

## Welsh Legislation and Policy: An analysis of young children's participative rights in education

The remit of this research was to gain a deeper understanding of the extent to which young children's participative rights are reflected within education related legislation and policy in Wales.

**Definition of 'participative rights':** *the entitlement of a child to be involved in decision making within and about their education. This is based on, but not limited to, Article 12 of the United Nations Convention of the Rights of the Child.*

[Click here to see the published research and the documents included in the review](#)

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The research analysed a selection of Welsh legislation, policy, reviews and evaluations relevant to young children's education from 1999–2023.

We used [Cardno's \(2018\)](#) policy analysis approach to examine the documents for the inclusion or absence of references to:

- the UNCRC and Article 12,
- participation and participative rights, and
- voice of the child.

We considered to what extent documents included further details around children's participative rights, and explanations of how they might be enacted in classrooms in Wales. Following the review we used the [UN framework of Human Rights Education \(2011\)](#) to examine whether the documents reflected education:

- **'about'** human rights – developing knowledge and understanding.
- **'for'** human rights – using rights respecting pedagogies
- **'through'** human rights – transformative education for active citizenship.

## Findings

- Many post-devolution legislative provisions did not explicitly refer to the UNCRC or to children's participative rights, but their intended effects are wholly supportive of the implementation of children's participative rights.
- Although some Welsh legislation introduces requirements to know about and have due regard to children's rights, there is a lack of detail on what this means in practice.
- The majority of relevant policy documents analysed had no inclusion of information 'about', 'through' or 'for' human rights.
- A small number of policies prior to the Curriculum for Wales (2021) reflected education 'about' and 'through' human rights but the Curriculum for Wales (2021) was the first significant policy to fully reflect education 'about', 'through' and 'for' human rights.
- The Curriculum and Assessment Act (2021) embeds the UN framework of HRE as a cross-cutting theme for curriculum development in Wales and reflects a strong commitment to children's participative rights.

## Recommendations

In order to better support young children's participative rights in Welsh policy we suggest the following:

- 1) **Future education policy in Wales should continue to account for children's participative rights.** Ongoing critical analysis of the enactment of children's participative rights in schools is needed to maintain this commitment.
- 2) **Children should be recognised as active rights holders in the 'now' in all future legislation and policy in Wales.** All children, including young and marginalised children, should be seen as capable and competent in expressing their wishes and feelings. They can be supported to participate in decision making in all aspects of their lives.
- 3) **Education policy should consider the 'how' of children's participative rights.** Practical guidance is needed to support teachers, school leaders and teacher educators in their responsibilities of enacting education about, through and for human rights throughout the curriculum.