoric and practice. While Pascal and Bertram (2009) report that progress has been made in England in terms of children's participation, they claim that changing attitudes and values in making the commitment to children's rights a reality remains a challenge. There are consistent findings in the literature which report that children's views are not taken seriously and that they are not encouraged to become actively involved in making decisions (Venninen et al., 2014). For practitioners to be able to enact children's participation they need to be aware of the challenges that they face. Venninen et al.'s (2014) research revealed the following five challenges associated with children's participation: adult-child ratios; professional skills; managing work; work practices and special needs. A further challenge that early years professionals face as suggested by Woodhead (2005) and Pascal and Bertram (2009) is that enacting children's participatory rights in education challenges current discourses of working with young children and demands a new way of thinking about pedagogy. Theobald et al. (2011: 20) put forward the following suggestion that encapsulates a new way of thinking: 'A key feature of a participatory framework is that children are conceptualised as competent interactional beings, able to participate in decisions that affect them.'

Children's rights in the UK

Within the UK as a whole there is a clear commitment to children's rights under the aegis of the UNCRC (Jones and Walker, 2011); however, UK

policy (recently only applicable to England and Northern Ireland) in particular has seen a focus on the responsibilities of children and the need to 'protect' children with a subsequent focus on well-being rather than rights. In Scotland well-being has been set in tension with rights in recent legislation (Tisdall and Kay, 2015). Policy in the UK such as *Every Child Matters* (Chief Secretary to the Treasury, 2003) and more recently the Children's Plan (DCSF, 2007) have tended to emphasise the development of infrastructure that meets the needs and protection of children rather than focusing on notions of rights (Tan, 2011). The Children's Commissioners for the four UK nations of Northern Ireland, England, Scotland and Wales (UK Children's Commissioners, 2015) have expressed concern regarding the future of the human rights settlement in the UK due to the government's intention to repeal the Human Rights Act 1998 (HRA) which incorporated the European Convention on Human Rights (ECHR) into domestic law. Proposals are to replace the HRA with a British Bill of Rights and 'break the formal link between British courts and the European Court of Human Rights' (Masterman, 2015). The commissioners are concerned that any amendment or replacement of the HRA is likely to be regressive (UK Children's Commissioners, 2015). This is confirmed as likely to occur at the time of publication; however, Prime Minister Theresa May has reportedly ordered a view of the plans in the wake of the UK's decision to leave the European Union (Elgot, 2016).

Children's rights in Wales

In contrast to recent UK-wide developments, the UNCRC has been vigorously taken up in post-devolution policy and law in Wales. The Assembly's stance on children's rights distinguished the Welsh policy from England: Rees (2010) described children's rights as emblematic of Welsh devolution. The earliest Assembly framework document for planning and funding local children's services, *Children and Young People: A Framework for Partnership* (National Assembly for Wales, 2000), took the Convention as its benchmark of principle. The whole Assembly, in 2004, passed a resolution 'formally adopting' the UNCRC as the basis of policy-making on children and young people. Later the same year, the Welsh Government (WG) published its policy *Rights to Action* (WG, 2004), in which seven core aims were set out and are still used by the Welsh Government in its most recent *Programme for Government for Children* (WG, 2015b). The seven core

aims are derived directly from the Convention and now form part of the Welsh Government's national action plan for its implementation. Since 2007, the Welsh approach has been reflected in the treaty-monitoring process under the UNCRC. In 2008 *Concluding Observations* (UN Committee, 2008), Wales compared favourably with England in its efforts to implement the Convention in domestic policy. Thus, on the international stage, Wales was seen as the most innovative and progressive of the UK governments in this regard. The Rights of Children and Young Persons (Wales) Measure 2011 was passed as a novel, progressive reform based on universalist values (Williams, 2013). The 2011 Measure also requires Welsh Ministers to be proactive in ensuring that people in Wales, including children, know about the UNCRC. Therefore, given the centrality of education, teaching and schools in most children's lives, it would be surprising not to find the UNCRC featuring prominently in prescribed curricula, government directions and guidance in Wales.

Early childhood education in Wales: the legal and policy framework

As one of the most longstanding areas of administrative devolution, education has been regarded as an area of opportunity for Welsh Government to develop innovative policies that are distinct from those implemented across the rest of the UK and address clearly identified aspirations and needs of society within Wales. Analysis of early post-devolution Welsh education policies indicates continuity of pre-devolution positions forged by established civil society groupings (Rees, 2005; Rees and Power, 2007). This contributed towards what has been described as a 'producerist' ethos within Welsh education policy, compared with the 'consumerist' approach characteristic of England (Reynolds, 2008) in which educational reform is achieved through a process of 'pressure and support' (2008: 55) whilst 'embracing prescription of practice' (2008: 76).

The link between poverty and educational attainment is evidenced widely (Kiernan and Mensah, 2011; Borjas, 2011; Parson, 2013) and there are many examples in which education represents a critical element of strategies to eradicate the inequalities of poverty across the world, with Wales being no exception (Egan, 2007; Egan, 2012; Egan, 2013). The Welsh Government's *Tackling Poverty Action Plan* (WG, 2014a) and the *Strategic Equality Plan* (2016) convey long-term commitment to combating the effects of poverty. *Building a Brighter Future: Early Years and Child Care*

Plan (WG, 2013a), and *Rewriting the Future: raising ambition and attainment in Welsh Schools* (WG, 2014b) reinforce the potential benefits of early investment in children and the important role of education in facilitating such societal changes. Whilst evaluations of the impact of such policies have been variable, programmes, such as Flying Start and Families First, indicate increased parental involvement, support for improving parenting skills, aligning home-school expectations, pupil participation in extracurricular activities and mentoring are all thought to have a positive effect on educational attainment (WG, 2013b).

Policies and the surrounding political rhetoric of the Welsh Government convey parents as active players, contributing to a 'producerist' discourse within Welsh education policy. Furthermore, this partnership appears to be both popular and effective in raising aspiration and attainment in children and young people in Wales. A policy push for higher educational achievement, aimed at lifting children and families out of poverty, is a common policy theme played out across Wales. However, the same could not be said about children's rights, a political and policy preoccupation which has emerged from Welsh politics and public policy in a very distinct way. Moreover, child poverty is a significant preoccupation with regard to the implementation of the UNCRC, symptomatic of the number of social, economic and cultural rights included and the fundamental principle of the indivisibility of rights.

The Education Act 2002, passed by the UK Parliament, made separate provisions on the National Curriculum for England and for Wales. Consequently, the provision of education in Wales is directed by the Welsh Government whereas the UK Government oversees education in England. In each case there is a period of 'foundation' learning (a Foundation Phase in Wales and a Foundation Stage in England), a prequel to a series of 'Key Stages' for which outcomes, pedagogies and assessment arrangements are prescribed by the respective governments. For Wales, the outcomes and pedagogies for the youngest children (three to seven years) undertaking the Foundation Phase curriculum, were prescribed originally in 2008 (WG, 2008) and the outcomes revised in 2015 (WG, 2015a). The Foundation Phase is often described as a radical departure from formal, traditional methods of teaching young children and places more emphasis on play-based pedagogies, experiential learning, creative expression, social interaction and children's agency (Aasen and Waters, 2006; Thomas and Lewis, 2016).

The study

In light of the policy, legislation and political rhetoric supporting children's rights in Wales outlined above, a review of available evidence was undertaken in order to examine the extent to which the embedding of children's rights in practice and pedagogy has become an integral part of daily experiences within educational contexts in Wales. The research team acknowledges there are limitations in the extent of the reviewed evidence base; some sources of evidence may have been omitted inadvertently and the sources used vary in methodology, remit and timescale. Therefore, the paper is presented as an interpretation of readily available evidence and, as such, provides a narrative for consideration by others.

The evidence base

Thirteen sources (published between 2007 and 2015) were reviewed systematically, using a pre-determined analytical framework based upon the UNCRC. The sources included curriculum evaluations/reviews, UNCRC monitoring reports from children, reports from Non-Government Organisations (NGOs), government reports and a range of Estyn inspection reports. Secondary analysis was undertaken (Bryman, 2012; Hakim, 2000) to identify and summarise the empirical evidence base within each document in relation to the enactment of rights in education amongst children aged three to seven years. The research team then developed initial codes (see Gibbs, 2007 and Robson, 2011) which were utilised during thematic analysis.

Procedure

Relevant academic literature from the fields of social sciences, education and law was reviewed and used to inform the analytical framework, signposting the research team towards relevant indicators for use during secondary analysis. The process of data analysis involved three stages:

1. The development of an analytical framework;
2. Review of evidence: secondary analysis;
3. Review of evidence: an analysis of themes emerging from stage two.

Stage one

The analytical framework was developed by identifying articles from the UNCRC which were regarded by the research team as having the most relevance to educational contexts. The process through which articles were identified was iterative and discursive and, collectively, formed an analytical framework. The literature review informed the analytical framework, signposting the research team towards possible indicators of what evidence of young children enacting their rights might ‘look like’ in the reports/documents reviewed. These indicators were subsequently used during stage two as guidance alongside the full article descriptors within the analytical framework, a strategy that brought consistency to collaborative analysis. The articles that form part of the analytical framework are listed below:

- Article 2 (Non-discrimination)
- Article 3 (Best interests of the child)
- Article 4 (Protection of rights)
- Article 5 (Parental guidance)
- Article 6 (Right to life)
- Article 12 (Respect for the views of the child)
- Article 13 (Freedom of expression)
- Article 14 (Freedom of thought, belief and religion)
- Article 15 (Freedom of association)
- Article 18 (Parental responsibilities; state assistance)
- Article 19 (Protection from all forms of violence)
- Article 23 (Children with disabilities)
- Article 24 (Health)
- Article 28 (Right to education)
- Article 29 (Goals of education)
- Article 30 (Children of minorities)
- Article 31 (Leisure, play and culture)
- Article 42 (Knowledge of rights)

Once the articles had been selected and the indicators determined, the final framework was then triangulated independently by a member of the research team who is a legal expert on the UNCRC in Wales.

Stage two

Stage two began with the research team identifying existing documentation that provided evidence into whether young children (aged three to seven) were enacting their rights within educational settings. A number of fields were reviewed: academic literature; governmental publications; and NGO. Most academic sources focused on theoretical discussions of children's rights (Dunphy, 2012; Quennerstedt and Quennerstedt, 2014; Smith, 2007; Sommera et al., 2013) rather than providing empirical evidence about the reality of young children's experiences of rights within an educational context. Those which did exist (Quennerstedt and Quennerstedt, 2014; Smith, 2007) often had little mention of children younger than eight years of age. Documents found to have the most empirical evidence about young children's rights tended to be NGO reports, government documents and inspectorate reports, the full list of which reviewed is provided in Appendix A. Once collated, the evidence from these documents was reviewed systematically and mapped against the UNCRC articles within the analytical framework. Having completed the initial analysis of documents, the evidence was then collated into 'summaries', thus encapsulating the evidence of the enactment of young children's rights for each of the eighteen UNCRC articles within the analytical framework.

Stage three

The summaries were thematically coded (Robson, 2011), a process through which eight recurring themes were identified. These were then charted against the UNCRC articles within the analytical framework before the research team returned, once again, to the original sources in order to review the evidence base against the themes, as a check and balance process.

Findings

The following section presents the evidence of the enactment of children's rights in early childhood education in Wales. The findings are presented using the eight themes that evolved during the analysis process.

Theme one: recognition of children's rights in systemic processes

There is some evidence to indicate that children's rights are recognised in systemic processes. For example, the right to a quality education is recognised in financial systems with the Welsh Assembly Government estimating that approximately 30 per cent of its budget benefits children (Croke and Crowley, 2007). The Welsh budget for education was protected from 2011–15 by 1 per cent above rate of change and 81 per cent of local authority budgets was assigned to schools (Welsh Government, 2013c). Wales's commitment to the education system is further demonstrated by its support for public (maintained) schools which make up 96 per cent of the school system and its expenditure on education (Croke and Williams, 2015).

Quality is evaluated routinely and best practice is shared through the education inspectorate, Estyn (2011). There are specific measures related to children's access to education, such as the number of school exclusions and children's attendance (see theme three). In addition, children's right to play is recognised in financial systems. Moreover, WG allocates funding to support play provision for the birth to three years' sector (Croke and Williams, 2015) and it has issued a National Play Policy, though it is argued that the allocation of resources undermines the aspirations therein (Croke and Crowley, 2007). Children's right to play is recognised systematically through the Foundation Phase and there are increased opportunities for young children to take part in experiential, participative activity outside during school time (Taylor et al., 2015).

WG seeks to ensure that children's rights are embedded systematically in policy and process (Croke and Williams, 2015). However, despite the introduction of a Child Rights Impact assessment, there is concern about accountability, for example, Croke suggests 'where everybody is responsible the danger is that no-one is accountable', indicating that a 'lack of central coordination of implementation of the UNCRC' (Croke, 2013: 12) is an issue.

Theme two: implementation of rights in practice

The UK Children's Commissioners (2015) report that young children in Wales are not always afforded the right to be heard in decisions which impact their future. Participation of children under ten years old is 'left behind' and efforts by the WG are 'minimal' in this regard (Croke 2013: 26). There is evidence that some schools take an active approach to teaching

children about their rights (Estyn, 2014b), and good practice in this regard is shared (e.g. Estyn, 2014b; Croke and Williams, 2015). In terms of freedom of expression, there appears to be evidence that young children have the opportunity to access digital learning platforms and there are a range of online sources of information and advice about their rights (UK Children's Commissioners, 2015). However, it is unclear whether the accessibility of these sources of communication and information are suitable or accessible for younger children. There is some contradictory evidence regarding children's rights in practice: while eighty-one schools are working with UNICEF's rights respecting schools award (Croke and Williams, 2015), other sources found that knowledge of rights was poor, with only 8 per cent of young people having been taught about the UNCRC in school (Croke and Crowley, 2007) and 69 per cent of 7–11-year-olds know nothing about the UNCRC.

While there is some evidence of progress regarding school participation and pupil voice in Wales for children aged above seven, national inconsistencies remain surrounding quality and impact of provision (UK Children's Commissioners, 2015). Where there are examples from schools of children being able or encouraged to enact their rights, these are shared nationally (Estyn, 2011, 2014a).

Bullying remains an issue in Welsh schools, including cyber bullying (UK Children's Commissioners, 2015), though Estyn state that 93 per cent of primary school children believe that their school addresses bullying incidents effectively. However, the way in which schools tackle bullying varies widely and staff often adopt different approaches within the same school (Estyn, 2014a).

Theme three: access to education as an indicator of inclusion and equality

Case studies of good practice regarding inclusion are shared nationally (Estyn, 2014b). These consist of examples pertaining to gender diversity, including parents and community in the life of the school, and respect for family and community cultures. However, restrictions on in-year admissions to schools are disproportionately affecting migrant children's access to education (UK Children's Commissioners, 2015).

Access to education as well as the attendance and attainment for children from Gypsy, Roma and Traveller communities remain a concern exacerbated by de-hypothecation of the former, targeted Traveller Education Grant in a generalised Education Improvement Grant from

2015 (Croke and Williams 2015). However, few schools have policies and practices that address these pupils' and parental needs (Croke and Williams, 2015). In relation to other groups of children, the education system in Wales has not addressed issues of discrimination, indicated by outcomes data. For example, looked-after children continue to have consistently lower attainment than other pupils; evidence from the Core Subject Indicator shows that pupils from black ethnic backgrounds tend to perform below average in core subjects than other groups (Croke and Williams, 2015) and that More Able and Talented (MAT) learners in Wales do not achieve as well as they should (Estyn, 2014a).

In terms of children with disabilities there seems to be an improving picture. For example, the WG has funded advisors in each local authority to work with disabled children and their families to provide advice and information (Croke and Crowley, 2007). The introduction of the Education (Wales) Measure (2009) provides children with SEN unprecedented right of appeal with regard to education to a tribunal. Estyn report, 'schools that support learners with SEN work well in partnership with learners and their parents or carers to set up and review targets' (Estyn, 2014a: 44). In 2011, Estyn identified an improvement in the promotion of equality and access for learners with disabilities. However, in 2014, the Children's Commissioner reported that there is still an issue of accessibility and a lack of duty from schools under the Equality Act for building accessibility (UK Children's Commissioners, 2015).

The education system in Wales is consistently challenged by a 'gap' in attainment between those receiving Free School Meals (FSM) and those who do not receive FSM. Moreover, this gap appears to be persistent in the primary years (Taylor et al., 2015). Pupils eligible for FSM are significantly less likely to achieve the Foundation Phase Indicator (FPI) at age seven than equivalent pupils not eligible for FSM (Taylor et al., 2015). Conversely, there is evidence from government statistics which indicate that, at the end of primary school, there may be some decline in the size of the gap in very recent years (Croke and Williams, 2015).

Theme four: health and well-being

The Healthy Eating in Schools (Wales) Measure was introduced in 2009 and related regulations in 2013 came into force, requiring local authorities to promote healthy eating in maintained schools (UK Children's Commissioners, 2015). Despite children in Wales receiving free school

breakfasts, there are concerns about food poverty amongst children. In 2014, only 38 per cent of school children surveyed in Wales reported feeling full after a school meal (UK Children's Commissioners 2015), raising concerns about portion sizes. In 2015, 62 per cent of children aged between seven and eleven said their school was healthy and 70 per cent said that the food was healthy (Dale and Roberts, 2015). In terms of the enactment of young children's rights to health and well-being, Estyn (2014a) report that feedback from learner and parent surveys indicates that nearly all children in primary schools and their parents feel that their schools teach pupils about staying healthy. In addition, there are examples of children running school fruit and tuck shops as well as other initiatives. Furthermore, in the majority of schools 'children have a good understanding of what they need to do to be healthy, and explain what constitutes a healthy diet and the benefits of regular exercise' (Estyn, 2014a: 64). However, this only indicates an understanding amongst children; it does not indicate whether they actually practice it.

In terms of children's mental health, the picture does not seem so positive. It is reported that the Child and Adolescent Mental Health Service (CAMHS) is underfunded and led the WG to allocate an additional £7.6 million for CAMHS services (UK Children's Commissioners, 2015). However, the intended use of this funding and the age group for whom it is targeted remains unclear (UK Children's Commissioners, 2015). Secondary-aged pupils are more likely to have access to school nurses and counselling services but the same level of service is not afforded to younger children (Croke and Williams, 2015). Estyn (2014a: 64) reported that 'well-being is good or better in a majority of schools' inspected during 2013–14, although they also reported that 'there has been an increase in the number of schools where poor building maintenance and security have a negative impact on pupils' wellbeing' (Estyn, 2014a: 67).

Various reports highlighted that Foundation Phase pedagogies increase children's well-being (Taylor et al., 2015; Estyn, 2011), a finding that corresponds with a number of other reports which conveyed children within the Foundation Phase as being more enthusiastic about their learning: '[Foundation Phase pupils] generally reported liking school more than Key Stage one pupils surveyed in 2008 (also in Wales) as part of the Millennium Cohort Study' (Taylor et al., 2015: 78).

Theme five: procedures and processes relating to child protection

As a result of the Children Act 2004, Local Safeguarding Children Boards (LSCBs) became a requirement and in 2008 the WG introduced the All Wales Child Protection Procedures (AWCPP). An inspection of LSCBs took place in 2011 and it concluded that ‘evidence from previous inspections and performance data is that children are now better safeguarded and protected than they were’ (Croke and Williams, 2015: 31). Nevertheless, the WG has also acknowledged that the Serious Case Review process is not contributing effectively to protecting children and, as a result, a new framework was introduced in 2013 – a framework that focuses specifically on learning from child protection cases and improving practice. An evaluation of this new framework is taking place currently.

The WG appears committed to protecting children and has published booklets to inform key players, one for new parents about dealing positively with difficult behaviour and avoiding physical punishment and another for school-based staff to raise awareness about domestic abuse. In 2011, the WG published information about raising awareness of sexual exploitation amongst children and young people and has worked with victims to publish a leaflet aimed at young people to keep themselves safe (WG, 2011).

In terms of protecting children in schools, nearly all schools have arrangements for safeguarding that meet requirements and there is evidence indicating that safeguarding and reporting procedures are understood and implemented by staff (Estyn, 2014b; Estyn, 2014a). However, not all training includes issues about domestic abuse and there is inconsistent local implementation of national policy and guidance (Croke, 2013).

Theme six: outcomes as an indicator of educational quality

In terms of the early years curriculum, the introduction of the Foundation Phase in 2008, has led to improvements in literacy and numeracy and has impacted positively on children’s learning, including behaviour, well-being and attitudes to learning (Taylor et al., 2015). However, the introduction of the Foundation Phase has not yet had an impact on the lower achievement levels of FSM children (Croke and Williams, 2015). Efforts have been made by the WG to break the link between deprivation and educational attainment, providing funding for schools through the Pupil Deprivation Grant (PDG), Schools Effectiveness Grant and additional Communities First funding, thus supporting the closing of the ‘poverty gap’ in education (e.g. Egan et al., 2014). Moreover, the Schools Challenge

Wales programme and the Foundation Phase are viewed as key drivers in helping to tackle underachievement in Welsh schools (Croke and Williams, 2015) although there is limited evidence available on the impact of such initiatives.

The majority of schools inspected during 2013–2014 have effective processes for improving quality which include listening to learners and obtaining the views of parents (Estyn, 2014a). However, it is not always clear how the views of learners and parents are acted upon. In addition, school exclusions have been decreasing since 2004 (UK Children's Commissioners, 2015) and children's attendance in primary schools is generally increasing (Croke and Williams, 2015). In general, the Organisation for Economic Cooperation and Development (OECD) found that Wales has a high proportion of low performers, with schools unable to respond to the learning needs of all their students (OECD, 2014: 7).

Theme seven: opportunities for participation within the school context

Under statutory curriculum frameworks, a child's right to be involved in their education is acknowledged (Taylor et al., 2015). Furthermore, documentation requires the child's best interests to be met in educational planning and participation has been an element of Estyn inspections since 2010 (Croke and Williams, 2015). Despite this, the Children's Commissioners state that there are 'national inconsistencies surrounding quality and impact of provision' for children's right to participation (UK Children's Commissioners, 2015: 13), thus contradicting evidence from Estyn and WG, both of whom judged primary schools as being successful in providing opportunities for children to make decisions (Croke and Williams, 2015: 50).

The examples where young children's participation is exemplified is in children's involvement in developing school mission statements, children becoming ambassadors for equality, and views of children being taken into account during planning processes. There are also some schools that monitor the extent to which children's rights are respected, and undertake online questionnaires to ascertain children's perceptions (Estyn, 2011).

In terms of the idea of freedom of choice within the curriculum, it is reported that over half (57 per cent) of practitioners observed made efforts to involve children in their planning (Taylor et al., 2015). However, evidence from Estyn annual reports suggest that while many schools take account of pupils' views on some issues, they are concerned that some

schools have returned to using a more formal teaching style with children aged between three and seven (Estyn, 2014a). The amount of child choice seemed to vary between settings and classes with ‘some children [speaking] about choice as something that only happens when they finish their allocated work, whereas others spoke about regular times in the day called “golden time” when they have the freedom to initiate and direct their learning’ (Taylor et al., 2015: 67). Evidence of representation can be found in the statutory School Councils Processes (Croke and Crowley, 2007; Croke and Williams, 2015). For example, in the academic year 2013–14, Estyn highlighted that, in many schools, school councils had a positive effect on influencing decisions that have an impact on the life and work of children (Estyn, 2014a). However, Croke and Williams state that ‘only in a minority of schools do school councils have a significant impact on school procedures and policies or on approaches to teaching and learning’ (2015: 52). Furthermore, it is important to note that the School Council Processes does not require participation of young children under the age of seven.

There was some evidence of good practice in relation to young children having opportunities to communicate their thoughts, with pupils at one primary school having a ‘check in, check out’ system, providing opportunities for children to state how they feel and share concerns (Estyn, 2014b).

Theme eight: policies and practices to improve family engagement

When examining parental duties towards education outcomes for children, there was evidence to suggest that when parents work with providers, standards improve (Estyn, 2014a) and that engagement and support for parents and carers is essential in reducing educational inequalities (Croke and Crowley, 2007: 46). Estyn suggests that ‘good primary schools develop links with parents through various support programmes and employ family liaison officers who help parents develop strategies to help their children learn effectively’ (Estyn, 2014a: 29). In terms of communication and involvement with parents in educational settings, there was evidence of examples of family/community engagement, such as training on safe use of technology (Estyn, 2014b), explaining restorative justice practices to parents of Romani culture (Estyn, 2014b) and explaining principles of the Foundation Phase to stakeholders (Taylor et al., 2015).

WG information on the FP for parents and the Parental Action Plan conveys governmental support for developing parental links. However, in

reality, parental engagement seems under-developed (Taylor et al., 2015). For example:

Only 20% of school head teachers and 18% of funded non maintained lead practitioners indicated that parents/carers had a major role in the implementation of the Foundation Phase in their school or setting. Only in a minority of case study schools/settings does the evaluation find parents involved in activity planning sessions. (Taylor et al., 2015: 39)

In terms of funding commitments to support parents and families, the WG continues to invest in a range of programmes such as Flying Start, Family's First, Community's First and Integrated Family Support Services (Croke and Williams, 2015) that target support at specific socio-economic groups.

Summary

In response to the research question, 'What do secondary sources tell us about the extent to which young children's rights are enacted in educational settings in Wales?' this research has concluded:

1. There is limited empirical evidence in relation to the enactment of young children's rights in educational settings in Wales, with a reliance on educational outcome measures as indicators of such enactment;
2. The evidence conveys an inconsistent picture across Wales with regard to young children's enactment of their rights in educational settings and some of that evidence is contradictory;
3. Most of the evidence was related to children aged over seven years, thus indicating that the experiences of the young child are largely unreported.

Therefore, an analysis of secondary sources indicates that inconsistencies and tensions exist between the rhetoric of children's rights and evidence of their enactment in practice in Wales, particularly in relation to young children. For example, the rhetoric for the participation of children in decisions that affect their lives is strong but represents a contrast to the evidence in practice, which depicts a patchy and far from inclusive or embedded picture (Croke, 2013).

This gap between the rhetoric and reality of children's rights demonstrates a disjuncture between two discourses. The dominant discourse within the

realm of civil servants, analysts, economists and politicians is a child poverty/educational attainment agenda. There is no reason why a child rights-based discourse which emphasises child participation and agency cannot be embedded within this dominant discourse. However, it could be argued that the child poverty/educational attainment discourse does not recognise children as active agents with participative rights since policy focuses on their future economic prospects. This may have contributed to the limited evidence of the enactment of young children's rights in the literature analysed in this study.

To further exemplify the gap between rhetoric and enactment, we might consider the evidence relating to children's participative rights and decisions that affect them. These rights are embedded within a Welsh, UK and an international context and in Wales is seen increasingly in relation to children having opportunities to contribute to the design of their learning experiences, albeit in limited capacity. Nevertheless, processes such as school councils do not necessarily support the voice or contribution of the young child in a manner that is appropriate for their interests and development. Perhaps this is a consequence of a national perspective in which young children are regarded as incapable in some capacities; or alternatively, perhaps we are not sufficiently imaginative to consider how best to support young children in their enactment of this right. It could, of course, be a combination of the two. A further explanation is suggested by Bae (2009) who claims that there may be a tendency for practitioners to act quickly to meet policy demands, without critically reflecting on the underlying concepts associated with enacting children's rights. In order to reduce or close the gap between rhetoric and reality and to improve the enactment of young children's rights in educational practice we put forward the following recommendations.

Recommendations

1. To develop a clear and well-evidenced benchmark for the enactment of all children's rights, including those under the age of seven;
2. To routinely collect evidence of the enactment of young children's rights in education settings which is available for review;
3. To ensure that young children themselves are routinely involved in the evidencing process in a manner that is commensurate with their interests and development.

The research team set out, in this paper, to establish an initial understanding of the 'state of play' in Wales for this agenda. We now hope to move forward to address the issues raised and the recommendations that emerged from this study. We look forward, now, to working with children, their families and schools to consider 'how' to develop an empirical evidence base upon which to construct a robust answer to the question: how well are young children's rights enacted in the education system in Wales? Any reader interested in becoming involved in this work should make contact with the authors.

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Appendix A

The full list of documents used in analysis

- Croke, R. (2013). *Rights here, Right now: Are children's rights a reality in Wales?*. Cardiff: Save the Children.
- Croke, R. and Crowley, A. (2007). *Stop, look, listen: the road to realising children's rights in Wales*. Cardiff: Save the Children.
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