

Briefing Paper

Introduction

The United Nations Convention on the Rights of the Child (UNCRC) includes all the rights that children have, this is to protect children from all possible harm and to give them the best opportunities in living a fulfilled life with good experiences that enhance their lives (Unicef, no date).

After world war two children's rights started coming into place because a lot of children were left without parents; thus, resulting in children being looked after by someone else (BICE, 2014). Furthermore, BICE (2014) also discusses that as rights for children continued in importance, in 1989 the Convention on the Rights of the Child (CRC) was adopted by the United Nations. The Rights of Children and Young Persons (Wales) Measure 2011 ensures that all children are entitled to all the rights in the UNCRC and are treated equally with the same opportunities as other children (Legislation, 2011).

Article 3

This right involves adults working together to ensure that the best interests of the child are considered, this involves asking the child what they want, and their opinion is to be considered unless it causes further harm to the child (Children's Commissioner for Wales, 2020).

Bronfenbrenner's ecological theory, shows that working together with agencies, parents and children ensures that children are given efficient opportunities and support because everyone can communicate concerns, they have which can help with identifying issues sooner than what it would be if only one person were identifying difficulties that the child has (Härkönen, 2001). The Foundation Phase understands the importance of Bronfenbrenner's theory and emphasises the responsibility of practitioners to work in partnership with everyone within a child's life, because they can express concerns for the child and practitioners can help support the parent in providing their child with learning opportunities at home (Welsh Government, 2015).

The Children Act 1989, ensures that children's wishes are considered when big decisions are made for them, this is to ensure that the child is more comfortable with decisions that are made, an example is if a child were to go into a foster home, they may prefer to stay with their gran instead which would be made a priority because the needs of the child is a considered a high priority (Legislation, 1989).

Article 12

This article ensures that children's voice and opinions are to be considered, which links in with article 3 because when making decisions, the child's best interests and opinions should be considered high priority as it is their life that will be affected (Unicef, no date).

The Foundation Phase states that it is important to involve children in planning and ensure that activities that take place are interesting to ever child, because it encourages them to participate thus enabling their development to be enhanced because they are becoming lost in the activity and allows for more possibilities and outcomes to be involved (Welsh Government, 2015). The new framework Successful Futures which should become integrated within settings in 2020, encourages children's participation in planning more as it believes that children should be asked what they want to do, because not only does it encourage participation therefore development, but it also allows for the child to feel like they are a part of the setting which can make them more comfortable and allow for children to settle in easier (Donaldson, 2015).

The Children's Act 2004 discusses that the Children Commissioner for Wales created the act because children should be encouraged to make their own decisions in their life because they should be allowed to develop their own future, however it also discusses that through making their own decisions practitioners should encourage this and support them in achieving their wishes (Legislation, 2004). This act extends on the Children's Act 1989, because the Children's Act 1989 focused more on children's opinions being considered on more bigger life changing decisions, rather than their education (Legislation, 1989).

However, within article 12 is also states that safeguarding issues will be the only reason that their decisions will not be considered because safeguarding children is a practitioner's responsibility and if they do not fulfill their duty then children's safety could be put at risk (NSPCC Learning, 2020).

Article 23

This right enables all children who have a disability, to be given special education where needed and to be provided with the same opportunities as any other child (Unicef, no date). Furthermore, Children's Commision for Wales (2020) also state that this right applies to settings as they should ensure they conduct observations to recognise possible difficulties at an early stage, to be able to put support in place at an early stage.

Miller (2011) states the recognition of support needed, as understand by the Zone of Proximal Development from Vygotsky, ensures that children can be provided with the support they need to thrive and be able to have the opportunities needed thus allowing them to achieve the same milestones as every other child, regardless of impairments. The Foundation Phase ensures the implementation of Vygotsky's theory within the curriculum by ensuring that all children are given equal opportunities and that observations are continually taken, which promotes the early identification of underlying conditions or difficulties that the child has (Welsh Government, 2015). Additionally, the Foundation Phase ensures that early intervention protocols take place in accordance with policies that settings must have regarding what must be done when there are possible indications that a child may have these underlying issues (Welsh Government, 2015).

According to NSPCC Learning (2020) The Special Educational Needs and Disability Act 2001, enables settings to be provided with the training that is necessary to ensure there is support for children who have special education needs (SEN) or disabilities, which ensures that children can be given opportunities to participate in all activities within settings and to ensure that the correct resources are provided to settings. However, there is a new act which is the Additional Learning Needs and Education Tribunal (Wales) Act 2018, this will be implemented in September 2020 and is to ensure that not only do children with disabilities get this support, but all children who have a difficulty regardless of the extent, will still be provided with the necessary support, testing and resources that they need (Legislation, 2018).

The Care Act 2014, ensures that resources that parents may need outside of the setting can be funded if they are unable to fund them themselves, and it provides additional support for parents and children where needed (Hft, no date). Additionally, it also ensures that the child and the parents can become part of their community and it promotes equality across every individual.

Article 31

This right involves children's right to 'play and rest' throughout their entire childhood, whether it is in a setting or when they are at home (Children's Commissioner for Wales, 2020).

The Foundation Phase Curriculum, emphasise the importance of "access to play, leisure, sporting and cultural activities" because they believe that children learn more efficiently through play due to the understanding of play theories and their benefits (Welsh Government, 2015). NiCurriculum (no date) states the Foundation Phase also includes, planning short term and long term which is weekly, termly and yearly, and they believe that within settings there should be inclusion of mostly play activities because they can focus on a child's holistic development rather than only focusing on certain areas.

Montessori (1992) also believed in hands-on, natural experiences because they enable children to understand the world around them, because of this there is a Montessori school which is completely child initiated and the only role of the practitioner is to facilitate children's development through providing support when a child asks for it (Living Spring Montessori, 2019: Montessori Northwest, no date).

Observation like the baseline assessment, which conducted within the Curriculum are also enforced in conduction during play (Welsh Government, 2015) as to not impact children's outcomes. According to Ultanir (2012) this is because theorists like Piaget and Montessori believed that if they are not conducted during play, children become nervous and stressed because they feel like they are being judged, whereas children become lost in play causing them to show a true representation of their development.

To promote the Children and Families (Wales) Measure 2010, a statutory guidance in 2014 was created, which understands the play sufficiency assessments and enables children to have a large range of play opportunities outside of settings by increasing the amount of recreational activities available to children across Wales (Welsh Government, 2014).

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