

Respecting Children and Young Peoples Rights in Wales ECES4014

Assignment

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AI Acknowledgement

I acknowledge the use of Copilot on 01/07/26 to help decide on a layout and structure for my assignment and summarise articles so I could get the most out of articles and also proof read my work for spelling errors. I used the prompts:

- Please could you help to design a suitable layout based on my assignment brief.
- Please could you summarise this article and highlight the main points that they are trying to get across.
- Please could you proofread my work for any spelling errors.

I confirm that I have not presented any AI generated text as my own work. I confirm I have copies of my drafts, notes, and other resources I used before and after the use of AI tools which I may be asked to provide in evidence.

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

Children’s rights are a legally binding set of agreements which help to protect children and young people in Wales. These consist of civil, political, economic, social, and cultural rights that every single child in Wales has no matter who they are and their background (Children in Wales, 2026). These rights matter as they are put in place to protect children from any type of harm or discrimination that could come upon them. Some of these rights can include

and are not limited to, having the right to be safe, the right to access education, a right to be listened to and have their views expressed, a right to health and wellbeing, and so on. This essay will be looking into a Rights Based Approach, which is a framework which was designed to help educational settings e.g. schools and early years, embed children's human rights into their everyday lives according to the Children's Commissioner for Wales (2026). The key topics to be considered in this essay will be the theoretical framework and how policy and legislation comes into play, case studies of where these policies have either helped or not been used as they should, barriers which could prevent these rights from being used properly or properly put into practice and also effective strategies for educational settings to implement rights according to the correct legislation.

There are several theorists that have frameworks that link back to supporting children's rights. These would include Vygotsky, Bronfenbrenner and the UNCRC's "3 p's", which includes provision, protection and participation. This will be investigated in more detail in this section. Vygotsky's theory links to the UNCRC's article 12 which is the right for every child to be heard and article 29 which is how education should help to develop a child's personality and abilities. His theory links back to these articles as Vygotsky believed that children's learning is a 'social process' which means that children learn through interacting with others that are more knowledgeable than they are (McLeod, 2024). Vygotsky's theory, which talks about scaffolding tasks with children, shows that this respects a child's agency and helps to empower them to make their own decisions, which in turn is growing more independent children, according to McLeod, 2024.

According to Cherry (2024), Bronfenbrenner's theory has five different sections to it, these are: - microsystems, mesosystems, exosystems, macrosystems and chronosystems. Each aligns with the right of a child. Microsystems relate back to the UNCRC's article 28 which is a right to an education as schools must provide a supportive environment for children to learn. It also links to article 19 which is a right to be protected from harm. The next is mesosystems, which links to the right to have a child's views considered. Exosystems link back to how an outside source could affect a child's world; the ALN act 2018 would be linked with this as it helps to ensure that a child receives help from an outside agency. The Macrosystems include culture and values which would link up to the UNCRC's article 2, which is for a child to not be discriminated against due to cultural beliefs. Lastly chronosystems talk about the changes made to a child's life over time, this is linked to rights as all these rights that have been previously written about must be upheld throughout a child's life regardless of their situation (Cherry, 2024).

Next is going to be looking at legislation and policy and how certain policies support a rights-based approach and try to identify whether there are any gaps or limitations within these

rights. The first policy that is going to be looked at is the UNCRC 1989. According to Save the Children (2025) they explain how the UNCRC is the “most widely accepted human rights treaty in history”, this was adopted in 1989 and is upheld by 196 countries across the world. This policy has four main guiding principles that it follows which is: non-discrimination, which is Article 2, this helps make sure that every child has equal rights regardless of their family background and where they live. The next principle is the best interests of a child, which is article 3. This is there to make sure that every single decision being made for a child is there to prioritise their wellbeing. A right to life, survival and development is next which is article 6 and this is in place to ensure that every child has the right support in place to be able to reach their full potential. The last guiding principle of the UNCRC is respect for the views of the child, which is article 12, which is put in place to make sure that when a child expresses their views it will be listened to and taken seriously. The UNCRC was put in place to make sure that all children are looked after and cared for properly, it is also there to make sure that children have a right to education and the right to have a voice (Save the Children, 2025). From looking into this piece of legislation, it does not seem to have any gaps or limitations as it is the main framework that laws and education settings have to follow. It shows that it is a strong piece of legislation that is widely followed across the world.

The next piece of legislation that is going to be looked at is the Rights of Children and Young Persons (Wales) Measure 2011. This was put in place in 2011 to make sure that it gives Wales the legal power to be able to apply the UNCRC’s rights in any piece of law that is passed. Wales was the first country to embed the United Nations Convention of the rights of a Child into the domestic laws that would be passed. According to the Rights of Children and Young Persons (Wales) Measure 2011, this law is able to help the Welsh ministers be able to spread the awareness of children's rights to the public and professional workplaces, this also links into that fact that it is their duty to report very regularly on what work they are doing to meet the rights of a child. The limitations and gaps within this legislation is that it requires people to be continuously checking if the rights are up to date and are being followed when making new policies in the future.

The next is looking at the Children's Commissioner for Wales and the role they play and how they can help to uphold the rights of the UNCRC. The main role of the Children's Commissioner for Wales is to “safeguard and promote the rights and welfare of children” (Children's Commissioner for Wales, 2024). This is set from the Children's Commissioner for Wales Act 2001, which grants them monitoring and review powers. Some of these include; the power to review public bodies which means that the commissioner has the power to review policies, practises and enforcement when children are involved. The commissioner also has the power to be able to investigate individual cases if a child is not being treated correctly, this could be a result of other systems failing the child and the

commissioner stepping in would be the last resort. Another important role of the commissioner is that they offer a free and confidential advice service to families which will help to resolve issues involving the children and can point them to other services that they could access if needed. The limitations of the Children's commissioner would be that she cannot be involved with children's cases that have been involved in legal proceedings, and she can raise concerns to the Welsh government but is not able to directly act (Children's Commissioner for Wales, 2024).

According to Hwb (2024), the new curriculum for Wales 2022 has been put into place in order to help children become “ambitious, capable learners, enterprising, creative contributors, ethical, informed citizens and healthy, confident individuals”, these are also known as the four purposes. There are a few different ways in which the curriculum for Wales supports a rights-based approach and these are having a big emphasis on learner voice which matches up to article 12 of the UNCRC right to be heard. It focuses on the wellbeing and safety of the child which links to two articles, article 19 and 6, the rights to be protected from harm and the right to life, survival and development. The curriculum also focuses on cultural identity and diversity and holistic development which relates back to articles 30 and 31. Some of the barriers and limitations of the curriculum for Wales is that work doesn't stay the same consistently across classrooms as schools are able to design their own curriculums, this would mean that some schools would deeply follow the UNCRC rights whereas other schools just briefly look over them to minimally comply, but that is the extent of the implementation. This could also be due to the fact that schools may struggle with the rights-based approaches due to time issues or lack of funding for the staff (Hwb,2024).

The next piece of legislation that is going to be looked at is the Keeping Children Safe in Education 2023 policy. According to the Department for Education (2023), the main factor of this policy is there to keep children safe within an education setting. This means that all schools would need to focus on a child-centred approach which helps them to safeguard in the best interests of the child, this would also help educators to be able to pick up concerns regarding pupils at an early stage and make sure that they receive the correct interventions at an early stage. The things that the teachers would be able to pick up on is signs of abuse and neglect, they would then pass this knowledge on to the schools designated safeguarding leader. Another way in which schools could be able to follow this policy closely is by making sure that during the hiring process the DBS checks and background checks are very thorough as this policy helps to protect children from harm as a result of a teacher who is supposed to be a trusted adult. This related back to the UNCRC's policies as it helps the best interest of a child- article 3- and a right to be heard- article 12. The limitations of this policy would be that the safeguarding of children in schools differs depending on the school as they all have different types of training and some schools could possibly have a bigger

budget for constantly updating the training that teachers receive (Department for Education, 2023).

The next part of this essay is looking at real case studies of how a rights-based approach is used in education settings. The first case study that is going to be looked at is the Rights Respecting Schools Award. According to UNICEF UK (2024), the Rights Respecting Schools Award is a programme that it used within a whole school in order to thoroughly embed the UNCRC rights within a school. There are three different tiers to this award, which include Bronze which means rights committed, Silver which means rights aware or Gold which means rights aware. Now to look at how these rights-based approaches are embedded within school life. Firstly, schools are able to engage in the UNCRC's rights within their school ethos, which in turn helps staff and pupils to be able to use rights language constantly, rather than it being in one assembly and then forgotten about. This way it helps them to always remember most of the rights. This award also plays a massive part in making sure that children are involved and heard when it comes to the schools' new policies and also decisions being made about the school. This builds a respectful relationship between staff and pupils and also makes them more interested and aware of their own individual rights. The Rights Respecting Schools Award is a very effective way of making sure that schools are following rights-based approaches as the award is there as a constant reminder of the rights, children are also made to feel more safe, valued and respected as they know that their voices are being heard and their ideas are being brought up to school staff about changes with the education setting. This would also have a positive effect on the pupil's participation rates as it motivates them to do better in school. It also aligns with the Welsh policies (UNICEF UK, 2024).

The next case study is looking at Bridgend College's Equity, Diversity and Inclusion policy. According to Bridgend College (2026), the college has a policy on diversity and inclusion, it is going to be looked at and see how this policy links back to right-based education. Bridgend college has a very diverse range of pupils from many different backgrounds; this means that they would have to put effective policies in place in order to support all types of students on their campus. They operate within the guidelines set out by the government which looks at emphasising the rights, participation rates and equality. This colleges policy follows articles 2, 19 and 12 of the United Nations Convention on the Rights of the child. These articles are the commitment to not being discriminative towards other pupils, the right to an environment that is safe from bullying and harassment and also the right to have views in decision making. There could be said that there are a few limitations within Bridgend Colleges policy, as they are not all going to be perfect, the limitations would be that they have a strong policy put in place but it would have varied effectiveness across the school as different members of staff would implement it in different ways. Another limitation could be

that having a rights-based policy within a school requires constant staff training, this would mean that due to the budgets in school they might now have consistently updated policies and training, which in turn would lead to lower staff confidence in dealing with equality and diversity practises (Bridgend College, 2026).

The extent of rights-based policies that is being embedded within schools and other educational settings vary which could lead to some common barriers which would affect the implementation of these rights previously spoken about within this essay. Some of these have already been mentioned previously but the main barriers that would prevent the educational settings from implementing these properly would be that there is a lack of staff training across the board which could be due to time pressures, curriculum demands or even lack of budget within the schools to cover this type of training. Another main barrier is the how inconsistently rights are applied across the region within schools, with some schools heavily applying it and others just doing it enough to tick a box. All these barriers would affect the children one way or another as they might not be protected enough or even know that they have rights, especially those children with additional learning needs that do not understand about rights. Educators need to teach about rights more often so that children are made aware of the rights that they do have and that they are able to speak about what is and isn't right and help to make changes within the schools that they attend.

According to the Children's Commissioner for Wales (2024), there are a few strategies that schools and other educational settings can apply to ensure that a rights-based approach is being used. These are embedding the rights within school life, for example, making the rights visible in classrooms for the children to see and they can ask questions about their rights. Schools could also train staff to use the rights-based approaches and also hold assemblies for the children about their rights. Schools could also help coach children to use their rights, for example they could show them that they have a voice and are able to engage and join in with decisions that are made about the school and their day-to-day educational life, this is helping to show that their rights are not just there to be looked at on a poster but are being applied and giving them freedom and a voice to use them whenever they see fit (Children's Commissioner for Wales, 2024)

To conclude, after looking at all of these sources, it is clear to see that schools and other educational settings are trying to work hard to implement the UNCRC and the rights-based approach into their curriculums even though there are many different barriers that are faced whilst doing this, lack of staff training and funding for an example. Schools need to be continuously coached on how to implement these rights in order for the children to grow up into strong and capable learners with the knowledge to raise issues about their own lives when necessary.

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