

This essay will explore how rights-based approaches are embedded within Welsh education through theory, legislation, policy and practice. The United Nations Convention on the Rights of the Child (UNCRC) is where children rights were formed, which means that they are universal, unconditional rights that every child has, which is regardless of their background or ability. This, then relates to a rights-based approach as it puts the UNCRC at the centre of everything that happens in education, such as planning, teaching, decision making, policies and daily practice. Also, Wales was the first UK nation to appoint a Children's Commissioner, by this happening it strengthened accountability and ensured that children's voices are represented at a government level, all these commitments together show that Wales is not only compliant with international children's rights standards, but is reshaping and improving its education system, such as the Curriculum for Wales 2022. (Children's Commissioner for Wales, 2026) This essay is going to cover legislation and policy in Wales and how rights-based approaches are imbedded in educational settings.

There are several theoretical frameworks that underpin how children's and young people's rights are embedded in educational practice. Firstly, Piaget's cognitive development theory where he shows that children's thinking can change over time through multiple stages that are predictable and organised, also in his theory he focuses on how children gain more knowledge when interacting with their environment, instead of absorbing information from adults. (Bornmanaki and Khoshhal, 2017) Then, Vygotsky's Sociocultural theory where he believed that 'the true development of thinking is not from the individual to the social, but from the social to the individual' (Marginson & Dang, 2017) this can show that children learn and develop through social interaction, cultural tools and shared activities and that learning begins between people and then becomes internalised rather than it happening inside the child alone. The Human Rights Theory is a philosophical study of what human rights are, why humans have them, the moral foundations they rest on and how they should be applied in society (Fagan, N.D).

'The United Nations Convention on the Rights of the Child (UNCRC) is an international agreement setting out the rights of children.' (Welsh Government, 2022) The UNCRC helps to ensure that all children and young people that are aged 18 and under, have the right to play, to be safe, to an education and to be happy and healthy. Welsh Government (2022) states that 'right to non-discrimination (Article 2), commitment to the best interests of the child (Article 3), right to life, survival and development (article 6) and right to be heard (Article 12)' are all key articles that form the basis of the rights set out in the UNCRC. A children's rights legislation that underlines Wales commitment to children's rights and the UNCRC is Rights of Children and Young Persons (Wales) Measure 2011, by this being put in place it means that Ministers must regard the UNCRC when developing and reviewing legislation and policy, also making them responsible for 'ensuring that people in Wales know about, understand and respect the

rights children and young people as outlines in Article 42 of the UNCRC' (Welsh Government, 2022). By this being applied in educational settings it can help to improve the knowledge and understanding of the UNCRC, such as the children and young people, professionals such as teachers and the wider public. Furthermore, it also placed a duty on the Welsh Ministers create a Children's Scheme, which was first published in 2014, and now with the most recent one published in 2021, these show how the Welsh Government will ensure alignment with the UNCRC. (Welsh Government, 2024) By the Children's Rights Scheme 2021 policy being made under the Rights of Children and Young Persons (Wales) Measure 2011 it has a direct impact on education settings. Firstly, it has an impact on schools as they gain inclusive and equitable practice, learner voice requirements, wellbeing-centres planning and rights-based curriculum design, which are all from education policies that the Scheme ensures are made in the best interest of children as (Welsh Government, 2021) states that 'children's rights are at the core of policy making in Wales '. Then, the Scheme emphasises the importance of Article 12 where children must have 'meaningful opportunities to express their views' (Welsh Government, 2021) which influences education settings to have learner voice groups and school councils where children can express their opinions, this then relates back to Vygotsky's Sociocultural theory as he believed that children learn and develop through social interaction such as learner voice groups and school councils . Furthermore, the Scheme requires that Children's Rights Impact Assessments (CRIAs) examine impacts on 'different groups of children and young people' (Welsh Government, 2021) this then leads to schools having inclusive teaching, anti-discrimination policies, ALN reforms and equity focused school improvement guidance, these all can help schools to ensure that all learners have equal access to their rights. Lastly, the Children's Rights Scheme 2021 strengthens accountability in education settings as it introduced a complaints process for children, publication of CRIAs, regular compliance reports and transparency requirements, these all lead to children being able to challenge decisions that can affect their education, this also links to Vygotsky's theory as he saw children as active contributors to their learning , schools functioning by structures that ensure decisions reflect children's rights and when inspections happen they are to consider a rights based practice through policy expectations. A practical example of how this legislation and policies can be seen is through Bishopston Comprehensive school as they are a UNICEF Gold Rights Respecting School, which shows that they have fully embedded a children's rights approach, they have achieved this by implementing all five principles of The Right Way from Swansea Council's Doing it the Right Way plan, which is based on the Children's Commissioner's Right Way framework, which all align with the Children's Rights Scheme 2021. Also, the school has shown commitment into embedding children's and young people rights as they have integrated the UNCRC into its development plan, and by having the pupils select UNCRC articles and linking them to school policies, giving them a better understanding. UNCRC Article 2 is actively seen

in this school as through pupil voice groups the schools have gained a wheelchair basketball club, Boccia and Court Orienteering added to the year 9 sports festival and a partnership with a special school for learners with profound and multiple learning difficulties. Furthermore, the school shows meaningful participation which is emphasised through the Children's Rights Scheme 21 and Article 12 in the UNCRC as they have shown strong pupil voice structures such as school council, prefects, form representatives and many more, this has also been done through the school having pupils help to shape curriculum development and lead on resources for black lives matter, empathy week, and many more. Lastly, the senior prefect team meets weekly with the Headteacher and associate pupil governors to attend governing body meetings. (Child Commissioner for Wales, 2026) Although, The Right Way worked well in Bishopston Comprehensive school, there are several barriers that can prevent it from being embedded into policy. Firstly, the UNCRC being seen as overly legalistic can be seen as a major barrier, this is because some professionals believe that rights arguments make policy work over complicated and that it is better suited to legal contexts rather than everyday decision making, because of this it can lead to limited use of rights language and an avoidance of rights based arguments in policy. Also, (Children's Rights Alliance for England, 2017) states that some policymakers questions why rights-based language is needed when there is already welfare and needs based language, this can show that some believe that a child needs housing is more effective than a child has a right to housing, from this can show that there is a misunderstanding of rights as purely civil and political and that there is a lack of awareness for economic, social and cultural rights. When there is a lack of understanding of the UNCRC from professionals it can lead to inconsistent practice, limited organisational capacity and a lack of senior leadership buy in. (Children's Rights Alliance for England, 2017). There are five key principles embedding, equality, empowerment, participation and accountability, these principles align directly with the Children's Rights Scheme 2021, there are many practical strategies that link to these principles, and they come from The Children's Commissioner for Wales Right Way: A Children's Human Rights Approach to Education that has a framework for promoting and protecting children's right in education setting. Firstly, (Children's Commissioner for Wales, 2024) states that the framework emphasises that human rights education is a statutory requirement, this means that children must learn about rights, learn through rights such as having respectful, rights-based relationships and to develop skills so that they can advocate for themselves and other, which is learn for rights. All of this helps to promotes rights as it is building awareness, confidence and agency. The framework ensures children's rights are protected by making sure that they are considered in all decisions and influences that rights must be embedded across the whole setting. Some key strategies that can be used to help to achieve this is leadership commitment and a clear action plan, staff and governor training on UNCRC, linking rights to policies, curriculum, values and daily practice and making sure that children are involved in rights leadership

groups. By education settings doing this it can protect rights by making them part of governance, safeguarding and school culture. Lastly, this can then link to protecting rights through participation, this can happen as participation is a legal requirement that falls under the curriculum and a core principle of both the UNCRC and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The framework provides strategies such as school councils involved in real decision making, pupil voice groups that can contribute to shaping curriculum and policy, transparent feedback loops and by ensuring participation is accessible to all children, including ALN learner, overall this helps to protect rights by ensuring children influence decisions that affect them. (Children's Commissioner for Wales, 2024)

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET) created a new statutory framework, this framework is for identifying, supporting and protecting the rights of children and young people with Additional Learning Needs (ALN) in Wales. The purpose of the Act was to replace the old Special Educational Needs (SEN) and learning difficulties and disabilities systems and replace it with a single consistent ALN system across Wales, it also improved early identification and intervention, while also strengthening the rights of children, young people and parents/carers. It also enforced that support is legally enforceable and made it consistent across all local authorities. Firstly, a major reform that was introduced through the Act is the introduction to Individual Development Plans (IDPs, by the Act introducing IDPs it replaced statements of SEN, school action, school action plus and post 16 learning difficulty assessments, by this happening it strengthened children with ALN rights as it ensured that their support wasn't removed or downgraded without legal process. Furthermore, this Act provided a clear accountability mechanism and further protected children and young people's rights as it allowed children, young people and parents/carers the right to appeal decisions that related to whether a child has ALN, the content of an IDP, the support from Additional Learning Provision being offered and decisions to revise to cease an IDP, when appeals are made they went to the Education Tribunal for Wales, which replaced the former Special Educational Needs Tribunal for Wales. To ensure that all children and young people's rights are meant the Act introduced special provisions for looked after children, children and young people who are detained, learners in FE institutions and children living in England but attending Welsh schools, this happened as these groups often faced additional barriers, by adding special provisions it ensured they received equal protection and access to support. Lastly, the Act strengthened participation rights and aligned with Article 12 from the UNCRC, which can linked to Human Rights theory as they require children's best interest are prioritised, requirements that children and young people need to be notified about decisions that affect them, provide copies of documents in accessible formats and to consider the needs of children who are not able to make fully informed decisions for themselves. The Additional Learning Needs Code for Wales 2021 is a

policy that is linked to ALNET and has statutory guidance that explains how the Act should be implemented in practice, it does this by providing detailed instructions for schools, early years settings, local authorities and FE colleges, these instructions include how to identify, assess, plan for and review the needs of children and young people with ALN. The main purpose of the ALN code is to replace the old SEN system; the aim of this code is to create a unified and consistent ALN system for learners aged 0 to 25, it ensures early identification of needs and promotes inclusive education, it also aims to strengthen children's rights to participate in decisions and ensure support is legally enforceable through Individual Development Plans (IDPs), it also improves collaboration between agencies such as health, education and social care. The code introduces one statutory plan, this is the Individual Development Plan which is available to all learners that need additional learning provision, by them having an IDP it ensures continuity from early years to FE, no postcode lottery in support and legally protected provision, then there is also Person Centred Planning (PCP) which means that all decisions must be made around, this means that the child's views, wishes and feelings must be central and that the families must also be involved, the support must be tailored to the individual, also meaning that planning must be holistic not only educational. Furthermore, this code is built on children and young people's rights as it has children's views, wishes and feelings central and they are supported to participate, also all information must be accessible, and decisions must consider the child's best interest. (Welsh Government, 2021). Little Stars Nursery in Monmouthshire shows strong and practical implementation of the Additional Learning Needs Code for Wales 2021 while also showing how children's rights are promoted and protected in early years education, as they supported a child with Down Syndrome from 9 months old to school transition. (National Day Nurseries Association Cymru, 2023) shows 'positive impact on the transition from home' this is shown in the case study as they state that before the child started, the nursery worked closely with the family and external agencies to ensure that there was a smooth transition, this links to the ALN code 2021 as there was early identification of needs, multi-agency collaboration and preparation for transition, while also implementing children rights from the UNCRC, such as having the best interests of the child, this can link with Piaget's Cognitive Development theory as it explains the importance of understanding a child's development stage to provide appropriate, individualised support. (National Day Nurseries Association Cymru, 2023) explains that PCP ensured 'excellent communication between all professionals' they achieved this through having termly PCP meetings that involved parents, staff, the Early Years ALN Lead Officer and external specialists. Additionally, the nursery made many adaptations to ensure that the child and all children could access all the nursery and fully participate, these adaptations included adapted chairs, adapted cutlery and cups, toileting supports, communication rich environments and sign a long training for staff, these changes show the nursery incorporating the ALN code 2021 as they have removed barriers to learning, ensuring access to Additional Learning Provision and by

creating an environment that is inclusive. Furthermore, they kept the family involved, they did this through using daily diaries, sharing photos and learning journals. Lastly, this experience for the nursery strengthened their understanding of inclusive practice, this is evidenced by (National Day Nurseries Association Cymru, 2023) staff reporting that 'the policy became practice' this shows that the ALN Code can be embedded in settings meaningfully. There, are also barriers that may slow down or complicate the implementation of the ALN Code 2021 in schools, early years settings and FE colleges. Firstly, a major barrier is the lack of capacity across the workforce, this can include ALNCoS and early years staff, this can be because of the unsustainable workloads and difficulty meeting certain timescales for ALNCoS and limited professional learning opportunities for early years staff. Also, funding and resources can create barriers this is due to there being insufficient funding to meet the demands of the reforms, while there are significant additional costs for schools. (Welsh Government, 2023) Firstly, early identification and intervention can protect children's and young people's rights by ensuring that children receive support as soon as needs are seen, also ensures that developmental delays are not ignored and that children do not fall behind due to unmet needs. Also, all children with ALN have legally protected IDP, which contains information about that child, this can include their needs, and Additional Learning Provision, this must be reviewed and updated, having this can protect rights as it ensures that any support can not be removed with going through a process. Another way that rights are protected is when parents and carers are actively involved, it does this as children's needs are understood holistically, family's feel more empowered and all decisions made are transparent. (National Day Nurseries Association, n.d)

To Conclude, through the UNCRC, the Rights Measure 2011, the Children's Rights Scheme 2021 it is shown that children rights are implemented into educational settings and the decision making that takes place, the ALNET act 2018 and the ALN code 2021 both strengthen children's and young people's rights through ensuring early identification, legally protected support and person centred planning for learner with additional needs. Also, the case studies showed and explained how education settings can successfully embed rights-based practice, however different barriers such as funding pressures and inconsistent understanding of rights can challenge implementing them into practice. Overall. Wales had made a lot of progress in making an inclusive and rights-based education system.

Reference list:

Andrew Fagan. (n.d.). *Human Rights*. Available at: <https://iep.utm.edu/hum-rts/> (Accessed: 28 March 2026).

Bormanaki, H.B. & Khoshhal, Y. (2017). *The role of equilibration in Piaget's theory of cognitive development and its implication for receptive skills: A theoretical study*. Journal of Language Teaching and Research. Available at: [The Role of Equilibration in Piaget's Theory of Cognitive Development and Its Implication for Receptive Skills: A Theoretical Study - ProQuest](#) (Assessed: 27 March 2026)

Children's Commissioner for Wales. (2026). *A Children's Rights Approach to Education in Wales*. Children's Commissioner for Wales. Available at: <https://www.childcomwales.org.uk/resources/the-right-way-a-childrens-rights-approach/a-childrens-rights-approach-to-education-in-wales/> (Accessed: 27 March 2026).

Children's Commissioner for Wales. (2026). *Case study: The 5 principles*. Children's Commissioner for Wales. Available at: <https://www.childcomwales.org.uk/faqs/case-study-the-5-principles/> (Accessed: 28 March 2026).

Children's Commissioner for Wales. (2024). *The Right Way: A Children's Human Rights Approach to Education in Wales*. Children's Commissioner for Wales. Available at: [202402-Childrens-Commissioner-for-Wales-Right-Way-Education-English.pdf](#) (Accessed: 29 March 2026)

Children's Rights Alliance for England. (2017). *Barriers and solutions to using children's rights approaches in policy*. Children's Rights Alliance for England. Available at: [Barriers-and-solutions-to-using-childrens-rights-in-policy-E.pdf](#) (Accessed: 28 March 2026)

Marginson, S. & Dang, T.K.A. (2017). *Vygotsky's sociocultural theory in the context of globalization*. Asia Pacific Journal of Education. Available at: [Vygotsky's sociocultural theory in the context of globalization](#) (Assessed: 28 March 2026)

National Day Nurseries Association Cymru. (2023). *Case study: Supporting children with Additional Learning Needs (ALN)*. NDNA Cymru. Available at: [WALES-CASE-STUDY-Supporting-children-with-Additional-Learning-Needs-ALN.pdf](#) (Accessed: 29 March 2026)

National Day Nurseries Association Cymru. (n.d.). *The Additional Learning Needs System in Wales: Curriculum for Wales*. NDNA Cymru. Available at: [FACTALN-WALES-The-Additional-Learning-Needs-System-in-Wales-CURRICULUM-FOR-WALES.pdf](#) (Accessed: 29 March 2026)

Welsh Government. (2018). *Additional Learning Needs and Education Tribunal (Wales) Act 2018*. Welsh Government. Available at: <https://law.gov.wales/additional-learning-needs-and-education-tribunal-wales-act-2018> (Accessed: 29 March 2026).

Welsh Government. (2021). *Children's Rights Scheme 2021*. Welsh Government. Available at: <https://www.gov.wales> (Accessed: 29 March 2026)

Welsh Government. (2022). *Children's rights in Wales*. Welsh Government. Available at: <https://www.gov.wales/childrens-rights-in-wales> (Accessed: 28 March 2026).

Welsh Government. (2024). *Evaluation of the Additional Learning Needs system: Scoping report (summary)*. Welsh Government. Available at: <https://www.gov.wales/evaluation-additional-learning-needs-system-scoping-report-summary-html> (Accessed: 29 March 2026).