

Respecting Children and Young People's Rights in Wales
ECES4014

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This essay discusses the implementation of children's rights in education in Wales and will investigate the barriers that can prevent these rights from being fully implemented in schools. It will discuss how a rights-based approach in education can empower children and look at the steps needed to make sure that children's rights are upheld in Welsh schools.

The United Nations Convention on the Rights of the Child (UNCRC), which was adopted by the United Kingdom in 1991, is the foundation for children's rights in Wales. Wales was the first UK nation to embed the UNCRC into domestic law through the Rights of Children and Young Persons (Wales) Measure 2011, which requires public bodies to consider children's rights in decision-making (Welsh Government, 2011). This approach ensures children and young people's rights — such as access to education, protection from harm, participation in decision-making, and access to healthcare are upheld in Wales (UNICEF, 1989). The Children's Commissioner for Wales advocates for the Children's Rights Approach in Wales and reinforces the importance of incorporating these rights into everyday practice in schools, services, and communities and states that this framework helps to encourage an inclusive and supportive environment in which all children in Wales can thrive (Children's Commissioner for Wales, 2017).

The United Nations Convention on the Rights of the Child (UNCRC) also highlights the importance of education in Articles 28 and 29. Article 28 establishes the right of every child to education and states that schools should respect a child's dignity. Article 29 is about the purpose of education, stating that education should develop

a child's personality, talents, and abilities to their fullest potential but encouraging respect for human rights, cultural identity, and the environment at the same time (UNICEF, 1989)

In Wales, a children's rights approach to education has been implemented that places the UNCRC at the center of educational experiences. This approach draws attention to the importance of teachers embedding children's rights into school planning, teaching, decision-making, policies, and practices to create an environment where learners feel respected and valued. (Children's Commissioner for Wales, 2017).

The Welsh Government's Seven Core Aims for Children and Young People form the basis of educational provision in Wales. The aims are consistent with a rights based approach that promotes fairness and inclusion focus on priorities such as providing children with 'a flying start in life,' ensuring access to a 'comprehensive range of education and learning opportunities,' and addressing disadvantage caused by poverty (Welsh Government, 2004). Despite the United Nations Convention on the Rights of the Child (UNCRC), achieving the full implementation of children's educational rights remains a challenge, studies show that many pupils are unaware of their rights and schools often face difficulties in effectively implementing a rights-based approach to education (Lundy et al., 2024).

Several key theoretical perspectives help with the understanding and application of children's rights in education. The Human Rights Theory promotes respect for individuals' dignity, equality, and autonomy. UNESCO states that education is important in promoting these rights by ensuring access to schooling and by

providing an inclusive and supportive learning environment that respects the wide range of needs and voices of children (UNESCO, 2015). Lundy (2007) states that a rights-based approach to education can empower children as they are active participants in their own learning and development. This also reinforces the principles of respect, equity, and participation of human rights acts.

Developmental psychology theories can illustrate how children can learn about their rights. Smith (2002) states that the importance of social interactions and cultural surroundings in cognitive and emotional development is highlighted in Vygotsky's 1978 sociocultural theory. Vygotsky's theory which introduces the concept of a Zone of Proximal Development (ZPD) emphasises the value of "scaffolding," in which children's knowledge of their rights is encouraged and deepened via dialogue and involvement (Fani & Ghaemi 2011).

In a rights-based classroom, teachers should act as facilitators where they guide and encourage children to engage in discussions about fairness and justice. This method should improve and develop children's skills and abilities advocating for themselves. Vygotsky's emphasis on language as a tool for learning could also suggest that children would develop a deeper awareness of their rights when they are encouraged to communicate their views and challenge injustices in a safe and supportive educational setting. Erikson's 1950 psychosocial development theory can also help demonstrate how children can learn about their rights as they evolve through the different stages of development (Jiang & Wu, 2023). Erikson's stage of Autonomy vs. Shame and Doubt (ages 1–3) demonstrates the importance of developing independence and reinforces the idea that children benefit from being

given choices and where they are encouraged to express their own preferences. As children progress to the Industry vs. Inferiority stage (ages 6–12), their sense of competence and self-worth is shaped by the recognition of their achievements and contributions. Schools that encourage and embed a rights-based approach can help its pupils develop confidence in their ability to participate in decision-making and reinforcing the concept that their voices matter (Mager & Nowak 2011) Erikson's next stage called Identity vs. Role Confusion which occurs in adolescence highlights the importance of recognizing young people's voice, as this stage is critical in shaping their ability to self-advocate and engage with broader societal issues including their rights in education (Orenstein & Lewis, 2022) Informed by both Vygotsky and Erikson, a rights-based approach to education guarantees that children are not only aware of their rights but also given the support and encouragement they need to use them. A study by Murphy & Waters-Davies (2022) found that when integrating children's rights into early education it improves independence and confidence. This is backed up by Kanyal (2014) who states that participatory learning techniques can improve children's well-being by allowing children the opportunity to shape their own educational experiences. Furthermore, Walker (2011) highlights that children learn best when they feel safe, valued, and respected. It is obvious that by integrating these theoretical theories, schools can create learning environments where children and young people are not only aware of their rights but are also equipped with the confidence and skills to exercise them.

The United Nations Convention on the Rights of the Child (UNCRC) (1989) shapes the legal framework governing children's rights in education. The two key provisions that have an impact on a child's education are Article 12, which gives children the right to be heard in areas that affect them, and Article 28, which defines the right to education. To guarantee that children's rights are a primary factor in Welsh education, Welsh Ministers are required by the Rights of Children and Young Persons (Wales) Measure 2011 to give the UNCRC careful consideration when making policy decisions. Wales showed a strong commitment to protecting children's rights in education by being the first country in the UK to incorporate the UNCRC into its laws.

The Well-being of Future Generations (Wales) Act 2015 reinforces this framework by highlighting the significance of long-term planning for children's and youths' well-being, which includes guaranteeing access to high-quality education that encourages equity, inclusion, and active engagement.(Welsh Government,2015) In addition, the Additional Learning Needs and Education Tribunal (Wales) Act 2018 ensures that learners with additional learning needs (ALN) receive individual tailored support, with a person-centered approach to their education (Welsh Government 2021)

A key aspect of safeguarding children's rights in education is ensuring their safety and well-being (UNRC) The Children Act 1989 reinforces schools' legal responsibility to protect children from harm, and Estyn's report, Keeping Learners Safe (2023), asserts that "all education providers have a duty to ensure that children are protected from harm and that safeguarding is embedded within school culture."

This aligns with Core Aim 5 of the Seven Core Aims for Children and Young People in Wales, which states that all children should be "safe from harm" and "have a voice and be listened to" (Welsh Government, 2004).

An example of the "Keeping Learners Safe" framework in Welsh schools make it mandate that all staff members receive annual safeguarding training and that children are educated about their rights and how to seek help if they feel unsafe. Schools often use Personal, Social, and Health Education (PSHE) lessons to teach children about online safety, bullying prevention, and mental well-being also aligning with Core Aim 5.

Article 2 of the UNCRC guarantees that children are safeguarded against all forms of discrimination. In the UK and Wales, this right is protected by laws such as the Equality Act 2010, which prohibits discrimination based on various protected characteristics, including race, gender, and disability. The Welsh Government states that schools should implement inclusive policies, such as anti-bullying policies and initiatives to ensure equality for all students (Welsh Government 2016) and that schools have an important part in educating children and protecting children from discrimination. Banks (2006) argues that schools have an important role in reducing discrimination. Zirkel (2008) supports his and suggests that schools can act as agents of change. A report by Estyn (2020) highlights effective strategies for supporting disadvantaged and vulnerable pupils in Welsh schools. The report found that the most successful schools focused on pupils' interests and talents rather than just their challenges. The report highlights the importance of high quality teaching and the benefits of individual tailored support. These policies

ensures that all children, regardless of background, can access and benefit from education under the Right to Education (Article 28 & 29, UNCRC). Despite these policies and Estyn recommendations discrimination continues in schools. A report by the EHRC (2019) found that children from minority ethnic backgrounds, those with disabilities, and children from low-income families can still face obstacles in accessing equal educational opportunities. The report also mentions how discrimination may appear in less obvious forms, like biased teaching practices or a lack of resources. Under the "Right to Non-Discrimination" (Article 2, UNCRC) schools must support disadvantaged pupils equitably and ensure that poverty or vulnerability does not limit their opportunities so schools need to make sure this does not happen so children's rights are respected and protected.

Article 12 of the UNCRC states that children have the right to freely express their views on matters affecting them, and their views must be taken into account. The Children's Commissioner for Wales notes that many schools in Wales allow children to voice their opinions through student councils and forums and claims that they worked with 95 secondary schools across Wales as part of their Student Ambassador scheme." (childcomwales.org.uk). A report named the "Schools Scrutiny Performance where the panel were briefed on the Pupil Voice in Swansea found that nearly all schools inspected by Estyn between September 2013 and July 2016 comply fully with the School Council Regulations, where the schools had elected councils, met at least six times a year to represent pupil views. The report noted that in almost all schools, the school council makes a worthwhile contribution towards improving the school learning environment. In these schools, pupils' views are taken into account and influence decisions on school life. However,

the real impact of this can be limited. As Estyn (2023) points out in their report effective pupil participation needs “a clear strategy for promoting participation and for building good relationships.” They report that many children may feel their opinions are undervalued or ignored and this limits the effectiveness of their participation.

Estyn also report that although schools may have student councils that encourage effective pupil participation, logistical and cultural barriers may prevent meaningful engagement from children in many schools and suggest that more work is needed to make sure that all children have a voice and that their voices genuinely influence school decisions (Estyn, 2023).

Schools in the UK and Wales implement Article 14 (Freedom of Thought, Conscience, and Religion) of the UNCRC by providing Religious Education (RE), where students learn about diverse religions and beliefs. This allows children to learn about a range of viewpoints while upholding their freedom to develop their own opinions. The Welsh Government states that by allowing pupils to choose not to participate in religious activities such as worship or prayers, schools are encouraging individual choice (Welsh Government, 2022). Also, by creating multifaith schools and allowing children the freedom to practice their religion by allocating specific areas for prayer and meeting nutritional needs, such as Halal food—school policies are promoting inclusivity. Discrimination on the grounds of religion is also addressed by anti-discrimination laws, which make sure that every student feels valued and safe (Equality and Human Rights Commission, 2020). According to research implementing Article 14 in schools faces some barriers. As stated by the EHRC, religious discrimination in schools is still a problem, especially

when it comes to minority groups like the Gipsy and Traveller communities (EHRC, 2020).

Children have the right to the best possible health, which includes access to nutritional food and water and healthcare as stated in Article 24. The Universal Primary Free School Meals (UPFSM) policy, which ensures that all primary school students have access to a nutritious meal throughout the school day and offers free school meals to all, is one of the primary initiatives in Wales that supports children's wellbeing (Welsh Government 2022).

To provide students with a meal to start the day, many schools now hold breakfast clubs. Additionally, by providing primary school students with fruit and vegetable snacks throughout the day, the School Fruit and Vegetable Scheme (SFVS) aids in the promotion of a balanced diet.

The Department of Education also has guidance on how schools and colleges should implement the Governments “Plan for Change” Policy that aims to eliminate barriers to opportunity, with a particular emphasis on improving mental health and wellbeing support for children and young people in schools. The policy stresses that children should receive the healthcare services they need, including mental health support, creating a supportive environment for mental wellbeing in schools ensures that students receive the care and attention required to succeed.

(Department for Education 2021)

The Children’s Commissioner for Wales has also introduced new resources for schools and organisations, including videos on their website, a Scouts and Guides

rights challenge, rights materials for children with additional learning needs, rights lessons, and even a new song designed for children aged 3-7 to help them understand their rights (childcomwales.org.uk). Wales' dedication to guaranteeing that children's rights and health are respected in accordance with rights laws is shown in these initiatives.

Despite these initiatives, socioeconomic inequities still lead to differences in access to mental health care and nutritious food. Although "safeguarding is embedded within school culture," as Estyn (2023) points out, many schools still lack adequate mental health resources, and the stigma associated with mental illness may discourage students from getting treatment. A barrier to the effective implementation of children's rights in education is the lack of sufficient teacher training. Study by Arnaiz-Sánchez *et al* 2023 emphasises the importance of initial teacher training in creating an inclusive education and points out that teachers often lack the necessary competences to address diversity and inclusion effectively, which is essential for providing equal opportunities and respecting children's rights within the education system.

The Children's Commissioner for Wales stresses that teachers must be adequately trained to promote and protect children's rights in the classroom. As stated, "475 children and 219 teaching staff were trained to be rights ambassadors" (childcomwales.org.uk).

This gap in training results in inconsistent practices across schools. As highlighted by the EHRC (2019), "A society free from racial discrimination" is essential for

realizing children's rights, but teachers must first receive the proper training to identify and address inequalities.

Systemic inequalities can be a barrier in the full implementation of children's rights, particularly for marginalized groups. As Smith (2012) notes " Children from disadvantaged backgrounds, ethnic minorities, or those with additional learning needs often face barriers that limit their educational opportunities" Cleaver et al. (2009) suggests that children's rights need to be safeguarded in education by addressing the barriers caused by institutional inequalities which can contribute to exclusion and marginalization. Resistance to change is also said to be a challenge in implementing a rights-based approach in education. Jones & Walker (2011) state that to achieve a rights-based approach in education there needs to be a cultural shift towards more inclusive practices.

Although Wales has made great progress in implementing children's rights into its educational system, there are still barriers in the way of all children's rights being fully implemented. Lack of training for teachers on the UNCRC and inclusive practices and structural issues that limit access to equal educational opportunities are barriers. A cultural shift towards an inclusive education is needed despite the UNCRC's legal obligations, the Rights of Children and Young Persons (Wales) Measure 2011, and other educational policies. In order to achieve a rights-based approach that enables all children to flourish in an inclusive, supportive, and equitable learning environment. This is in addition to the work of the Children's Commissioner for Wales and other stakeholders in providing resources and training.

References

Alderson, P. (2008) *Young children's rights: Exploring beliefs, principles and practice*. London: Jessica Kingsley.

Banks, J.A. (2006) 'Improving race relations in schools: From theory and research to practice', *Journal of Social Issues*, 62(3), pp. 607-614.

Biesta, G. (2010) *Good education in an age of measurement: Ethics, politics, democracy*. London: Routledge.

Bronfenbrenner, U. (1979) *The ecology of human development: Experiments by nature and design*. Cambridge, MA: Harvard University Press.

Children's Commissioner for Wales. (n.d.) *Children's rights resources*. Available at: <https://www.childcomwales.org.uk/> [Accessed 23 March 2025].

Cleaver, H., Cawson, P., Gorin, S. & Walker, S. (2009) *Safeguarding children: A shared responsibility*. London: NSPCC.

Estyn (2020) *Effective school support for disadvantaged and vulnerable pupils – case studies of good practice*. Available at: <https://www.estyn.gov.wales>

McGovern, W. and McGovern, R. (2021) 'Understanding and Responding to Basic Safeguarding Concerns and Processes in Schools', in Gillespie, A. (Ed.) *Early Careers in Education: Perspectives for Students and NQTs*, Leeds: Emerald Publishing Limited, pp. 175-184. Available at: <https://doi.org/10.1108/978-1-83982-584-220211027>

Department for Education (DfE). (2014) *Universal infant free school meals: Policy statement*. Available at: <https://www.gov.uk/government/publications/universal-infant-free-school-meals-policy-statement> [Accessed: 20 March 2025].

Department for Education (DfE). (2015) *Statutory guidance for safeguarding children in schools*. Available at: <https://www.gov.uk/government/publications/safeguarding-children-in-education> [Accessed: 22 March 2025].

Department for Education (DfE). (2018) *Working together to safeguard children: Statutory guidance on inter-agency working*. Available at:

<https://www.gov.uk/government/publications/working-together-to-safeguard-children>
[Accessed: 22 March 2025].

Department for Education (DfE). (2019) *Pupil premium: How schools can use the funding*. Available at: <https://www.gov.uk/guidance/pupil-premium-conditions-of-grant> [Accessed: 20 March 2025].

Equality and Human Rights Commission. (2010) *Equality Act 2010: Guidance on the public sector equality duty*. Available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty> [Accessed: 23 March 2025].

Freeman, M. (2011) *Children's rights: Progress and perspectives*. Leiden: Brill.

Twiner, A., Cook, G. & Gillen, J. (2009) 'Overlooked issues of religious identity in the school dinners debate', *Journal of Education Policy*, 24(4), pp. 473-488. Available at: <https://doi.org/10.1080/03057640903352457>

Jones, P. & Walker, G. (2011) *Children's rights in practice*. London: Sage.

Kanyal, M. (2014) *Children's rights 0-8: Promoting participation in education and care*. Abingdon: Routledge.

Lundy, L. (2007) 'Voice is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child', *British Educational Research Journal*, 33(6), pp. 927-942. Available at: <https://doi.org/10.1080/01411920701657033> [Accessed: 22 March 2025].

Lundy, L., Murray, C., Smith, K. & Ward, C. (2024) 'Young children's right to be heard on the quality of their education: Addressing potential misunderstandings in the context of early childhood education', *British Educational Research Journal*. Available at: <https://doi.org/10.1002/berj.3968> [Accessed: 20 March 2025].

Mager, U. & Nowak, P. (2011) 'Effects of student participation in decision making at school: A systematic review and synthesis of empirical research', *Journal Name*, [online] Available at: <https://doi.org/10.1016/j.evalprogplan.2011.11.004> [Accessed: 22 March 2025].

Equality and Human Rights Commission. (2019) *An Education System for Everyone*. Available at: <https://www.equalityhumanrights.com> [Accessed: 22 March 2025].

Murphy, A. & Waters-Davies, J. (2022) 'The Children's Rights Approach to Early Childhood Education: Policy and Context in Wales', in Conn, C. and Murphy, A. (Eds.) *Inclusive pedagogies for early childhood education: Respecting and responding to differences in learning*. Abingdon: Taylor & Francis.

Smith, E. (2012) *Key issues in education and social justice*. London: Sage.

UNICEF UK. (n.d.) *The right to education*. Available at: <https://www.unicef.org.uk/rights-respecting-schools/the-rrsa/the-right-to-education/> [Accessed: 22 March 2025].

UNICEF UK. (n.d.) *UNCRC summary*. Available at: https://www.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_summary-1.pdf [Accessed: 22 March 2025].

UNICEF. (1989) *United Nations Convention on the Rights of the Child*. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> [Accessed: 22 March 2025].

UK Government. (2010) *Equality Act 2010*. Available at: <https://www.legislation.gov.uk/ukpga/2010/15/contents> [Accessed: 23 March 2025].

Vygotsky, L. (1978) *Mind in society: The development of higher psychological processes*. Cambridge, MA: Harvard University Press.

Welsh Government. (2022) *Education Wales: Our national mission: high standards and aspirations for all. Religion, Values and Ethics replaces 'Religious Education' under Curriculum for Wales*. Available at: <https://www.gov.wales/education-wales-our-national-mission-high-standards-and-aspirations-all-religion-values-and-ethics-replaces-religious-education-under-curriculum-wales> [Accessed: 23 March 2025].

Welsh Government. (2011) *Rights of Children and Young Persons (Wales) Measure 2011*. Available at: <https://www.legislation.gov.uk/mwa/2011/2/contents> [Accessed: 22 March 2025].

Department for Education (DfE). (n.d.) *The importance of promoting and supporting mental health and wellbeing*. Available at: <https://www.gov.uk/government/publications/mental-health-and-wellbeing-in-schools-and-colleges> [Accessed 23 March 2025].

Walsh, K., Ey, L.-A., Hand, K., Smith, R., Howard, S., Fenton, A., Whiteford, C., Brown, M., Pinnock, R. & Rodier, L. (2023) 'Child protection and safeguarding in initial teacher

education: A systematic scoping review', *Children and Youth Services Review*, 150, p. 106951. Available at: <https://doi.org/10.1016/j.chidyouth.2023.106951>.

Welsh Government. (2018) *Additional Learning Needs and Education Tribunal (Wales) Act 2018*. Available at: <https://www.legislation.gov.uk/anaw/2018/2/contents/enacted> [Accessed: 20 March 2025].

Welsh Government. (2016) *Guidance on inclusion and pupil support*. Available at: https://www.gov.wales/sites/default/files/publications/2018-05/guidance-inclusion-and-pupil-support_0.pdf [Accessed: 22 March 2025].

UK Feminista and National Education Union. (2017) *Sexism in Schools: "It's Just Everywhere" – A Study on Sexism in Schools and How We Tackle It*. Available at: <https://neu.org.uk/sites/default/files/2023-03/sexism-survey-feminista-2017.pdf> [Accessed: 22 March 2025].

Welsh Government. (2020) *Curriculum for Wales: Guidance*. Available at: <https://hwb.gov.wales/curriculum-for-wales> [Accessed: 20 March 2025].

Welsh Government. (2020) *Free school meals and the pupil development grant*. Available at: <https://gov.wales/free-school-meals-and-pupil-development-grant> [Accessed: 22 March 2025].

Children's Commissioner for Wales. (2020) *The Right to Religion and Belief in Schools*. Available at: <https://www.childcomwales.org.uk> [Accessed: 22 March 2025].

Equality and Human Rights Commission. (2020) *Religion or Belief Discrimination: Advice and Guidance*. Available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/religion-or-belief-discrimination> [Accessed 22 March 2025].

Welsh Government. (2022) *Religious and Values Education: Guidance for Schools*. Available at: <https://gov.wales/religious-and-values-education-guidance-schools> [Accessed: 22 March 2025].

Kenny, M.C. (2001) 'Child abuse reporting: teachers' perceived deterrents', *Child Abuse & Neglect*, 25(1), pp. 81-92. Available at: [https://doi.org/10.1016/S0145-2134\(00\)00218-0](https://doi.org/10.1016/S0145-2134(00)00218-0) [Accessed: 22 March 2025].

Zirkel, S. (2004) 'What will you think of me? Racial integration, peer relationships and achievement among white students and students of color', *Journal of Social Issues*, 60(1), pp. 57-74.

Zirkel, S. (2008) 'Creating more effective multiethnic schools', *Social Issues and Policy Review*, 2(1), pp. 187-241.

Department for Education. (2021) *Promoting and supporting mental health and wellbeing in schools and colleges*. Available at:

<https://www.gov.uk/government/publications/promoting-and-supporting-mental-health-and-wellbeing-in-schools-and-colleges> [Accessed 23 March 2025].

Wales Government. (2022) *Universal Primary Free School Meals (UPFSM)*. Available at:

<https://gov.wales/universal-primary-free-school-meals-upfsm> [Accessed 23 March 2025].

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