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Respecting Children and Young People's Rights in Wales

Children's and Young People's Rights are becoming ever more significant in Education as Schools & Colleges are required to provide Learning Opportunities; and to ensure that Learners' Rights are respected, that they are safe and that their Voices are heard when Decisions are made about them. A Rights Based Approach acknowledges that Children & Young People are Individual People with their own Ideas, Needs & Entitlements; not just passive Recipients of Education. This Approach has been influenced by International Frameworks including the United Nations Convention on the Rights of the Child (UNCRC), which promotes the Rights of All Children to Participate, be Protected from Harm and have Access to Quality Education. The Principles of UNCRC have become Increasingly Embedded within Welsh Legislation and Educational Policy; thereby emphasising the Need to Place Children's Rights at the Centre of Practice. This Essay will Evaluate the Applicability of Children's and Young People's Rights Programmes and how they Support Learners' Understanding of a Rights Based Approach across Various Educational Settings. The Essay will Explore the Theoretical Perspectives Underlying Children's Rights, Analyse the Relevant Legal & Policy Framework, Examine Examples of Rights Based Practice, Discuss Obstacles to Implementation and Evaluate Strategies Utilised to Promote and Protect Children's Rights within Education

(United Nations, 1989)

(Welsh Government, 2011)

Children's rights are based on broader human rights principles that say that all people should be treated with dignity, respect and equality, no matter their age, background or circumstances. Children were often seen as dependent creatures who needed protection and guidance from their elders. However more recent views see children as active participants in society who can express views and have a say in decisions that affect their lives. This shift in thinking has impacted educational practice, leading to schools and colleges moving from protecting children to listening to children and involving them in decision-making. Rights-based approaches to education therefore seek to foster environments where learners feel valued, respected and empowered to take part in their own learning and development.

(James and Prout, 2015; United Nations, 1989)

The most significant theory about children's rights is the sociology of childhood, which questions the old idea that children are dependent on and helpless victims in society. According to James and Prout (2015), children should be seen as being "constructing childhood". This suggests that children's childhood experience is influenced by the society and the culture they live in, and they are 'capable agents' whose views and experiences should be listened to. It is believed that this theory had a great deal of impact on school. Currently, schools tend to consider 'pupil voice' and participation, consultation as important issues, therefore children are considered to be 'active constructors of childhood rather than consumers', schools tend to promote children participation, in order to create an environment where children can develop in.

(James and Prout, 2015)

Another important problem is the issue of the conflict between safeguarding duties and a child's right to participate. Some actions will prevent children from having access to discussion and decision-making situations, in order to safeguard them, which in practice results in less access to active participation. Moreover, accountability within the education system, for instance, with reference to achievement targets and inspections, will lead schools to more focus on achievable goals.

Also inequalities of participation occur in schools. Learners with an extra need for learning, English as a second language and from deprived backgrounds will struggle to participate in structured forms of pupil voice, causing an inequality in opinions, since it can be difficult to make sure that those with more courage or better language skills will not have the opportunity to lead all the decision making. Therefore, the actual representation of opinion may not reflect the whole society and the principle of non-discrimination established by the UNCRC (United Nations, 1989) cannot be fully respected.

In addition to sociological theories child development theories have contributed to understandings of how children interpret and engage with their rights in education. Piaget proposed that children go through discrete cognitive stages of development and that, because of this, the concept of something complex such as 'rights' will not be readily grasped by children until they are at appropriate stage of development. This has implications for the development of education policy as it draws attention to the importance of using age-appropriate methods when children are taught about participation and decision-making. Vygotsky, in comparison, focuses on the role of social interaction in the learning of knowledge and suggests that children learn what 'rights' are through communication with others (adults or peers). This perspective would tend to suggest that schools can play an important role in the education of rights by developing and providing environments where the learning of rights is achieved through discussion, explanation and joint decision-making.

(Piaget, 1952; Vygotsky, 1978)

The rights of children and young people to access an education are underpinned by several international and national laws and policies that clearly state how children should be treated. The United Nations Convention on the Rights of the Child (UNCRC) (United Nations, 1989) sets out a number of basic rights that all children have, such as the right to an education and a right to be protected from danger. The fact that countries such as Wales have now drawn up such agreements clearly indicates the rights-based approach that education has now moved towards. This implies that schools not only have the duty to provide an education but are also required to ensure that children feel secure, respected and are involved in decisions that relate to their learning and life within their school.

(United Nations, 1989)

In addition, within Wales, the promotion of the principles of the UNCRC to everyday practices can be identified within legislation and education policy at a national level. The Rights of Children and Young Persons (Wales) Measure 2011 requires Welsh Ministers to "have due regard to the provisions of the UNCRC" in taking decisions and devising policies, with implications for children 'refer and participation in public services including schools. Also, the curriculum for Wales is designed to deliver learner-centred teaching focused on inclusion, well-being, and pupil voice within learning. Legislation at a more recent level, the Additional Learning Needs and Education Tribunal (Wales) Act 2018, also focuses on a rights-based approach to learning with regards to additional learning needs learners, and how learners are to be involved in decisions regarding learning. There is evidence of commitment within Wales, however some disparities still exist between school and local authority implementation.

The effect of programs such as the Rights Respecting Schools Award, by UNICEF UK, can result in clear cultural changes in schools, such as the use of rights-based language, charters, and formalized system for pupil involvement (UNICEF UK, 2004). Stronger practice involves children being part of decision-making on behaviour policies, school improvement plans and subject topics. This can foster a sense of ownership and responsibility for the learner, as well as foster better relationships between staff and pupils.

However, research and evaluations report variable impact of these kinds of programs. Some rights-based programs become superficial with emphasis put on posters and awareness-raising rather than children's meaningful involvement in decision-making processes. This can lead to what could be viewed as tokenism where children hear about rights rather than experience them. This limitation is particularly problematic as it may undermine pupils trust in participative systems.

Equally, in further education the existence of learner voice does not mean students participate in decision-making due to institutional constraints or in an equitable way, and

students that are more able to participate are those that are most likely to do so, which may exclude more vulnerable children (Lundy, 2007).

(Welsh Government, 2011)

(Welsh Government, 2018)

(Welsh Government, 2022)

(United Nations, 1989)

A prominent example of children's rights in action is the UNICEF UK Rights Respecting Schools Award, designed to help schools integrate children's rights principles into school practice. Schools involved in this scheme are committed to involving children in discussions about their rights and in decision-making at school, through a variety of mechanisms known as pupil voice such as school councils and classroom debates. Such an approach may make for a more positive school experience for children as they feel listened to and respected, leading to improved well-being and school engagement. However, the effectiveness of this approach varies according to the depth of commitment of the school and, in some instances, participation may be superficial, with rights featured prominently on posters and displays but less so in decision-making processes. This highlights the importance of a commitment from staff in enabling rights-based approaches to be genuine and not merely tokenistic.

(UNICEF UK, 2024; United Nations, 1989)

Children's rights in action also include pupil voice work within schools and colleges where it is regularly undertaken in order to engage children in democratic decision making processes. This may involve things such as school councils, learner surveys, peer mentoring, consultation groups where pupils are given the opportunity to share their opinions about teaching and learning, and other school related issues. In many cases pupil voice reflects the principles of Article 12 of UNCRC by making sure that children have some say in what they think and feel are decisions about them. This can sometimes have the effect of improving self-confidence in the learner, the relationship between students and teachers and make the student feel like they belong more in the school environment. It can, however, result in these becoming tokenistic where views are gathered but the school doesn't do anything about the students' opinions leading to frustration and demotivation.

United Nations, 1989; Lundy, 2007)

In everyday practice children's rights can be embedded in schools in a variety of ways that influence the culture of a school. For instance, in Rights Respecting Schools, students may be involved in drafting class charters specifying the way they wish to be treated and the way they will treat others, connecting to the core values of respect and responsibility towards others. School staff may consistently employ rights-based language during behaviour management to help learners consider the effects of their behavior on the rights of others and rights become an integrated part of the day to day school experience rather than a topic in itself.

In order to achieve positive outcomes however, the approach needs to be applied consistently throughout the school and it has been found in some schools that not all teachers/departments were fully committed to a rights based approach, resulting in an uneven experience for learners. Similarly while pupil voice opportunities such as student councils or questionnaires enable participation, the degree of impact will vary. In some better examples learners will be able to see their input directly shape policy and decisions while in others decision-making processes would have already been established before the consultations had taken place.

There is also, within the context of Further Education, a move to offer more formal processes of representation and feedback so that the views of young people are represented within an institution and have a direct influence on the functioning of that institution. Through the establishment of student councils, focus groups and learner ambassador schemes within schools, young people can have opportunities to comment on teaching quality, facilities, services (including welfare and safeguarding) and other aspects of their learning experience. These frameworks attempt to facilitate participation rights by ensuring that young people have opportunities to influence elements of their learning environment in a concrete and meaningful manner. Furthermore, the policies of equality and diversity at colleges strive to prevent the discrimination of learners and promote equality within the student body, thus seeking to uphold the rights of all learners regardless of whether they are from vulnerable or minority groups. However, opportunities for participation cannot always be seen to have been made equally accessible, as some learners may feel less able to participate and less represented in formal structures.

(United Nations, 1989; Lundy, 2007)

Although there are so many policy areas that support children's rights in education there are many things that will prevent these rights from being actualised in reality. Perhaps the most frequently observed problem is the lack of training and understanding from staff. Whilst practitioners may be knowledgeable about the concepts of rights this doesn't necessarily

mean they can apply them to their practice effectively or regularly. Time pressures and workload also mean that children's right to participate is likely to take a lower priority when schools are heavily involved in assessment and academic results and priorities. The traditional concept of the power relationship between children and adults will also pose a barrier in learning and may mean that students do not feel heard and therefore children's participation becomes a token gesture. Not all students will be able to participate equally due to language, extra learning needs, or lack of confidence for example.

(United Nations, 1989; Lundy, 2007; James and Prout, 2015)

There are several useful strategies to promote the rights of children and young people in education. One of the most beneficial strategies is a whole-school or whole-college approach, where the school/college community are taught rights in relation to school policy, and rights become embedded in the culture, ethos and learning and teaching. When the whole school community constantly refer to their values and rights in relation to behaviour, policy and decisions about learners; the children and young people will gain a true sense of understanding in relation to their rights. Continued professional development opportunities for teachers need to be given where the teacher becomes familiar with the relevant legislation and how rights-based approaches can be implemented on a day-to-day basis. The teachers will gain confidence in supporting pupil voice and will know how to deal with the many questions the children and young people will be asking and how to approach the decision-making with them. When structured but genuine opportunities for children and young people to participate are given, such as school councils, learner forums and continuous feedback sessions the children and young people will have a greater opportunity to have their opinions listened to in decision making processes that involve them. These will help move the concept of participation from tokenistic towards genuine decision making within the school or college.

An additional key approach is that pupil voice is gathered and is not just gathered but taken and acted upon. Lack of action when learners are listened to will alienate children. Schools can further encourage such action by closing feedback loops by telling children what their contribution was used for. An element of committed leadership is needed as rights-based approaches tend to work best if they are embedded in the leadership of a school and are not just down to individual teachers, rather than "grass-roots implementation" (Lundy, 2007; UNICEF UK, 2024).

(United Nations, 1989; UNICEF UK, 2024; Lundy, 2007)

Overall there is a definite gap between policy and practice on the one hand there is a clearly defined and stated set of policies and a strong legal framework in place to guarantee the rights of children and young people in education; however, the gap between this ideal and day-to-day practice is clearly evident. While international policies such as the UNCRC and Welsh Government policies set clear guidelines regarding what constitutes participation and inclusion, the extent to which children and young people are able to exercise their rights in practice is largely dependent upon the school, the dedication of school leaders and their practitioners' interpretations of children's and young people's rights. This is evident as two learners in separate schools can receive a completely different level of participation despite working in the same country with the same policy. Linking policy to practice It seems evident that theoretical concepts such as Lundy's framework for participation, and sociological theories regarding childhood, have been incorporated into policy although not consistently delivered. This reconfirms that it is not simply enough to roll out rights-based programmes, but to embed, monitor and evaluate them to ensure that the desired positive outcome is experienced by learners and it does not merely become a tokenistic initiative.

The presence of children's rights is now a fundamental part of the ethos and implementation of modern education. It is championed by robust international and national policies and legislation such as the UNCRC and Welsh Government legislation, enabling a change in educational direction to focus more on a child-centred perspective of children not simply as learners, but as learners who participate, contributing and making decisions where relevant. Theories from Sociology and Psychology also contribute to a deeper understanding of rights-based approaches in education; particularly through their explanations of child development, agency and the role of social interaction in children's acquisition of knowledge surrounding rights. Despite abundant evidence to suggest that rights-based approaches can have significant positive effects on children's well-being, their levels of participation and their levels of engagement with learning, the success of these approaches lies in the effective manner in which they are applied to education as practices and challenges such as staff training, time constraints and unequal access to participation opportunities often inhibit success.

(United Nations, 1989; Welsh Government, 2022; Lundy, 2007; James and Prout, 2015)

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