

Discuss how a 'rights-based approach' is embedded within education contexts in Wales through legislation and policy.

A rights-based approach to education puts children and young people at the main part of their decision-making processes, being able to recognise them as passive recipients of education but as active holders of rights, (UNICEF, 2007). As UNICEF (2023) suggests, this approach is within the principle that all children are entitled to dignity, respect, and opportunities that can help them enable their full potential. Within educational contexts, a rights-based approach ensures that policies, practises, and environments promote things such as equality, participation, protection and provision equally for all learners. In Wales, this approach has gained significantly due to strong legislative and policy commitment to embedding children's rights across public services, (Welsh Government, 2023). Central to this is the United Nations Convention on the Rights of the Child (UNCRC), which provides an international framework for safeguarding and promoting children's rights, (NSPCC, 2024). Wales has been at the forefront within the UK in incorporating the UNCRC into its domestic policy and legislation, being able to create a distinctive rights-based educational landscape.

Children's rights refer to the fundamental freedoms and entitlements that every child possesses, regardless of their background, identity, or circumstance, (Save the Children, 2011). These can include the right to their education, protection from any harm, participation in decisions affecting them, and access to resources necessary for their development. These rights originate from international agreements, mostly the UNCRC, which has been ratified by the UK and serves as a foundation for Welsh policy. A rights-based approach in education involves integrating these rights into everyday practises. As explained by UNICEF (2022), this will mean ensuring that children's voices are heard, that they all have the same access to quality education, and that they are treated fairly. It is not simply about teaching children about their rights, but about creating environments where those rights are actively respected and realised.

Legislation plays a big role in formalising commitments to children's rights and ensuring accountability across educational settings. In Wales, the integration of the United Nations Convention on the Rights of the Child (UNCRC) into domestic law has created a distinctive policy environment that prioritises children's rights in both theory and practise, (Hoffman and Wales, 2018). However, the extent to which this legislation translates into meaningful change within schools can vary depending on implementation, resources and school ethos. The Children and Families (Wales) Measure 2010 and the Rights of Children and Young Persons (Wales) Measure 2011 require Welsh Ministers to have due regard to the UNCRC, to ensure that children's rights are considered within policy decisions. In the educational settings, this has influenced the development of policies that promote pupils voice,

inclusion, and well-being. For example, as said by Children's commissioner for Wales (2024), many schools in Wales have adopted pupil voice initiatives, such as school councils, eco communities and meetings like digital learner groups, which allow learners to actively contribute to their own decision-making processes. These reflect Article 12 of the UNCRC, which emphasises children's right to express their views.

In practise, schools that are participating in the UNICEF Rights Respecting Schools Award programme provide a clear example of how legislation can influence school culture. These schools embed the children's rights across the curriculum; behaviour policies and their daily interactions. For example, some classrooms may display UNCRC articles and then teachers may link their lessons to rights such as the right to education Article 28 or the right to be heard Article 12. This creates an environment where learners are not only aware of their rights but also understand their responsibilities towards others in their settings (Save the Children, 2011). However, the impact of these initiatives can vary. In some schools, pupil voice is genuinely embedded, with their learners' influencing decisions such as curriculum topics, school rules, and wellbeing decisions. In others, participation may be less by the pupils, with limited real influence. This highlights the importance of moving beyond surface-level compliance towards meaningful engagement.

The Curriculum for Wales further reinforces a rights-based approach by focusing on the holistic development of learners, (Welsh Government, 2020). Its emphasis on the four purposes aligns closely with the UNCRC, especially in promoting well-being, participation and equality. For example, the curriculum encourages schools to design learning experiences that reflect learners' interests and backgrounds, therefore supporting inclusion and cultural diversity. As spoken about by PBLWorks, (2025) a practical example of this can be seen in schools that adopt project-based learning, where pupils have a say in what and how they learn. For example, a class exploring environmental issues may choose to focus on local concerns such as recycling or climate change, linking their right to a healthy environment. This approach not only enhances engagement but also reinforces the idea that learners are active participants in their education.

Another important way in which a rights-based approach is reflected in Welsh education is through the prioritisation of well-being and safeguarding within school environments. This aligns closely with several articles of the UNCRC, especially Article 19 (protection from harm), Article 24 (right to health), and Article 27 (adequate standard of living). In Wales, there has been a clear shift towards recognising that children cannot fully access their right to education unless their emotional, physical and psychological needs are met (Kozlowski, 2023). The Curriculum for Wales places a strong emphasis on developing 'healthy, confident individuals', which reflects a broader understanding of education that goes beyond academic attainment. In practise, this can be seen in the increasing adoption of well-being focused initiatives within the schools. For example, many primary and secondary schools now incorporate daily check ins, mindfulness activities and emotional literacy programmes

within their routines. As discussed by Hemming and Hailwood (2024), these practises aim to create safe and supportive environments where learners feel valued and respected, reinforcing their right to dignity and well-being. A practical example can be seen in schools that implement nurture groups or well-being hubs, which provide targeted support for pupils experiencing emotional or behavioural needs (Nurture UK, 2023). These spaces allow children to regulate their emotions, build relationships, and developing different coping strategies that suit their needs. From a rights-based approach perspective, this approach recognises that behaviour is often a form of communication for some pupils and that children have the right to be understood and supported rather than simply punished. This reflects a shift away from purely disciplinary approaches towards more inclusive and supportive practises.

Safeguarding policies also play a crucial role in promoting children's rights. All schools in Wales are required to have safeguarding procedures in place to protect children from harm within schools, (Department for Education, 2024). This includes designated safeguarding leads, clear reporting systems, and staff training. In a rights-based framework, safeguarding is not just about compliance with policy but about creating a culture where children feel safe to speak up and know that their concerns will be taken seriously. For example, schools may provide anonymous reporting systems or ensure that trusted adults are always available for pupils to talk to, supporting their right to protection and participation. Furthermore, as spoken about by GOV.WALES (2026) the integration of trauma-informed practise in some Welsh schools highlights how rights-based approaches are evolving. Trauma-informed schools recognise that adverse childhood experiences (ACEs), such as poverty, neglect, or family instability, can significantly impact a child's ability to learn. By adapting teaching strategies and behaviour policies to account for these experiences, schools are better able to support vulnerable learners. For instance, instead of excluding a pupil for challenging behaviour, a trauma-informed approach would seek to understand the underlying causes and provide appropriate support. This reflects a commitment to both the protection and provision aspects of children's rights.

However, while these developments demonstrate progress, there are still challenges in ensuring consistency across all schools. Not all settings have equal access to resources such as trained staff, well-being programmes or external support services. This can result in variations in how effectively children's rights are promoted and safeguarded. For example, a well-resourced school may have a dedicated well-being team and access to counselling services, while another may rely on already overstretched staff to meet these needs. In addition, there can be tensions between well-being priorities and academic pressures. As said by L L (2026), Schools are often judged on performance outcomes, which may lead to a focus on attainment at the expense of holistic development. This raises important questions about whether current accountability systems fully align with a rights-based approach.

Overall, the emphasis on well-being and safeguarding within Welsh education represents a significant step towards embedding children's rights in practice. By recognising the importance of supporting the whole child, schools can create environments where learners feel safe, valued, and empowered to succeed. However, continued investment and a balanced approach are essential to ensure that these practices are sustainable and accessible to all learners. Despite these positive developments, challenges remain. Not all schools have the same capacity to implement these approaches effectively. Differences in leadership, resources, and staff training can result in inconsistencies across settings, (Stinnett, 2011). This raises important questions about equity and whether all children in Wales are experiencing the same level of rights-based education.

While Wales has made significant progress in embedding a rights-based approach through legislations and policy, there are substantial challenges in translating these frameworks into consistent and effective practice within schools. These challenges are particularly evident in areas such as policy implementation, capacity building, resource allocation and cultural diversity. One of the most significant barriers to embedding a rights-based approach is the challenge of policy implementation at the school level, (The British Academy, 2021). Although legislation provides a strong framework, schools are responsible for translating these policies into everyday practices. This often requires staff training, clear guidance, and ongoing support.

A common issue in schools is the lack of funding for professional development (Wightwick, 2026). Many schools cannot afford to send multiple staff members on external training related to children's rights or rights-based approaches. As a result, it is often the case that only one staff member attends training and is then expected to disseminate this knowledge to the rest of the staff. This approach can create several problems. Firstly, it places significant pressure on the individual staff member, who may not feel confident or adequately prepared to train others. Secondly, information may be misinterpreted or diluted when passed on, leading to inconsistencies in understanding across the school. Thirdly, as said by Wohlfart et al., (2026) without whole-staff training, there may be a lack of shared vision or commitment, resulting in fragmented implementation. For example, in a primary school setting, one teacher may fully embrace children's rights by incorporating pupil voice into lessons and classroom management, while another may continue with a more traditional, teacher led approach. This inconsistency can undermine the effectiveness of a whole school rights-based ethos and create unequal experiences for learners.

Closely linked to policy implementation is the issue of capacity building. For a rights-based approach to be successful, educators must have the knowledge, skills, and confidence to apply it within their practice. However, many schools face significant constraints in this area. A key challenge is the lack of funding to release staff for the training they need or to provide cover for their classes. In many cases, schools operate with limited staffing and tight budgets, making it difficult to prioritise professional development. This means that even

when training opportunities are available, staff may not be able to attend. The impact of this can be significant. Without adequate training, teachers may have only a superficial understanding of children's rights and how to embed them in their teaching. This can lead to a focus on teaching about rights rather than implementing a rights-based approach in practise.

For example, spoken about by UNICEF (2016), a teacher may deliver a lesson on the UNCRC but fail to incorporate pupils voice or participation in everyday classroom activities. As a result, children may learn about their rights in theory but not experience them in practise. Additionally, lack of training can affect how teachers respond to issues such as behaviour management, inclusion, and well-being. A rights-based approach requires educators to consider the underlaying needs and rights of the pupils, rather than simply enforcing rules. Without proper training for the staff, this shift in perspective can be difficult to achieve.

Resource allocation is another significant challenge (Contributor,2024). Schools must balance multiple priorities, including academic attainment, well-being, safeguarding, and inclusion. Limited funding can make it difficult to allocate resources specifically towards rights-based initiatives. For example, implementing inclusive practices may require additional support staff, specialised resources, or adaptations to the learning environment. Similarly, promoting pupil participation may involve investing in training, materials, or time for meetings and discussions (GOV.UK, 2026). In some schools, particularly those in disadvantages areas, resources may be stretched to the point where basic needs take priority. While a rights-based approach emphasises the importance of provision and protection, the reality is that schools may struggle to meet these needs due to financial difficulties.

Cultural and structural barriers also play a significant role in shaping how a rights-based approach is implemented in schools. Wales is increasingly diverse, with learners from a wide range of cultural and socio-economic backgrounds (Sibieta, 2024). This diversity presents both opportunities and challenges. In the classroom, cultural diversity may be reflected in differences in language, values and experiences. For example, some pupils may come from backgrounds where education is highly formal and teacher-led, while others may be more familiar with participatory approaches. Balancing these can be challenging for the pupils and staff. Schools may also face questions about whose culture is represented in the curriculum. While the curriculum for Wales encourages inclusivity, there is still a risk that dominant cultural perspectives may be prioritised (GOV.WALES, 2025). For instance, topics, texts, or historical narratives may not fully reflect the experiences of all pupils.

Practical examples of cultural challenges in schools may include:

Celebrating religious festivals such as Christmas while giving less attention to others like Eid or Diwali. Language barriers affecting pupil participation and understanding. Differing

attitudes towards authority and pupil voice across cultures. These factors can impact how children experience their rights, particularly in relation to participation and inclusion. Furthermore, resistance to change can act as a structural barrier. Some educators may be hesitant to adopt rights-based approaches if they perceive them as undermining authority or increasing workload. This highlights the importance of leadership in promoting a shared vision and supporting staff through change.

Finally, monitoring and evaluation present ongoing challenges. As shown in the article by Unicef and Dawe (2021), while policies may require schools to demonstrate how they are embedding children's rights, there is often a lack of clear and consistent measures for assessing impact. In practise, this means that schools may focus on easily measurable outcomes, such as participation in initiatives, rather than deeper cultural change. For example, having a school council or achieving an award does not necessarily mean that children's rights are getting fully embedded. Effective monitoring requires collaboration between schools, local authorities and government bodies, as well input from the pupils themselves. Without this happening, it can be difficult to determine whether a rights-based approach is genuinely improving outcomes for the pupils.

A further challenge lies in helping both staff and pupils understand the relationship between rights and responsibilities (Department for Education, 2018). Rights-based education is sometimes criticised when rights are discussed in isolation, without equal emphasis on the responsibilities that accompany them. For example, children have the right to express their views under Article 12 of the UNCRC, but this must be balanced alongside the views, safety and rights of others. Without careful guidance, some pupils may develop a simplistic understanding of rights as entitlements without recognising the social responsibilities attached to them. In practise this can be challenging in areas such as behaviour management. Teachers may worry that emphasising pupil rights will reduce their authority to enforce boundaries or consequences. For example, a pupil may challenge a teacher's instruction by claiming a 'right' to make their own choices, without understanding the broader context of classroom safety, fairness and collective learning.

In conclusion, Wales has established a strong and progressive framework for embedding a rights-based approach within education, underpinned by key legislation such as Children and Families (Wales) Measure 2010 and the Rights of Children and Young Persons (Wales) Measure 2011, (Welsh Government, 2011). These developments, alongside the Curriculum for Wales, can help demonstrate a clear commitment to ensuring that children's rights are recognised, respected and integrated into the educational system. However, while the policy framework is robust, significant challenges do and remain in translating these principles into consistent practise across different schools. Issues such as limited funding, constraints on staff training, inconsistent policy implementation and cultural diversity highlight the complex of embedding a rights-based approach within real world settings.

As discussed by Children's Legal Centre Wales (2024), examples from schools show that while some settings successfully embed children's rights into their daily practises, others can face barriers that limit their ability to do so effectively. Reliance on single trained staff members, lack of capacity for professional development, and cultural and structural challenges can lead to uneven implementation. Ultimately, a rights-based approach requires more than legislation, it can demand a whole school commitment, supported by adequate resources, training and leadership. By addressing these challenges and continuing to invest in education, Wales can strengthen its approach and ensure that all children experience their rights not only within policy but within practise throughout their education journey.

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