An Exploration of the Conceptualisation and Enactment of Children's Rights in the Curriculum for Wales

Sarah Jayne Popham Stewart MA (Ed), PGCE, BA (Hons), SFHEA

Supervised by: Dr Sioned Hughes and Dr Susan Jones

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Declaration

This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.

Signed: (candidate)

Date: 21/07/2023

STATEMENT 1

This thesis is the result of my own investigations, except where otherwise stated. Where correction services have been used the extent and nature of the correction is clearly marked in a footnote(s). Other sources are acknowledged by footnotes giving explicit references. A bibliography is appended.

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STATEMENT 2

I hereby give consent for my thesis, if accepted, to be available for deposit in the University's digital repository.

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Acknowledgments

Abstract

This research explored teachers' conceptualisation and enactment of children's rights in the Curriculum for Wales which commenced in schools from September 2022. Literature from a multidisciplinary field exploring children's rights has mostly focused on constructs of the child and childhood or critically analysing the United Nations Convention on the Rights of the Child as the main vehicle for children's rights enactment. Whilst teachers are identified by the United Nations as key duty-bearers of the convention, there is little empirical research about how teachers' knowledge, attitudes and behaviours may inform teachers' conceptualisation of rights-enactment in practice and the role of curriculum as a means of systematic implementation of rights. Four purposes, claimed to be underpinned by rights, drive a vision for the Welsh learner. To date, guidance for teachers in Wales has focused on the purpose-led nature and legal duties relating to rights with little in-depth consideration of contemporary debate about the need for a new pedagogical vision of teacher enactment of rights. This qualitative case study of the Curriculum for Wales considers the topic of children's right within the case by different duty-bearers. To address the gap in existing empirical research, primary data generated through analysis of statutory curriculum materials, sixty teacher questionnaires and three online interviews, offers reflexive analysis of government policy, the curriculum framework and teachers' conceptualisation of practice. Findings challenge existing notions about teacher conceptualisations of children's agency and the adult-child power dynamic which shapes pedagogic practices and underpins realisation of a purpose-led curriculum. Drawing on a Foucauldian theoretical framework led to significant insights for practitioners about rights-enactment, highlighting enablers and emergent risks to children's opportunities to understand, claim and experience their rights in the school context. It provides implications for policy makers about current teacher enactment of rights in the context of the early implementation phase of new rights-based curricula and makes an important contribution to the international debate on the purpose, value and enactment of human rights education in schools.

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List of Abbreviations

BERA	British Educational Research Association
CERIC	Charter for Educational Research Involving Children
ECHR	European Convention of Human Rights
OECD	Organisation for Economic Cooperation and Development
RTA	Reflexive Thematic Analysis
UK	United Kingdom
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations International Children's Emergency Fund
USA	United States of America
UWTSD	University of Wales Trinity St David

Chapter 1: Introduction

1.1 Context and Scope of the Research

Over the last century, there has been a noticeable shift in society's attitudes and behaviours towards children, and a consequent re-conceptualisation of the position of the child in relation to the adult (Prout, 2005; Shier, 2018). After the terrible atrocities of world wars, there has been a drive to recognise the dignity of human life and to define clear boundaries around the concept of human rights (Howe and Covell, 2021) and more recently, to articulate rights for designated groups such as children or people who have a disability (Murphy and Waters-Davies, 2021; United Nations International Children's Fund (UNICEF) 2022). These particular social changes intersect with the topic which is described in this thesis as children's rights. Through the inception and implementation of the United Nations Convention on the Rights of the Child (UNCRC) in 1990 there has been a global recognition from one hundred and ninety-six of the one hundred and ninety-seven United Nations signatory countries and their governments, through their adoption of the UNCRC, that children's rights need to be enshrined within law and policy (UNICEF, 2022). Such is the case in Wales, which is the geographic focus of this research, where a model of children's 'unconditional and universal rights, rooted in… citizenship' (Butler and Drakeford, 2013, p. 12) has been embedded across law and policy in relation to children and young people. However, their fulfilment is complex and challenging (Fitzpatrick, 2013) and as Nutbrown (2019) argues, the reality of putting such rights into practice often lies with individual practitioners in Wales such as teachers.

It was this personal sense of responsibility from my own teaching practice which shaped and informed my choice of this study. I was influenced by examples from my own practice, both as a teacher and later as a teacher educator. I reflected on the tensions I felt as a school-teacher in enacting school policies which I did not feel supported children's rights or respected their position as fully autonomous human beings. For example, one policy stated that children should not remove their uniform blazers until May. One warm April, I found myself complicit in 'permitting' children to take off their blazers whilst warning that the appearance of senior leaders would require them to put them on again. At other times, I was struck in my role as teacher-educator by the deep convictions held by teachers about the

need to develop children holistically, whilst the same teachers also expressed doubts about children's competence and autonomy and the emphasis on the need by adults to protect children. This would play out in a myriad of ways – from a reluctance to engage in certain topics, to whether children were allowed to use the toilet or have a drink when they needed. As a practitioner, these were all too common daily tensions and I reflected that much of my response was driven by my own values and beliefs about the children I supported and what felt permissible to me as a practitioner within the school environment.

This thesis focuses on teachers' understanding of the enactment of rights within the specific context of Welsh education and is occupied therefore with the role of the teacher as a practitioner and consequent implementor of children's rights in Wales. This is also explored within the wider context of curriculum reform in Wales and the introduction of a new school curriculum which promotes four purposes as the basis of education in schools in Wales and which states that it places children's rights at its heart (Welsh Government, 2020a). The Curriculum for Wales is a key vehicle for the shaping of teachers' practice (Powers, Newton and Taylor, 2020) yet little is yet known about how teachers in Wales conceptualise their enactment of rights within the context of the newly introduced curriculum. This study makes an important contribution towards new knowledge about teachers as they re-shape their practice in the early stages of curriculum reform.

Drawing on my former roles as a secondary English school teacher, a university lecturer in education in the field of children's rights and now teacher educator, I was interested in the theory, policy and practice of children's rights in schools. This interest was based on my observations within schools in which I taught or had the privilege of observing within as a teacher educator, in addition to my review of the literature as part of my scholarship as a higher education educator. It seemed possible that there were inconsistencies or gaps between theoretical and policy approaches and the practice of teachers. The Curriculum for Wales framework was introduced for phased commencement in all Welsh primary and secondary state schools in Wales between September 2022 and 2023. There was limited research into the role that the curriculum would play in shaping teachers' practice in Wales specifically in relation to rights. The issue of children's human rights as enacted in the school setting became a matter of professional curiosity which Thomas (2017) argues is a good basis for deciding a research area.

The aim of this research is to:

- Explore the conceptualisation of children's rights including those drawn from legal, modernist, sociological discourses from academic theory and Welsh educational policy
- Investigate and critically analyse the role of children's rights within the Curriculum for Wales as outlined in curriculum guidance
- Explore teachers in Wales's conceptualisations and perceived enactment of children's rights within their practice in relation to the curriculum.

In doing so, I aim to make an important original contribution through the generation of new empirical data which explores the Curriculum for Wales as a systematic vehicle for the implementation of rights and the intended enactment of the vision of rights in the curriculum by teachers. The study is located within the context of the Welsh education system, partly due to my own interest in this education system (being the one with which I am most familiar) but mostly because its policymakers have widely claimed Wales's position at the forefront of the children's rights agenda (Welsh Government, 2011; 2015; 2019; 2022) - see 1.5 for further detail. This thesis therefore offers a valuable contribution in critically evaluating this claim.

1.2 Significance of the Study

This thesis argues that in recent years, there are some conceptual gaps between theory and the understanding of children's rights by those who are duty bearers, but that the reasons to explain this specifically and within the Welsh context are not yet clear. There is limited empirical research relating to the enactment of children's rights in schools in Wales in particular, despite a clear legislative and policy approach to embedding rights (Croke, Dale, Dunhill and Roberts, 2021). This research aims to contribute to these significant gaps in the knowledge in this area and add new, previously little understood knowledge and understanding to this discourse. By identifying the possible divides between theoretical and practice conceptualisations of rights, this research sought to explore the claims made in literature about a theory-practice gap in teachers' practice and specifically within the context of practice in Wales. It will also consider the implications of this for implementation of the

new curriculum, offering a development on work previously undertaken, and contributing to international debate about children's human rights education and the role of curricula.

I argue that any such policy-practice gap would be an important issue facing the Welsh education system at present, as it undergoes one of its most significant periods of reform since the introduction of the National Curriculum in 1988. Donaldson's (2015) review *Successful Futures* set out a blueprint for a new Curriculum for Wales which, I argue is underpinned by several of the principles and values of children's rights discourse. Consequently, understanding teachers' conceptualisations of children's rights in their practice will become increasingly important during this early implementation phase.

The purpose of the research was therefore to explore children's rights within the new Curriculum for Wales framework, to identify previously unknown teachers' views on their practice in relation to this and to consider the extent of alignment between areas of children's rights theory (within a multi-disciplinary academic discourse), Welsh Government policy and teachers' practice to identify important insights for practitioners and policy makers. From this, the research outcomes lead to recommendations for ongoing curriculum development and enactment.

To do this, in addition to a review of academic theoretical literature, this study sought to gather evidence in relation to three key research questions:

- RQ1: How does Welsh Government policy relating to children and young people conceptualise children's rights?
- RQ2: How is children's rights conceptualised in the Curriculum for Wales 2022?
- RQ3: How do practising teachers in Wales conceptualise their practice in relation to children's rights and within the new Curriculum for Wales?

In doing so, it aimed to address the over-arching question: question *'How are children's rights conceptualised in the Curriculum for Wales and enacted by schoolteachers?'*

Children's rights are a contemporary and sometimes controversial topic and within both school and family settings, often linked to children's behaviour (Shier, 2018). It is certainly complex, with intersectionality with many other rights movements (for example, rights for women; civil rights) (Hanson and Peleg, 2020). Whilst most people will openly share a

commitment to rights, there is rarely a true consensus to be found in the extent or prioritisation of rights. The field of rights itself is a 'morally sensitive domain… [with] competing, normative and ideological perspectives' (Hanson, 2012, p. 63). It is important to note at the outset of this thesis therefore that there are several key ideological perspectives which have been explicitly adopted and shape my thinking as a researcher and practitioner.

1.3. Theoretical Framing of the Study

The first key ideological premise I hold is a view of the child as a competent, active, agentic being (Prout, 2005; Reynaert, 2009; Waters-Davies and MacDonald, 2022) – that is, this research conceptualises the child as a fully autonomous person. In this thesis, a 'child' is defined in accordance with the UNCRC's measure, as a person under the age of eighteen, which is the legal age of attaining adult status in Wales (Welsh Government, 2019). The terms 'child' and 'children' will also be used to encompass 'young person' or 'young people'. Second, that whilst children may need support, guidance and development to lead their eventual adult lives, they are at all stages of their life already human beings, even when very young (Jerome and Starkey, 2022; Waters-Davies and MacDonald, 2022). Their rights to equality, respect and dignity come from their status as a human being, not their age. The third derives from critical theory ideology. In considering how the new curriculum conceptualises children's rights, I am taking a particular stance around the nature of the concept of 'curriculum' as inescapably political. It represents an ideological selection of knowledge, emanating from powerful groups in society and often protecting the interest of dominant groups (Cohen, Manion and Morrison, 2011). Jerome and Starkey (2022) highlight the period of childhood and the context of the school setting as formidable social structures within which children must negotiate their sense of agency. My interest in conducting this research therefore had a strong emancipatory interest through a desire to explore and surface possible ideologies at work within the Curriculum for Wales framework.

In addition to exploring the conceptualisation of children's rights in the curriculum, this research also explored the conceptualisations and ideological beliefs of those who play a key role in bringing children's rights alive through enactment – the teachers. This is because schools are one of the few systematic ways in which most children can be reached (Howe and Covell, 2021) and where teachers' actions will influence how children grow as a subject of

rights (Isenström, 2020). In this, I take the position that teachers and pupils can take control of their own lives for a collective, egalitarian good and that by enacting rights through the new curriculum, teachers can transform the experiences of the children in their school and have the power to amplify their pupils' voices and help them to articulate their lived experiences of, what for children is often 'oppression, being silenced, of having their cultures and voices excluded from curricula and decision making' (Cohen, Manion and Morrison, 2011, p. 37). However, whilst my premise assumes that a curriculum (in a general sense) can achieve these things, this research set out to explore the extent to which the Curriculum for Wales framework, its four purposes and promotion of a human rights education approach explicitly or implicitly addressed this claimed potential (Tyrie, Water-Davies, Chicken and Clement, 2022). Through exploring teachers' views, this research considered what this might look like in practice as teachers' theorisations of human rights education and the form it takes in schools in Wales is not well known (Robinson, Phillips and Quennerstedt, 2020; Tyrie *et al.* 2022).

This research draws on key Foucauldian theories relating to power, knowledge, discourse and governmentality to form the over-arching theoretical framework for the study and also provides a possible illuminating focus and structure for the data analysis and findings. Foucault was a French philosopher whose multi-disciplinary works explored concepts such as the relationship between power and knowledge and how this suffuses social control within institutions (Ball, 2010). In this study, such ideas are helpful in exploring the influences which may affect a teacher's approach to children's rights within their school settings.

The conceptual construction of the child as considered from a social, historical and political perspective as well as adult concepts of the identity of a child is fundamental to postmodern theory (Janzen, 2008). Constructions of the child change over time and produce the discourse of children's rights (Waters-Davies and MacDonald, 2022) but implicit within this is an understanding that there is no single truth but a complex multiplicity of views (Janzen, 2008). In considering the points at which such changes in thinking occur, Foucault's concepts of genealogy are helpful and by offering it as a method (Foucault, 1969) has influenced the way in which I approached the literature review. I sought to identify the points of 'discontinuity' (Foucault, 1969, p. 24) within the historical development of thinking within children's rights,

and also to acknowledge a multiplicity of views through considering rights across different areas of discourse.

In considering the theoretical framework of this research, Boronski and Hassan (2015) suggest (in their book synthesising critical theory in education) that there is often a tension in the adult-child power dynamic within the structures inherent to school systems (Boronski and Hassan, 2015, p. 13). This includes seeking to empower those without a voice – in this case, children (Mayall, 2000). In a post-enlightenment age, Boronski and Hassan (2015) argue that, through the lens of critical theory, the reconceptualisation of childhood inherent in children's rights discourse shifts the way we might view some of the institutions of childhood (Prout, 2005; Boronski and Hassan, 2015). It is possible to understand the role of schools as a mechanism of control, which starts with children, but becomes means of shaping the population as a whole:

> The reconceptualisation of childhood is a powerful discourse that marks a shift from the need to protect (Aries, 1962) in the family, to the need to control and maintain surveillance in the school (Gore, 1998), including the indirect supervision of parents (Foucault, 1986) and society as a whole.

(Boronski and Hassan, 2015, p. 178)

In its simplest definition, genealogy means a specific history of a concept which appears to be a unified and cohesive set of truths. However, Foucault's interest lay in the points at which such unified discourses appear to change and fracture, with historical truths as a set of perspectives rooted in the times and contexts in which they were developed (Foucault, 1969). This becomes the shaping narrative or, in Foucauldian terms, discourse, which is taken to mean that which is more than simply ways of thinking, or producing meaning, but rather how the unconscious and conscious mind and emotional life of the subjects – in this case teachers - governs their practice in relation to children (Foucault, 1969; Kendall and Wickham, 1999). Foucault (1969) argues that we must:

> question these ready-made syntheses, those groupings that we normally accept before any examination, those links whose validity is recognised from the outset…[and] accept, in the name of methodological rigour, that, in the first instance, they concern only a population of dispersed events.

(Foucault, 1969, p. 22)

Doherty (2007) notes that the concept of genealogy can also be particularly helpful when considering policy documentation. In research question one, I sought to identify how children's rights are conceptualised within Welsh Government policy. In this, I adopt documen

So, in this study, I move from considering conceptualisations in policy in research question one to how it is conceptualised in curriculum guidance in research question two, to help identify a) possible discontinuities and b) how policy concepts begin to be framed in the operational guidance of the curriculum. This further supports the focus of research question three, which is to explore teachers' perspectives of how they enact curriculum policy.

Policy makers may assume a homogenous and uniform approach to enactment of policy intent, but the view by Perryman, Ball, Brown and Maguire (2017) below recognises the way in which teachers translate policy in a multiplicity of ways. Ball, Maguire, Braun and Hoskins' (2011) conceptualise a possible role for teachers as policy translators, which in later work, they note that the act of translation becomes:

> a process of invention and compliance. As teachers engage with policy and bring their creativity to bear on its enactment, they are also captured by it, they change it, in some ways, and it changes them.

<div style="text-align: right">(Perryman et al. 2017, p. 745)</div>

Teachers' enactment within the school setting becomes a 'micro apparatus of government' (Niesche, 2015, p. 135). That is, the teacher themselves becomes the conduit for shaping the conduct required by those whom they subject to power – the children. This can be considered either positively (in the case that government policy is viewed favourably) or negatively (in which case teachers may become a tool of oppression (Freire, 1970). To support this act of translation, Foucault (1969) advocates for a method which aims to 'reconstitute another discourse' (Foucault, 1969, p. 26) and which asks:

> according to what rules has a particular statement been made, and consequently according to what rules could other similar statements be made? The description of the events of discourse poses quite a different question: how is it that one particular statement appeared rather than another?

<div style="text-align: right">(Foucault, 1969, p. 27)</div>

Such an approach seems to speak to criticisms from Tobin (2013) and Jerome (2016), which I explore in the literature review, that teachers may insufficiently question the theoretical and

conceptual underpinnings of children's rights but it also prompts the question why some views (such as the sociological view of childhood) may be privileged in discourse over other views (such as the protectionism advocated by writers such as Guggenheim (2015) which focuses on protecting children from possible harm above all other rights) and how these views in turn affect policy and then implementation. Inherent within the view of Perryman *et al.* (2017) is the teacher as one who is both a subject of power and who subjects others (children) to power practices (Niesche, 2015). To explore this interrelation, I considered Foucault's concepts of discipline and power and their inextricable link (Foucault, 1980). Discipline refers to the mechanisms of power which regulates the behaviour of individuals within a social body – so in the context of this study, I am interested in how concepts of power regulate the behaviours of teachers in schools.

Of power, Foucault (1977) says:

> Power is exercised rather than possessed; it is not the 'privilege' acquired or preserved of the dominant class, but the overall effect of its strategic positions – an effect that is manifested and sometimes extended by the position of those who are dominated. Furthermore, this power is not exercised simply as an obligation or a prohibition on those who 'do not have it'; it invests them, is transmitted by them and through them; it exerts pressure upon them just as they themselves, in their struggle against it, resist the grip it has on them.

> (Foucault, 1977, p. 27)

The concept of (children's) rights can therefore be seen as a mechanism which supports the defence and privileging of a rights discourse – yet the structures and culture of the school setting establishes certain knowledge and practices in relation to rights as permissible or desirable – hence this knowledge is itself inextricably linked to power. Power is not an object but a relation – it can repress and it can reproduce – it does not belong to the social context (in this case, the state, or the school as an extension of the state) but rather is exercised through the social body (in this case, the teachers) (Kendall and Wickham, 1999). It is also possible to view the concept of children's participation, another key concept explored within the literature review, particularly within schools as an institution of state, through this lens. It may be considered as an extension of the way in which power is also exercised by children as subjects (Raby, 2014). The teacher and pupil both participate in the construction of their own 'subject positions' (Alcoff, 1991, p. 9). Children's rights discourses may promote

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recognition of children's agency, support an assumption of the validity of their views and view children's decision making in a positive light (Waters-Davies and MacDonald, 2022). The enactment of children's rights in society and in school may be viewed as a means of promoting social justice and to enhance children's democratic skills (Raby, 2014). Children are not 'puppets in a system' (Cohen, Manion and Morrison, 2018, p. 25) and children's rights are promoted due to beneficial outcomes (Covell and Howe, 2005; Jerome, 2016). In this thesis, I argue that both within Wales and beyond (particularly the United Kingdom and other global north countries), the UNCRC is positioned as the central defining mechanism for the construction and experience of children's rights in school discourse (Lundy, 2012). This shapes the discourse of rights, and conceptualisations of rights become inextricably linked with those inherent in the UNCRC. These concepts become the boundaries of the definition of children's rights within the school context and provide the context for how teachers should act and how they ought to encourage children to act. Through enactment by teachers and participation by pupils, the disciplinary power (Foucault, 2007) of the UNCRC encourages individuals to 'behave in the now socially appropriate ways without external, coercive power' (Doherty, 2007, p. 195). There is no requirement for more explicit power-forces (such as legislation) because it becomes viewed as the normal approach to children's rights, with all other approaches rendered inappropriate or excluded (Foucault, 2007).

Foucault (1977) argues that it is through social enactment that such concepts become powerful. In turn, it becomes a means of governing in which the subjects embrace their own governance. In his later works, Foucault extends his interest in the concept of power exercised through the social body to consider the relations in and between social institutions and how individuals upon whom power is exercised self-govern their own conduct (Foucault, 2007). He applies this to the context of government and the rationalities expressed as a means by which to exercise power – governmentality – and looks to explore the way conduct is itself conducted (Foucault, 2007). Schools can be considered a location in which the operation of government can be found, and teachers' enactment of policy in their practice, can be considered as the way in which teachers form 'the constitution of self [and] the configuration of the subject under the action of government' (Doherty, 2007, p. 195). As enactors of the curriculum and policy, teachers are both subjects of power, but also subject others (pupils) to power practices - all of which is located within the setting of the school and its structures and

cultures through which power is also diffused (Doherty, 2007; Niesche, 2015). The policies on which schools and teachers draw on are defined as 'a statement of government intentions. It is purposeful, directed towards a problem, need or aspiration, specifying principles and actions designed to bring about desired goals' (Doherty, 2007, p. 198). In this view, policy is an expression of both political rationality, but also political power. This power can be either positive or negative depending on the subject's viewpoint about the resulting actions. Ideas within government policy may be considered beneficial to society and policy enactment of children's rights could be viewed as a politically neutral, altruistic and benign act of government expressed intentions (Ball, 2010).

Others, however, offer an alternative application of Foucault's ideas. Alcoff (1991) argues that if you treat this as a discursive situation - a discourse which is shaped definitively by an external influence - it can render visible a loss of control by the practitioner over their own praxis. In this case, teachers may argue that their enactment of rights is that which is expected of the UNCRC framework. After all, the degree or extent to which an article is fulfilled in practice may differ. For example, a teacher can claim participative approaches without exploring the different conceptualisations of what effective participation for children in school might look like in practice (Tyrie *et al*. 2022). As a result, this may be interpreted by some to mean no one can 'be held accountable for their discursive actions' (Alcoff, 1991, p. 20). When applied to the idea of the UNCRC as the sole conceptual framework for children's rights, and when linked to the curriculum's four purposes (which are underpinned by rights), it becomes a self-governing model of rights-practice in schools. However, there is a risk that other possibilities and thinking about rights is consequently excluded (Raby, 2014).

Raby (2014) links this to a neo-liberal governance model characterised by a focus on independent agency and individualism. Raby's (2014) view positions the child's participation in claiming their rights as a deepening of subjugation and complicity using it as a technique to 'internalise disciplinary aims and shape [children] in accordance with expected social norms' (Raby, 2014, p. 81), since the types of rights and the ways in which they are claimed by children are already set out within the adult regulated framework. It is possible to reflect on the focus of the new curriculum as set out in its four purposes which are intended to drive the entire curriculum framework and consider whether the views of active citizenship and adjectives such as informed, ambitious, enterprising, confident individuals can be viewed

within this neo-liberal governmentality context. This discourse of the child is translated by teachers' enactment as 'practices that systematically form the objects of which they speak' (Foucault, 1977, p. 49). The discourse itself becomes an instrument of power whilst simultaneously the subject (child) becomes responsible for their own production (Perryman *et al.* 2017). Likewise, the teacher, themselves a subject of the power of the discourse of curriculum policy may locate themselves as enactors of rights as 'ethical subjects; governed by self-reflection' (Perryman *et al.* 2107, p. 746) as without this reflection they may miss 'the unforeseen complexities and hierarchies of institutional processes as they attempt to produce free individuals, who govern themselves' and in the process mask the structural inequalities within school hierarchies of adult-child power dynamics (Raby, 2014, p. 88).

By adopting a Foucauldian lens to this research, it brings to light the ways in which challenges to the power dynamic of adults and children can be seen by some to erode the fabric of wider mechanisms of societal control. Aubrey and Riley (2017) note that Foucault himself drew from a range of branches of learning, including sociology, history, literary theory and education, so it seems particularly pertinent to consider his ideas in relation to the multi- and inter-disciplinary nature of children's rights discourse. Foucault's ideas also offer a lens through which it is possible to consider the conduct of this research, through the way the literature was reviewed to the nature and structure of the data that was gathered in relation to power and hierarchy (Punch, 2009) (see Chapter 3). The method of analysis I used sought to avoid taking things at face value and to pay careful attention to what is inferred or messages which are hidden (Denscombe, 2010) or as Foucault (1977) would note, emphasises the need to ask what was not said or what was excluded.

Pring (2004) notes that educational research is usually dominated by empirical enquiries. However, the post-structuralist nature of Foucault's ideas challenge established ways of thinking and within the context of social research, acts as a counter to the use of purely scientific approaches (Aubrey and Riley, 2017). This notion is also supported by Pring (2004) who makes the argument that dichotomous thinking about different paradigms (in this case, research paradigms relating to qualitative versus quantitative approaches) are unhelpful, because when one makes sense of concepts such as objectivity, reality and truth, it becomes clear that this cannot be justified:

> The subtle interconnection between the public and the private, the objective and the subjective, the physical and the mental, the personal and the social, is too often neglected by those who espouse 'research paradigms' which embrace one side of the dichotomy to the exclusion of the other.

(Pring, 2004, p. 51)

Many of these dichotomies can be seen to haunt discourse relating to children (and which is explored fully in Chapter 2). Examples include where they may be viewed in binary terms such as being seen to be as divided between being in either public or private spaces only or that they are already fully formed human beings versus not yet fully formed human beings – which Prout (2005) describes as a state of being versus becoming. Foucault's theories therefore offer a way by which the language of the discourse of children's rights, can be explored in relation to the different institutions which enact children's rights, such as schools (Aubrey and Riley, 2017), without recourse to the dangers of the dichotomy warned against by Pring (2004). Without challenging the inherent tensions within the discourse of children's rights itself, there is a risk of rendering rights into sets of technicalities (Invernizzi and Williams, 2011) which are decontextualised from the reality of the environments in which they must operate (Welton, Tynney and Saer, 2019) in this case, schools. Enactment of rights become a manipulation seen to act as part of the 'normalising' which Foucault argues rationalises methods of oppression (Foucault, 1980). In setting out legislative frameworks for the human rights of children, some critics claim that this either acts as a deficit model of childhood, or that it imposes an idealised version of a Western childhood, which when measured against, forms the surveillance gaze needed to monitor and judge the fulfilment of rights as part of wider controls of society (Raby, 2014; Aubrey and Riley, 2017).

Foucault's wide-ranging ideas, therefore, when applied to the educational context, and through which children's rights can be explored, offer a possible illuminating theoretical framework within which to consider this research. However, Foucault is criticised by feminist or post-colonial theorists for ignoring the roles which gender and ethnicity can play within discourses of power and structure (Aubrey and Riley, 2017). Given the inter-section of children's rights with issues of feminism and the women's rights movement, and the international and global role of discourses arising from the UNCRC, I have had to remain vigilant to any gaps that may be caused by the application of such theory to this context and when undertaking the analysis of the data. For example, a little over seventy-five per cent of the

registered Welsh teaching population is female (Education Workforce Council, 2021). This study has focused on the notion of how the teacher locates their sense of self and delineates their agency in relation to children's rights within their school habitus. Feminist theory may argue that sex and gender impacts on the female teacher whose power and agency is shaped by her lived female experience or that it shapes cultural gender expectations of women towards children (Cohen, Manion and Morrison, 2018). This study does not adopt this lens, although feminist theory shares with critical theory the need to be attentive to emancipatory approaches and this could form interesting lines of enquiry for future research. The exclusion of such theory sets out the limitations of my research boundaries.

It is important to acknowledge however, that whilst the critical lens set out here may form the basis for my own view of the child, the role of school and the curriculum or the purpose of the teacher, there is no assumption that this view is or should be shared by others, including the teacher practitioners themselves whose views are explored in this research. Rather, the research aims to explore and analyse those implicit notions of children and curricula and the power and knowledge structures that will underpin teachers' practice as the curriculum continues to undergo development and early implementation, providing important insights for practitioners and policy makers both within Wales and beyond.

In setting out these views, I ascribe to the position that it is not possible for a researcher to be value free (Bryman, 2012) and that this necessitated a self-reflective approach to be embedded at all stages of the research to seek to limit bias and to recognise my role as the researcher in interpreting my findings and reaching conclusions (Braun and Clarke, 2006). The concept of reflexivity, defined here as a process of examining my own values, beliefs and practices and the influence they may have had on the research (Bryman, 2012; Cohen, Manion and Morrison, 2018) is therefore explored in some detail in the methodology section (Chapter 3).

1.4. Structure of the Study

Chapter 2 will explore the literature relating to this study. The first part of the review will consider the key theoretical and academic literature relating to the conceptualisation of children's rights, drawing on key children's rights concepts from across a multi-disciplinary

field. The second part of the review will consider literature exploring how teachers conceptualise their practice and enact theory and policy, applying this to the context of children's rights. It also identifies possible gaps within the literature and tensions which exist in the discourses of children's rights which provide a rationale for my research questions.

Chapter 3 sets out the research methodology adopted and explains the rationale for case study as the design frame for this research and methodological considerations. An exploration of the qualitative approaches used will be considered alongside discussion of the epistemological and ontological viewpoints adopted, the ethical considerations made throughout and a justification for the use of the primary data collection methods which included document analysis, questionnaires and interviews. Lastly, it will set out the frame for the analysis method used.

Chapter 4 adopts a combined structure of both presenting and analysing the findings drawn from using reflexive thematic analysis (Braun and Clarke, 2006; 2014; 2021) as an approach to exploring the data. It discusses three themes exploring meaning-making in relation to rights in the curriculum, the role and responsibilities of teachers and learners and their relationship, and the conceptualisation of teacher-enactment of rights in practice.

Chapter 5 offers a concluding discussion about the significance, originality and rigour of the findings of this study, including next steps and further recommendations for practitioners and policy makers.

1.5 Location of the Study

Wales is a relatively small country which forms part of the United Kingdom, an island of four 'home' nations including England, Scotland, Northern Ireland and Wales (Evans, 2022). It has a population of around 3.1 million people, who are largely resident in compacted urban areas of an otherwise rural and mountainous terrain (Office of National Statistics, 2021). Wales is governed by a democratically elected government in Westminster, England but many key areas such as health and education are devolved to a national parliament known as the Senedd (Law Wales, 2021). Whilst the current UK government is led by the Conservatives, Wales has been governed by a Labour government consistently since devolution (National Library of Wales, 2022). Educational policy is considered to be strongly focused on social

equity and inclusion (Evans, 2022) yet Wales continues to be beset with financial challenges and deeply embedded generational poverty, with an estimated 28% of children in Wales living in poverty (Children's Commissioner, 2024). A bilingual nation, the education system also has a strong focus on developing an understanding of pupils' heritage and belonging and aims to nurture children's understanding of Welsh culture and language through the concept of 'cynefin' (Welsh Government, 2022) as well as to embrace the diversity within our communities and look outward to a global context. The majority of children attend state maintained schools following a pathway of primary and secondary education. There are a growing number of new schools designed for the 3 – 16 age continuum (Organisation for Economic Cooperation and Development, 2020).

Chapter 2: Literature Review

2.1. Conducting the Review

The literature search for this thesis was conducted over three phases as part of the Doctorate in Education. Phase one focused on defining what was meant by children's rights and its relevance in the educational context. As such it focused on theoretical and conceptual definitions of children's rights and involved a key word search of academic databases via the university catalogue and focused predominantly on theoretical texts including books, journal papers and a limited number of empirical studies. The act of searching alone identified a clear gap in the field of empirical research in this area, with little research conducted which explored teachers' perceptions of their practice in children's rights in Wales specifically or indeed which focused on the school setting (Cassidy, Bruner and Webster, 2014; Jerome, 2016; Lundy, 2019; Tyrie *et al*. 2022). This informed the identification of research questions one and three. Most literature searched was categorised for the purposes of the initial review as theoretical and conceptual research (a distinction which Punch and Oancea (2014) argue is important to make) and was drawn from discourse across multiple disciplines including social sciences, law and where available, education. In addition to the databases, the search was also broadened to include literature from other wider professional sources such as that from third sector organisations or independent review bodies (Bell, 2006). Each search was conducted using a series of key words related to the study's main aims and research questions, as well as relevant synonyms. Key words included: *Children's Rights; Human Rights of Children; Education; Schools; Teachers; United Nations Convention on the Rights of the Child; Embedding Rights; Enacting Children's Rights; Implementation of Rights; Rights Theory; Wales.*

The second phase was conducted to address the nature of how teachers may come to conceptualise their practice and to consider how teachers may enact policy more broadly. This would later be applied to analysis of children's rights practice in Wales to support further exploration of research question three. This also included searching academic databases via the university catalogue, adopting the same principles as phase one and using wider key

terms including: *Children's Rights; Children's Rights Education; Human Rights Education; Teacher Conceptualisation; Teacher Agency; Teacher Policy Enactment; Policy Actors.*

Relevant literature from 2000 – 2019 was reviewed in phase one and from 2000 – 2020 in phase two, to maintain as much contemporary relevance as possible. Further identification of literature took place via a 'snowball' method of considering known authors and bibliographic content to follow-up on ideas (Bell, 2006). It should be noted as a limitation of the method used to review the literature that during the second phase of review, access was mainly restricted to the use of texts available electronically only, due to the physical closure of libraries (resulting from a global pandemic) during that phase. In addition, only literature in English was considered.

The third and final phase of literature review focused more specifically on documentation relating to the Curriculum for Wales, in particular, key Welsh Government policy documentation. During this phase of the literature search, relevant literature from 2000-2023 was reviewed using the same methodology as above and including wider key terms designed to focus on the curriculum and specifically on the Welsh context; *Children's Rights + Curriculum; Children's Human Rights Education + Curriculum; Children's Human Rights Education + Wales.* This further supported exploration of research question two. As restrictions related to the pandemic were lifted during this phase, it was also possible to repeat some earlier key word searches to enable review of any materials which were not available to me electronically previously.

At each of the three phases of the literature search, I excluded papers not available in English, and any papers prior to 2000 (except for seminal research) to maintain a contemporary approach to the review. Whilst I included research and theory which discussed children's rights as a generic concept within professional practice relating to children and young people and within education, I did not use search terms to explicitly draw on children's rights as applied in other specific professional contexts (for example, health or social work). Whilst I included research and scholarship undertaken internationally, this was mostly limited to papers from the global north which were most similar socially, economically, and culturally in regards children's rights contexts in education. For example, I did not include children's rights

research undertaken within the context of African countries, many of whom have adopted the African Charter on the Rights of the Child (1999) in addition to the UNCRC. However, the application of rights within the social context and considering global nuances is considered within the literature review.

2.2 Presenting the Review

In phase one of the review, I broadly categorised literature according to three key areas: conceptualisation of children's rights; exploration of tensions within UNCRC (as a key vehicle for the conceptualisation of children's rights); and enacting rights in practice. These foci broadly aligned with research questions two and three. In the second phase of the review, I critically reviewed the findings in relation to the understanding this brings to teachers' conceptualisations of children's rights practice in Wales, exploring literature relating to the way that teachers enact policy and investigate the implications for their enactment of children's rights in Wales. This supported consideration of research question three. In the third and final phase of the review, I address the implications of these findings within the context of school curriculum reform in Wales and the Curriculum for Wales framework adding to my understanding in relation to research questions one and two.

2.3. Conceptualising Children's Rights in Theoretical Discourse

Children's rights are derived from human rights discourse (Boushel, 2000; Freeman; 2010), underpinned by a broad universal consensus which is constantly in flux (Hanson, 2012). There is no definitive consensus on what constitutes rights, but rather a recognition that they are fluid, complex, socially constructed, and contextual (Chamberlain *et al.* 2019; Welton *et al.* 2019). Rights are usually defined as claims of entitlement against a person or organisation and may be legal (enforceable) or moral, claimed under ethical principles (Jones and Walker, 2011; Tobin, 2013). It is often the moral obligations of rights which can lead to the legal creation of a right (Franklin, 2001) and in this we have seen the children's rights movement develop alongside other rights' movements such as civil rights, or women's rights, with intersectionality related to the latter as women are inextricably linked to children within

patriarchal social constructions (Kehily, 2009). However, one significant aspect of the children's rights movement in comparison to other movements, is that children themselves are not always able to claim their rights independently, often reliant on adults to do so on their behalf, indicating one of the first challenges and tensions within this discourse (Mayall, 2000; Alderson; 2008). Other definitions of rights place emphasis on the mutual nature of children's rights, highlighting the relationship and social contract between a person who holds a right and the people or institutions (usually of the state) which must realise that right (Jones and Walker, 2011) and this is the model of the rights-holder and duty-bearer relationship central to enactment of the UNCRC (UNICEF, 2022). This conceptualisation of rights places emphasis on the role of the 'duty bearer' in relation to the 'rights holder' (Jones and Walker, 2011) and situates it within an arena of social justice, as rights are 'shared' (Alderson, 2008). As such, the area of 'children's rights' has traditionally been considered one legalistic in nature, concerned with the rights of the child as a human being, and focused on the legal frameworks and structures required to enact such rights.

Rights provide powerful legal structures which set out both high standards and aspirations for children (Alderson, 2016). However, by themselves, legal rights may provide only a limited consideration of children's rights as a discourse (Prout, 2005). Rights cannot be considered in isolation from the cultural values of the societies in which they are manifested, and a framework for understanding children's rights needs to also consider the wider social and economic structures which support them (Prout, 2005). This is also emphasised by the Council of Europe (2017) who note that for rights to be fulfilled we must each claim that our rights are met by the social, legal, economic, and cultural structures around us. Children's rights are a network of factors which includes the child's own situation, the ways in which their best interests are met and the rights of others around them. This must all be considered within the context of the laws and policies of their country (Jones and Welch, 2010).

2.3.1 Contexts which Shape Rights

Experiences of childhood are shaped by family, environmental, economic, and socio-political conditions (Boylan and Dalrymple, 2009). Thinking over time has changed and has influenced adult attitudes (and in turn, policy and practice) in relation to children (Waters-Davies,

2022). This has prompted many to argue that children's rights as a discourse is best considered as a social phenomenon which is constructed, in part, according to how society views the child conceptually and as a social construction (Kehily, 2009; Reynaert, 2009). Recent decades have seen a shift in thinking about children, and the conceptualisation of the child. Children's rights as a discourse slowly emerged from a discipline linked to psychology to encompass a deeper consideration of the social and historical experiences which shape children's lives and their childhoods as a collective, rather than individualistic, experience (Prout, 2005; Hanson and Peleg, 2020). As recognition that childhood is not a universal experience has grown over time, so too has adult thinking about childhood, now viewed as a construct which is both problematic and contested (Prout, 2005; Boylan and Dalrymple, 2009; Brantefers and Quennerstedt, 2016; Thomas, 2021). Much of this sociological perspective informs my own conceptualisations of childhood outlined earlier and forms most of the literature considered in the phase one review.

Earlier iterations of children's rights tended to focus on the need to protect children (Hanson and Peleg, 2020) whilst recent decades have been more preoccupied with 'highlighting the image of the competent child' (Reynaert, 2009, p. 518) with limited research considering the extent to which this is shared by practitioners (Waters-Davies and MacDonald, 2022). Previous views of childhood as a universal, biological phenomenon, rooted in the discourses of child development and psychological theory has moved towards greater social and historical exploration of children's lived experiences. This shift is described as the new sociology of childhood and provides an alternative pedagogical model (Prout, 2005; Reynaert, 2009; Murphy and Waters-Davies, 2022). It is more closely aligned to a postmodernist view of childhood as a construct drawn from the values and structures of the child's society (Jenzen, 2008).

Others view the positioning in a more activist light. Cohen (1980) describes rights as a militant concept aimed at enacting social change. Jerome and Starkey (2022) are explicit about their view of children's rights practice as a vehicle for active citizenship and promotion of social justice causes for children with a distinct political element. Butler and Drakeford (2013) noted that the earliest forms of children's rights policy in Wales also had a distinct political approach as it was rooted in the social justice politics of a Labour Wales and possible due to education

being one of the earliest areas of devolution (Evans, 2022). Hammersley (2017), who locates children's rights within a transdisciplinary field, argues that children's rights is a type of identity politics. Such views may be seen to be at odds with views in which teachers are expected to teach in politically neutral ways (Department for Education England, 2022).

This new sociology refutes previous disciplinary approaches (such as those derived from psychology) and which are often framed and underpinned by adult concerns and assumptions (Waldron and Oberman, 2016). It rejects a 'deficit' model of childhood, emphasising children's own experiences and highlighting their distinctive cultures as being worthy of recognition and study (Thomas, 2021; Waters-Davies and MacDonald, 2022). Mayall (2000) emphasises the important influence of ways of thinking about children on the way that they subsequently experience their rights:

> Children, like other minority groups, lack a voice and have a right to be heard and their views taken into account. It is through working towards better understanding of the social condition of childhood that we can provide a firm basis for working towards implementation of their rights.

(Mayall, 2000, p. 1)

2.3.2 UNCRC as a Vehicle for Rights

Invernizzi and Williams (2011) suggest that much of the paradigm shift relating to concepts of the child and childhood can be attributed to the UNCRC, whose adoption consolidated children's rights discourse. It has given impetus to debates and supported signatory countries to embed rights in domestic law. A dominant element of children's rights discourse within legal, sociological, and educational academic theory, and particularly within Welsh policy, is the establishment of the UNCRC as a main vehicle for children's rights (Reynaert and Vandevelde, 2009; Devine and McGillicuddy, 2016; Jerome, 2016). It claims unrivalled comprehensiveness (Lundy and Kilkelly, 2006) in describing children's rights and has been a key tool in 'normalising' a rights discourse (Quennerstedt, Robinson and Anison, 2018). It provides a comprehensive codification of children's rights (Archard, 2004). Reynaert and Vandevelde (2009) stress that it is impossible to consider the convention as anything other

than the main bearer of wider scholarly children's rights discourse, providing the main framework for the understanding of children's rights in all parts of society.

Yet, whilst the UNCRC offers a legal imperative for children's rights and appears to lead an outward acceptance in a new paradigm, as noted by Fitzpatrick 'saying so does not make it so' (Fitzpatrick, 2013, p. 66). Hanson and Peleg (2020) note that there is also a risk that the UNCRC has, through its comprehensiveness and prominence, unintentionally led to limited development in thinking about children's rights beyond the conceptual boundaries of the UNCRC, leading some to call for a new 'third wave' of children's rights discourse, reconstructed from a child perspective (Waldron and Oberman, 2016). Such new discourses of rights, as drawn from childhood studies, are not themselves uncontested, with critics rejecting the universality of the treaty, noting where rights claims contradict each other or even arguing that rights rhetoric has 'gone too far' (Hammersley, 2017; Riddell, 2020). Waters-Davies and MacDonald (2022) also highlight the significance of the adult's underpinning conceptualisation of the child, and how they view children's agency and competence, as key to rights-enactment. They suggest a deficit construct of the child may still exist amongst practitioners in Wales, despite the focus in theory and policy.

Children's rights (indeed, all human rights) can therefore be considered across a continuum of views. Changing attitudes and values related to turning rights into realities may remain a challenge (Pascal and Bertram, 2009; Waters-Davies and MacDonald, 2022). It also seems that there remains to be a need to make a moral and philosophical case for children's rights and to reaffirm these in a legal context (Invernizzi and Williams, 2011; Hanson and Peleg, 2020). Whilst the modernist and new sociological view of childhood and the UNCRC share a similar approach to children's rights as a social phenomenon (Prout, 2005), there are also inherent tensions which arise from the concept of childhood. The concept of childhood can itself be challenged on its possible assumption that it is a period of universal and biological phenomenon (Prout, 2005), as represented by the UNCRC. This is evident in the way that the theoretical literature conceptualises children's rights within a multi-disciplinary discourse, and that many of the tensions are inherent within or arise from tensions in the UNCRC itself, as a key lever for policy and practice (Freeman, 2010; Tobin, 2013; Hanson and Peleg, 2020). However, few such tensions are considered in the UNCRC itself, with a veneer which

is 'largely accepted and unproblematised' (Quennerstedt, Robinson and Anison, 2018, p. 38). Yet closer critical inspection finds the convention is itself rife with inconsistencies and tensions in how children and their rights are conceptualised. It is no wonder therefore that there are suggestions that too little attention is paid to the contradictions and tensions therein within children's rights research and theory (Hammersley, 2017; Hanson and Peleg, 2020).

2.4 The UNCRC and Tensions Therein

The UNCRC was first adopted by the United Nations in 1989 and subsequently ratified by the UK government in 1991. It is described as a complete framework of standards, principles and implementation guidance in relation to the human rights of children (Children in Wales, 2014), encompassing ideas from the protectionist days of Eglantine Jebb, founder of Save the Children, and discourse arising from the horrors of the world wars (Boylan and Dalrymple, 2009). The international agreement sets out fifty-four articles which influence all aspects of a child's life, including their economic, social, cultural, civil and political rights and are broad philosophical principles which can be interpreted and applied according to context (Jones and Walker, 2011; Kanyal, 2014). As such, it has gained a universal prominence and globally it is considered the most ratified international human rights treaty in history (UNICEF, 2019). Hart (1997) described the treaty as 'an instrument of persuasion for those persons wishing to promote the ideas of children as independent, thinking subjects, capable and deserving of a greater degree of participation' (Hart, 1997, p. 37). This latter definition places emphasis on one of the more unique aspects of the treaty, which is its comprehensive focus on the 'three Ps' - Provision Rights; Protection Rights; Participation Rights. Unlike previous legislation, the UNCRC includes a strong focus on participation (Alderson, 2008). Advocates claim therefore that inherent within such rights is the view of children as the agents of their own lives, capable of contributing and participating in decision-making (Jones and Walker, 2011; Thomas, 2021).

The UNCRC has been widely viewed as an effective lever to promote development of children's rights in both policy and practice through providing a pressure for action. It has led to the creation of spaces and provision for children, and often acts as a prompt for adults who work with children to review their practice (Jones and Welch, 2010). Described as

a 'touchstone' for rights (Jones and Walker, 2011) the convention's articles are not hierarchical in nature, and all rights are interlinked. However, there are four articles which are described as the four core underpinning principles:

- o Non-discrimination (Article Two)
- o Best interests of the child (Article Three)
- o Right to life, survival and development (Article Six)
- o Respect for the views of the child (Article Twelve)

(Jones and Walker, 2011; Children in Wales, 2014)

These general principles are given special emphasis within the convention whose approach is to promote rights within legislative structures and policies – but these are usually defined and imposed by adults (Boylan and Dalrymple, 2009). Cassidy *et al.* (2014) notes that during its conception in 1989, the UNCRC itself had been devised by adults alone, with no consultation with children and with limited recognition of children's autonomy, views, and empowerment prevalent in more recent thinking (Cassidy *et al.* 2014). As such, Waldron and Oberman (2016) argue that children's human rights within the convention are conceived in adult terms. Hanson and Peleg (2020) note that locating children's rights within such adult-centred theories often leads to practical applications of the legal and moral constructs of the adult world first and then considering if and how children fit into them. This can subsequently lead to the need to balance and reconcile different principles in different contexts, which is by its nature a complex process (Invernizzi and Williams, 2011) and runs the risk of the text being moulded to reflect the adults' own interests (Invernizzi and Williams, 2011). Both Freeman (2010) and Invernizzi and Williams (2011) also caution against the dangers of interpreting a legal instrument within a social context. Thomas (2021) responding directly to similar arguments made by Hammersley (2017), concedes that there is an element of balancing to be done between respecting children's agency and recognising their ability to represent their own interests, with the legal and institutional protections given to children which most would deem reasonable.

In addition to this, it is therefore a critical aspect of the enactment of the convention that children's rights are considered in relation to their best interests. This balancing of principles is also evident in relation to the need to see children as subjects (for example, of provision

and protection) whilst simultaneously noting that they are active, independent agents. Some see tensions between safeguarding duties and rights (Jones and Walker, 2010) arguing that the view of the agentic child does not stress sufficiently the rights of children to be protected from harm or for (adult) advocacy (Lavin and Lewis, 2013). Others argue that it poses a burden of responsibility on children to claim their rights despite their capacity or maturity to do so (Brighouse, 2002; Macleod, 2018). Many note that the UNCRC does tend however to be more protectionist in nature (Prout, 2005; Hanson and Peleg 2020), with this aspect of the convention seeming to be less controversial and tending to dominate over other aspects, such as participation rights which tend to challenge the established power dynamic between adults and children (Prout, 2005; Boylan and Dalrymple, 2009). Whilst children's participation is found to offer many benefits such as improved quality of life, wellbeing and inclusiveness (Thomas, 2007) the reality is that often children tend to be consulted more often than they are asked to make decisions, and that in schools, participation is often top down and adult led (Lavin and Lewis, 2013). Arguably, this is the result of an incoherence between advocating for both protection and participation for children by adults (Invernizzi and Williams, 2011) although those adopting a more centrist approach might argue that such incoherence stems only from extreme application of concepts of liberty for children versus full paternalism. Hammersley (2017) argues that this is a fundamental flaw within children's rights discourse, noting that whilst the UNCRC is often cited within socially constructionist positions of children's rights, the UNCRC can only be partially claimed as supporting rights because they are so heavily qualified in practice by articles twelve and three.

Contemporary children's rights advocates also highlight a modern-day risk to the security of the convention as an instrument of rights where extreme social, cultural and political discourses take hold or develop new forms of paternalism which hide behind concepts such as protection and empowerment (Isenström, 2020; Howe and Covell, 2021). Noting that the recent global geopolitical landscape has changed significantly, there is a concern that there the view established by the UNCRC of children as autonomous rights holders may see a return to children being considered as more passive beneficiaries of welfare policies (Howe and Covell, 2021), a view which is arguably like earlier paternalistic forms of rights discourse. One example of this is articulated by Guggenheim (2005) in his provocative book *What's Wrong with Rights.* Guggenheim (2005) argues that ascribing rights to children is burdensome for

them, and that a more sensible viewpoint would recognise that 'limiting children's privileges and rights differentially from adults are, for many who care deeply about children, prominent examples of [adults] caring and honoring children' (Guggenheim, 2005, p. 10). Guggenheim (2018) wrote from the position of being in the United States of America (USA) (notably the only UN signatory country not to ratify the UNCRC) and within the context of a Trump era government (considered to be right-wing in its approach). He noted that children in the USA desperately needed what he termed 'positive rights' – those rights which within the UNCRC would likely fall under the provision rights to education, health and protection, which he states was severely lacking. However, he does not support more participatory rights which he views as a threat to the 'sacred' rights of parents (Guggenheim, 2005, p. 71; Guggenheim, 2018). Guggenheim (2005) argues that nobody wants to admit to being anti-children's rights, arguing instead that his views demonstrate the way in which adults may conceptualise children's rights to advocate strongly for children, yet refute the concept of children's autonomy in favour of adults' rights to make decisions in the child's best interest. Whilst both views are reflected within the UNCRC by Articles 12 and 3, clearly the weight given to each can be dependent on adults' subjective views. Such views are not limited to the USA - similar views were also expressed by participants in a United Kingdom (UK) based study which considered Scottish and English education practitioners' views of legislation relating to the rights of children with special needs in particular (Riddell, 2020). Participants within the study expressed concerns that children's rights had gone too far and diminished their abilities as parents to support their children with needs appropriately. With recent calls in the UK to withdraw from the European Human Rights Convention (ECHR), and a rise of populist nationalism in politics across the global north, there is an increasing worry about a threat to rights, including those of children (Croke *et al.* 2021; Howe and Covell, 2021).

Whilst the universality and comprehensiveness of the treaty is often seen as its greatest strength, it is often also a heavily criticised aspect, with its universality described as being high in rhetoric but low in intensity (Prout, 2005). Others argue that the articles themselves represent a deficit model of childhood or that they present an overly idealised version of childhood, so that children's rights theories are not realistic about children's capacities (Freeman, 2010; Hanson and Peleg; 2020).

The concept of the independent, capable, autonomous child, known as the 'agentic child' posits that children can be active decision-makers and contributors in their own lives, with their own voices, and not simply an adult in waiting (Kehily, 2015). The degree to which children are considered agentic within the UNCRC also raises another difficulty, with some suggesting that this concept of childhood is closely aligned to a 'powerful stream of modern Western thought that treats autonomy as a supreme value' (Hammersley, 2017, p. 120). Macleod (2018) also notes the practical difficulty of gauging 'what degree of agency children have' (Macleod, 2018, p. 199).

Advocates of the UNCRC claim contextual application of the treaty across the globe, but some criticise this as imposing a correctional Western stance (Kehily, 2015) that either doesn't recognise different cultural viewpoints (such as societies who place more weight on social collectivism and group responsibilities over individual rights) or even that it specifically pathologizes global south families for not complying with Western views of parenting/adult roles (Kehily, 2015; Hanson and Peleg, 2020). Others stress that it is idealistic since many countries remain to have significant children's rights issues despite being signatories of the UNCRC. It is also accused of infantilising all young people under the age of 18, neglecting the lived experiences of children such as child workers or soldiers, or even simply those who have the maturity and capacities associated with adulthood (Cantwell, 2011).

Riddell (2020) offers another way to view these concepts stating that such dichotomous viewpoints of children's autonomy and dependence is fundamentally misplaced as no child lives in isolation from other people. Riddell (2020) notes that in reality, there is an interconnection between children and adults, locally situated, which provides the context for understanding children's capacity. Chamberlain, Afroze, Cooper and Collins (2019) pragmatically describe the UNCRC's vision of children as:

> competent, capable individuals with rights appropriate to their age and stage of development, but it also has a holistic focus that takes account of the fact that people under the age of eighteen often need special care and protection.

> (Chamberlain e*t al.* 2019, p. 11)

Following a child-led participative study with two hundred children and young people for Amnesty, Chamberlain *et al.* (2019) conclude that this holistic view is consistent with the view children themselves often hold of their rights. In their international study, children recognised themselves as active rights holders whose entitlements would change over time, according to their age or context. Children saw their rights very much from a relational perspective, nested in their relationships with other children and adults in their contexts. In moving forward, Thomas (2021) argues for the application of concepts of relationality and the need for further decentring of constructs of childhood in favour of a focus on broader social questions, avoiding extreme social constructionist applications to the notion of the child.

2.4.1 Critical Exploration of Tensions in the UNCRC

Despite a strong commitment to the UNCRC from children's rights advocates, demonstrating much enthusiasm for the ideas therein, some argue that practically, the enactment of rights is often presented as a set of technicalities (Ivernizzi and Williams, 2011). Rights are seen to be enacted without great thought given to the conceptual tensions underpinning the UNCRC. Tobin (2011) agrees, suggesting that whilst advocates are active in embracing a children's rights approach, they are often 'insufficiently attentive to the need to develop a more reflective, internally coherent and sophisticated understanding of what this term should mean' (Tobin, 2013, p. 74). Several critics argue that, on the whole, the conceptual foundations of children's rights are under theorised (Tobin, 2013; Gillett-Swan, Quennerstedt and Moody, 2023).

Specific exploration of tensions with the UNCRC tend to be uncommon in children's rights research (Reynaert and Vandevelde, 2009; Quennerstedt, Robinson and Anison, 2018). Others argue that the research around the conceptualisation of children's rights is insufficiently challenged (Freeman, 2010; Tobin, 2013) and that there is a general lack of critique and theoretical challenge: "Critical questions can be raised around what value-specified knowledge about the inconsistencies and alternative meanings has… for contemporary thinking about children's rights" (Qunnerstedt *et al.* 2018, p. 38). There is a lack of clarity and rigour around what children's rights means *in practice. T*his may in part, cause a gap between the theory and policy of children's rights and the enactment of rights in

practice, which is at risk of becoming a more technical discourse as it separates rights discourse from a moral one (Reynaert and Vandevelde, 2009; Hanson and Peleg, 2020) and may not take account of the setting in which children's rights must be enacted. Without this critical engagement with underpinning theories, and a secure understanding of the moral, as well as legal, framework for children's rights, it risks becoming 'an empty rhetorical vessel into which subjective preferences or political agendas may be poured' (Tobin, 2013, p. 398). Consequently, without real understanding of what children's rights *mean*, or a consensus about the ethical and moral justification for rights (Tobin, 2013), there is a risk that it becomes a technocratic discourse (Reynaert and Vandevelde, 2009; Quennerstedt *et al.* 2018). Both Reyneart (2012) and Tobin (2013) argue for a need for greater reflective practice within the discourse. Conversely, Hanson and Peleg (2020) argue that there is in fact an abundance of theory, but that specific concepts are derived from different disciplines for different purposes and that greater reflection on the appropriateness of their application to practice within different contexts is required. Some such as Dwyer (2006) argue that such discussions border on the esoteric and that theoretical discussions are not a requisite for the attribution of rights. Young (2010) agrees and cautions against waiting for a comprehensive, internally coherent theory of children's rights in what is a pluralistic, and complex world, before enacting children's rights. Ferguson (2013) finds that even though the language of children's rights is widely employed, he suggests that even within its own legal frameworks, there is no guarantee of improved outcomes, and this manifests itself in potentially confused children's rights practices within individual settings, with concepts such as agency, participation and protection applied differently. Gillet-Swan, Quennerstedt and Moody (2023) systematically reviewed children's rights literature across several disciplines and concluded that some use of theory can be powerful, but brief connections to literature or framing rights within policy or law alone is not sufficient to build a secure educational discourse of rights which is rigorously rooted in literature. This complexity formed the basis of the identification of research question three to explore specific aspects where teachers' practices may be internally incoherent or at odds with the theoretical and policy discourses within which they are required to work.

2.5 Children's Rights in Education and the Role of the Teacher

The next section of this review will consider how these debates and tensions in children's rights discourses may affect children's experiences of school education and consider the role of the teacher specifically.

In 2010, the United Nations recommended the need for educational policy commitments in signatory countries to explicitly refer to children's (human) rights frameworks. This included incorporating the first phase of a rights education curriculum and the integration of human rights education in primary and secondary school systems. Such an approach was defined as:

> education, training and information aiming at building a universal culture of human rights through the sharing of knowledge, the imparting of skills and the moulding of attitudes.

(United Nations, 2006, p. 3)

The second phase was later further developed to include human rights training programmes for teachers and educators (United Nations, 2012).

This reflects Isenström and Quennerstedt's (2020) claim that there is international political and academic agreement that teachers are central to the support and advance of children's rights and are key actors within a school's engagement with children's rights. However, Quennerstedt (2011) argued previously that education is 'particularly unreceptive to children's rights' (Quennerstedt, 2011, p. 675) which can be considered concerning given the prominent role schools play in children coming to understand their rights (Children in Wales, 2021). Whilst the UNCRC places a legal commitment on children's rights at a governmental level much is dependent on the practice of those who work closely with children and young people (Nutbrown, 2019). The United Nations (2012) emphasises the importance of teachers as key actors in enabling children's rights, but there is limited empirical research into how teachers engage with children's rights (Cassidy *et al.* 2014) or to what extent rights education is present within schools (Robinson, Phillips and Quennerstedt, 2020). Isenström and Quennerstedt (2020) also emphasise the importance of teachers' own knowledge, attitudes and actions in both upholding children's rights within the school setting, as well as teaching children about their rights.

The enactment of the articles in relation to the three 'Ps' of participation, provision and protection is seen to be somewhat inconsistent. Watson *et al.* (2012) suggest that whilst many schools engage in a reshaping of participatory rights, this is often variable, with limited impact on significant aspects of school life such as the curriculum, or the power dynamics between pupils and teachers. Participation articles tend to be the ones in which children are seen to have 'views' or 'wishes' rather than a genuine opportunity to challenge and make decisions. Within schools, they tend to engage well with aspects of 'provision' such as creating spaces for children but that a protectionist and paternalistic approach remains to dominate children's rights approaches more reminiscent of pre-UNCRC eras (Lavin and Lewis, 2013; Hanson and Peleg, 2020). Studies exploring participation in schooling and education frequently find that children lack a voice in real school decision making (Thomas, 2007; Boylan and Dalrymple, 2009; Croke, 2013; Lewis *et al.* 2017). Whilst schools may claim active opportunities for participation, Lavin and Lewis (2013) challenge this based on the embedding of tokenistic approaches, which Lundy (2018) identifies as a term used to describe children's experiences of sharing their views with adults which are not subsequently taken seriously. Jerome and Starkey (2022) refer to similar examples as a 'thinning' of children's agency which neglects the interplay between children's skills and the social opportunities their teachers make available to them (Jerome and Starkey, 2022, p. 7). Schools often encourage 'listening' to children, but tend to ignore the fact that articles 12, 13 and 29 may disrupt the traditional power dynamics at play between adult teachers and child pupils (Waldron and Oberman, 2016).

Through a successful children's human rights education, children's agency can be nurtured through adult-child relationships (Jerome and Starkey, 2022) but it does require the professional relationship between teacher and pupil to change, as adults share power with children (Children's Commissioner, 2022a). Jerome (2016) argues that effective children's rights education can often be considered by practitioners as a vehicle for significant change enabling greater child-centred approaches, innovative school decision making and even transformed pedagogic practices. Such outcomes would require the teacher not only to plan opportunities for participation and decision-making, but to adopt a participatory and capacity-building approach to their *pedagogy* (Tyrie *et al*. 2022). Learning needs to build in opportunities for the enactment of what Lansdown (2011) terms a virtuous circle, where the

more children participate, the more skills and competence they develop to enable genuine participation and useful decision-making. A helpful example of such an approach can be seen within the former Welsh Foundation Phase curriculum. Pedagogical approaches such as sustained shared thinking, closely linked to positive adult-child relationships, are advocated within a social model of learning (Kingston and Siraj, 2017) and could perhaps be seen as an example of the virtuous circle or a rights-based pedagogical approach.

In Wales specifically, young children's participatory experiences are found to be largely unreported, with tensions between the high rhetoric of children's rights alongside limited evidence of their actual enactment found (Lewis *et al.* 2017; Tyrie *et al*. 2022). More widely, funding for structures and services for children and young people tends to be short term and limited, leaving such provision vulnerable to reprioritisation, and increasing the afore mentioned risk of a moulding of rights to an adult agenda (Invernizzi and Williams, 2010; Croke, 2013). In reality, adults remain to have the power to decide what services children receive and how much power they have to make decisions within them (Lavin and Lewis, 2013). Where time and resources may be inadequate, a sometimes well-meaning course of action by adult-decision makers may be to exclude children purposely to avoid a tokenistic approach (Lundy, 2018). Lundy (2018) disagrees strongly with such a view:

> this is truly striking. It is difficult to think of another situation where it would be presented as honourable to deny an individual the enjoyment of their rights on the basis that full compliance is impossible.
>
> (Lundy, 2018, p. 343)

This goes right to the heart of children's rights discourse and neatly exemplifies Alcoff's (1991) view about how rights movements can often struggle with its position as what she terms a potentially 'dangerous' discursive practice. This is because, where one powerful group (in this case, teachers/adults) must speak for another (pupils/children) it can lead to 'the practice of privileged persons speaking for or on behalf of the less privileged persons […] increasing or reinforcing the oppression of the group spoken for' (Alcoff, 1991, p. 7). In this, teachers are positioned as the powerful group: 'and for the children, adults are always powerful – rights are an inconvenience' (Freeman, 2010, p. 22). In a school context, it can lead to a situation where 'relationships between teachers and taught are strongly framed with the nature of the

classroom encounter being controlled by the teacher' (Powers, Newton and Taylor, 2020, p. 319). Furthermore, Gallagher (2008) argues that the term 'participation' itself is inherently an unhelpfully broad term as much of the debate about the role of children's participation in school misses out the reality that 'it is often a messy, fraught and ambiguous process' (Gallagher, 2008, p. 404).

Jerome (2016) also tackles another thorny issue – the assumption that all teachers hold world views that are consistent with positioning the child as a fully autonomous being entitled to the rights as set out in the UNCRC. Brighouse (2002), Guggenheim (2005) and Hammersley (2017) all ascribe children welfare rights but strongly challenge rights founded on the concept of children's agency. Others such as Freeman (2010) and Lundy (2018) brook no argument about children's position as autonomous rights holders. It stands to reason therefore that such a continuum of views may also be expected to exist within the teaching population. Whilst teachers are often happy to see themselves as implementers of rights as ascribed by policy, this is often a passive experience (Ball *et al*. 2011; Jerome, 2016), and when probed further, Leung, Yuen and Chong (2011) report that many teachers do indeed see children's rights as a threat to adult authority. Whilst teachers are happy to position themselves as collaborators with children to support their rights, this is often limited by their view of themselves as 'gatekeepers' too. Their own views may be shaped by their political opinions or their underlying assumptions about the child and conceptions of childhood (Jerome, 2016). Invernizzi and Williams (2011) note that rights can be insufficiently thought out, leading to poor outcomes and which do not always take account of children's other rights holistically. Jerome (2016) in conducting an international review of literature found that teachers often hold views which define children as incapable and in need of direction and control. This view perhaps offers some agreement with Brighouse's (2002) argument that it is morally unacceptable for adults to attribute rights to a child who cannot/does not have the capacity to enact them. Within the Welsh context, there is little empirical research which explores teachers' views explicitly in relation to children's rights, leading to the formulation of research question three.

To remedy this, Tobin (2013) emphasises the need for proponents of children's rights to become more critically reflective of their own conceptualisations which underpin their

understanding of children's rights. If there is an absence of opportunities for teachers' own theorisations to be critically examined and reflected upon within their own practice, educational approaches to children's rights may tend to try to 'win teachers around' and promote approaches to enacting rights which sidestep the central issue of teacher's core views and beliefs (Jerome, 2016). Alternatively, the need to pose critical questions about the value specified knowledge, the inconsistencies and alternative meanings which surround notions of the contemporary child (Quennerstedt, Robinson and Anson, 2018) is suggested as a way to build ideological engagement with the concepts. Teachers can be encouraged, through reflection, not to revert to conceptualisations of the child as an individualistic experience (such as those they understand from their own or their children's experiences of childhood) to one which is more reflective of the collective childhood experiences of present generations of children, whose social, economic and cultural environments may differ significantly.

The complexity of thinking and reflection demanded of practitioners by such theoretical positions may in part, account for the popularity of 'off the shelf' children's rights programmes such as UNICEF's Rights Respecting Schools award. In one key Welsh study, approximately eighty-one schools in Wales were reported to have participated in the award (Croke and Crowley, 2016). The programme offers a way by which schools can embed the UNCRC into the life and culture of the school, offering a ready-made interpretation of children's rights, negating the need for teachers to tackle the tensions for themselves, and apply their own critical reflections of the contextual and social-cultural constraints which enable and shape their practice (Hughes and Lewis, 2020). Yet despite this adoption of the programme, Croke and Crowley (2016) suggested that knowledge of rights remained to be poor, even within those schools.

For an explanation of why this might be, it is helpful to consider the theory of Ball *et al.* (2011). Rather than adopting the role of 'narrators' – a type of policy enactor identified by Ball *et al.* (2011, p. 626) as the drivers of policy enactment in school – teachers typically become 'receivers' who are dependent on guides and direction from others about the policy (Ball *et al.* 2011, p. 632). They tend to rely heavily on 'interpretations of interpretations', particularly earlier on in their careers (Ball *et al.* 2011, p. 632). Practitioners may feel pressure to act

quickly to meet policy demands (for example, by adopting such schemes), either because of an accountability driven system (Ball, 2015) or perhaps owing to limited time available to engage in sufficient depth with policy to critically reflect on underlying concepts (Croke and Crowley, 2016). Policy becomes something to be followed or worse still 'transacted' (Ball *et al.* 2011, p. 629).

The bestowal of gold, silver or bronze awards within UNICEF's Rights Respecting School programme in the UK is designed to act as recognition for the level of the school's success in embedding children's rights in the school. However, in applying Ball *et al*. (2011) theory there is a risk that such awards become part of Reynaert's and Vandevelde's technicalisation of rights (2009) as the UNCRC is seen as a policy 'to be done, reported and accounted for' (Ball *et al.* 2011, p. 629). If teachers do not engage in a process of theorisation of their own practices, troubling the inconsistencies within the discourses they enact, there is a danger that they fall back on old ways of thinking, being and doing(Devine and McGillicuddy, 2016) resulting in children's rights policy becoming distant from their immediate concerns, with participation in awards such as the above leading teachers to feel enforced, required, expected or pressurised by policy (Ball *et al.* 2011). This in turn impacts on the teacher's own sense of agency within the process:

> Aspects of agency involve a dynamic interplay between routines, motivating forces and judgement. Since agency is influenced by past experiences, orientations to the future and engagements with the present, if teachers do not fully comprehend the goals of new policy, then their efforts to implement will invariably fall back on existing practices and ways of thinking.
>
> (Hughes and Lewis, 2020, p. 301)

Whilst we may assume that teachers see children's rights as an important part of their practice (and evidence for this is limited in the research), how this is enacted is likely to vastly differ, so an exploration of how important teachers consider rights and how they enact those values within their practice guided the formation of research question three.

Boylan and Dalrymple (2009) argue that it can be useful to think of views and actions about children's rights along a broad continuum from liberationist to protectionist, with pragmatists taking a more centrist position. A fully liberationist perspective may be considered as a

position of recognising the child as a fully autonomous rights holder with similar, or equal, status to adults (Ridell, 2020). Radical critics of the treatment of children such as Holt (1974) or Neil (1960) challenged perceptions about how children should be educated and their rights to equal spaces at home and in public (Boylan and Dalrymple, 2009; Conn and Murphy, 2022). Such advocates promote children's self-determination and autonomy. In this view, the state should not distinguish between citizens on grounds of age, and the role of parents are not ascribed any special power over children (Boylan and Dalrymple, 2009). The counter argument to this, as is raised by Hammersley (2017), is that liberationists tend not to explore rights in relation to the civic responsibilities placed on adults, nor does it account for concepts of evolving capacity, or in many children's lives, the reality that protection from harm is needed.

Those who hold a protectionist stance therefore tend to focus on children's lack of capacity and the adult responsibility to care for and protect them by making decisions on their behalf (Guggenheim, 2005). These views may derive from the 'child saving' philosophies of the nineteenth century. Such views have arguably proven valuable historically, leading to the creation of child protection legislation and practice, but also others claim, high levels of state intervention and disempowerment in the lives of children and families (Prout, 2005; Kehily, 2009; Boylan and Dalrymple, 2009) leading to accusations of children's rights becoming anti-family (Tobin, 2013). Both views, if taken to extremity, are criticised by Tobin (2013) as a vision of children as 'either abandoned to their autonomy (Hafen and Hafen, 1996) or subject to an excessively protectionist regulatory agenda that is controlled by adults' (Tobin, 2013, p. 426).

The pragmatist view therefore tends to sit somewhere in the middle of this continuum through recognition that children, with adult nurture, can be supported to, in ever increasing ways, participate and make their own decisions (Jerome and Starkey, 2022). As the child matures, their capacities can be further extended through adult scaffolding of the skills required (Lansdown, 2011). The relational view of children's rights, where the child's rights is located within their social and cultural environments and relational to their relationships with adults (Thomas, 2021) could also be viewed through a pragmatist lens. Teachers are likely to be positioned somewhere along this continuum of beliefs and indeed, their views may change

over time, as social, cultural, moral, legal and political changes in their environment shape their practice.

2.5.1 Teachers' 'Rationalities'

Concepts from this continuum are explored further in a key paper drawn on in this study which was of direct interest to me in relation to my third research question. The study's main aim was to identify patterns in existing research about ways of teacher thinking and action in relation to children's rights. It also adopted a similar epistemological and theoretical stance to my own research. Isenström and Quennerstedt (2020) undertook a research literature synthesis guided by their research questions and drawing on analysis procedures often adopted within systematic reviews. Selection of primary sources from a broad range of global English medium literature was considered as important. Criteria for selection specified that studies be set in educational contexts, deal directly with human rights, and explicitly reference the teacher. One hundred and fifty-eight papers were selected for full reading. Exclusionary criteria were then applied, based on a grading system linked to the studies' relevance to the research question, resulting in twenty-seven chosen for the final analysis and synthesis conducted (Isenström and Quennerstedt, 2020). This was a robust approach but does demonstrate the paucity of specific research on teachers' conceptualisations and practice related to rights in schools. The research concluded that there were five 'rationalities' evident in teachers' thinking within the literature synthesised. Two pairs of rationalities were viewed to be in tension with each other. These tensions aligned with the model of rights' thinking as a liberal-protectionist continuum which was earlier explored but considers such tensions specifically within the context of the school setting. They define the more protectionist end of the continuum as a 'rights in trust' model, whilst those on the more liberationist end are termed 'children's rights as part of human rights' (Isenström and Quennerstedt, 2020, p. 9). By further drawing on Foucault's theories of governmentality, rationalities are defined as the knowledge and truths of the individual practitioner, which they draw from their own educational theories and ideas about what rights are for and how they can best be articulated, and these provided a useful lens to support the data analysis in relation to research questions two and three. Rationalities along the continuum overlap and allow for complex contradictions to be identified in teachers' practice. In this model, the

teacher needs to become 'ontologically transformed' (Isenström and Quennerstedt, 2020, p. 8) to be able to teach children about their rights through experience. Such a transformation is not easy to achieve. Teachers are often considered by policy makers as a homogenous and compliant group of policy actors who work 'on and with policy in the same way' (Ball *et al.* 2011, p. 625). This approach risks ignoring the fact that 'actors in schools are positioned differently and take up different positions in relation to policy, including positions of indifference or avoidance or irrelevance' (Ball *et al.* 2011, p. 625) which consequently makes substantial change difficult to achieve. Isenström and Quennerstedt's (2020) model is helpful, because it can help locate a teacher's position not only on the continuum of liberationist to protectionist viewpoints, but because it also illuminates the teachers' conceptualisations of the child. Nor does the model ignore the importance of the setting in which the policy must be enacted – the school – and so enables concepts of power and structural influences to be surfaced.

This transformative view of the teacher as a children's rights policy actor also supports that of Bajaj (2011) who argues that children need to learn not just 'about' rights, but also through experiencing their rights. Children's experiences of rights need to be practical and realistic and located within their own contexts so that it is meaningful (Cassidy *et al.* 2014). This emphasises the need for teachers to be confident and knowledgeable about rights as there cannot be pedagogical change without strong subject content knowledge first (Cassidy *et al.* 2014). In their study, Cassidy *et al.* (2014) concluded that teachers are not always confident about approaching children's rights in their teaching, with concerns cited such as worrying about parents' reactions to the teaching of rights or even that teachers felt they were indoctrinating children or demonstrating political bias (Cassidy *et al*. 2014). This demonstrates that teachers' practice may also be influenced by personal issues such as confidence levels as much as institutional influences such as policy (Ball *et al. 2011).*

Bajaj (2011) envisions a teacher who can actively construct meaningful opportunities for children to learn about and through rights. Isenström (2020) notes that children can learn through rights in everyday situations – including unintentionally. Children will be alert to inconsistencies between what is taught by their teachers about their rights and how they experience their rights through their school and teachers' practices. For the teacher,

children's rights are not just about subject knowledge, but also about the pedagogical approaches they use through their teaching and the nature of the wider school environment and culture. This formed the basis of issues to be explored within the context of my second research question (identifying conceptualisations of children's rights within Welsh policy) and my third research question (how teachers conceptualise and enact rights in the new Curriculum for Wales framework). The role of the teacher as a policy actor is therefore inescapably a political one.

2.6 *Children's Rights Policy - Enacting Children's Rights in Wales*

Tymms (2017) notes that the purpose of educational research may be to describe some aspect of education, or 'to problematise a politician's claim' (Tymms, 2017, p. 165). Education in Wales is under close political scrutiny at present and as curriculum reform is undertaken, Welsh Government's (2017; 2020b) *'Our National Mission'* sets out a vision of the Welsh education system as one which enables 'strong and inclusive schools, committed to excellence, equity and wellbeing' (Welsh Government, 2020b, p. 23). One of the key drivers for this is the development of a reformed curriculum (Welsh Government, 2017; UNESCO, 2017). Children's rights are said to be positioned widely within policy discourse and forms part of the broader reforms in Welsh education focused on social justice and equity (Welsh Government, 2022).

In Wales, the case for children as rights-holders is by now, one that is considered well established, and some argue, even emblematic of a Welsh system (Lewis *et al.* 2017). Butler and Drakeford (2013) describe the concept of a well-articulated policy child in relation to children's rights. All policy making for children and young people in Wales uses the UNCRC as its basis, through the Rights of Children and Young Person's (Wales) Measure 2011, and these rights are articulated through the seven core aims (Welsh Government, 2015). It was important because it introduced a milestone requirement for all Ministers to give 'due regard' to the UNCRC in the course of all policy making affecting children and young people. During its introduction, such an approach was lauded as innovative and exemplary of an international, child-rights focused approach to law making (Croke, Dale, Dunhill, Roberts, Unnithan and Williams, 2021). There was much excitement about important developments

such as Funky Dragon, a youth parliament designed to provide a genuine democratic platform for children (Croke *et al.* 2021).

However, by 2014, Wales had entered what Croke *et al. (*2021) described as a somewhat regressive position and Funky Dragon was disbanded without consultation (Croke *et al.* 2021). In two key reviews both Croke (2015) and the Children's Commissioner (2017) found that the enactment of children's human rights in Wales did not match the high levels of aspiration and rhetoric in practice. Despite claims of its universality, in 2014, Estyn found that 69% of seven- to eleven-year-olds were found to know very little about the UNCRC and even in relation to other aspects of the convention, such as provision, national inconsistencies were found to remain (Estyn, 2014). Four years later, the picture remained to be similar as the *Right Way Survey* (Children's Commissioner, 2018) gathered the views of 391 teachers and 6392 pupils across schools in Wales. 75% of children reported that they had heard of children's rights, and even fewer, 34% had heard of the UNCRC. An earlier review undertaken by Croke and Dunmore (2013) had suggested that more adequate, systematic training was needed for professionals such as teachers, yet 76% of the 391 teacher participants noted that they remained to require more training on children's rights (Children's Commissioner, 2018). Just 19% of teachers said school policies were linked to children's rights (Children's Commissioner, 2018). These findings are particularly notable when considering that 96% of the participants were in schools which participated in the Children's Commissioner's Super Ambassador scheme designed to promote children's rights and the UNCRC within schools in Wales (Children's Commissioner, 2018). Despite the introduction of the Young Wales National Participation Standards in 2016, the survey also identified that children's opportunities for participation in schools varied, with significant differences between the Primary and Secondary sectors. Whilst 72% of primary-aged children in the study said they could take part in decisions in their school, just 42% of secondary-aged children said the same (Children's Commissioner, 2018).

The period of 2019-2021 was highly impacted by the global Covid-19 pandemic, with schools switching to online and remote teaching and limiting in-school teaching to those groups considered vulnerable. There remains to be much debate about whether these decisions were in children's best interests and what the impact of such decisions has been, as well as

how much children's own voices and experiences were considered in the decision making (Barnardo's, 2021; Children's Commissioner, 2021). The Council of Europe (2021) found there had been a reduction in student voice activities around the world because of the pandemic. These issues are set to be further explored during formal governmental inquiries in due course (UK Government, 2022). However, when schools remained to be required to teach remotely, during phases of time where pubs and restaurants across Wales were opened, the question of whether adult needs were prioritised over those of children must be asked. It is also possible to consider whether the protectionist justification of making structural decisions and resource prioritisation on behalf of children, with limited consultation, was indeed in their best interests. This period also meant that many researchers and practitioners turned their focus to the impact of the pandemic on children and their learning and wellbeing. Children's rights issues tended to focus on those linked to provision and particularly, protection. There is therefore little to no research evidence of teachers' children's rights practice in Wales during this period, or how this may have translated to a remote teaching environment.

There are some indications that the situation for children's rights in schools in Wales has improved in recent years. In 2022, the Children's Commissioner noted that 'many education settings in Wales have well-developed practices to develop a human rights approach for children' (Children's Commissioner, 2022a, p. 8). Others note that within certain parts of the education system there continues to be a commitment to a rights-based approach in schools (Murphy and Waters-Davies, 2022). However, such tentative claims must be carefully contextualised. Murphy and Waters-Davies (2022) go on to caveat their findings which are drawn from an early year's context only and emphasise that such commitments are most likely to be limited to those groups of teachers who have received specialised professional learning (though the *Right Way* (Children's Commissioner, 2018) survey findings about teachers' limited knowledge of rights in ambassador schools would imply that this is not a given). Nor is it clear on what basis the Children's Commissioner (2022a) had reached their conclusion that 'many' schools had effective practices as this statement was made within the context of guidance to teachers designed to promote and advocate for rights in schools as opposed to within the context of a study or research. Other sources which would support triangulation such as Estyn reports are also not available owing to changes to inspection during the emergency period of the pandemic. In the UK's own report to the UN Committee

on the Rights of the Child (Children's Commissioner (England), 2020), schools in Wales were found not to be adequately responsive to student reporting of racism and that there remained to be limited opportunities for meaningful participation in schools, despite the legislative framework of the Rights of Children and Young Person's (Wales) Measure 2011.

A Welsh parliamentary inquiry (Children, Young People and Education Committee, 2020) with a remit to assess the impact of the measure found that there is no systematic approach to telling children about their rights and that there was a lack of evidence that the measure had improved outcomes for children. They also noted that a stronger framework to hold the Welsh Government to account was required, highlighting a core tension between the key role the Children's Commission appears to have as an independent body with responsibility for disseminating knowledge as well as monitor rights, and the fact that it must still report to government as opposed to the Senedd (Welsh parliament), raising questions about its ability to be truly independent (Children, Young People and Education Committee, 2020). Other significant findings included that knowledge about the UNCRC was variable and largely dependent on the school in which a teacher or pupil found themselves. They noted that whilst children demonstrated knowledge of their rights, there was a much more limited understanding of how they applied them meaningfully to the context of their own lives. Yet, the key objective of effective children's human rights education is stated by UNICEF as being predicated on the need for children to learn about rights in ways which emphasise their status as rights holders and connects such learning to their lives (UNICEF, 2014). Children who shared their views with the committee also identified several policy areas applicable to education and the school setting in which they felt their rights were not fulfilled:

- Being safe and alive
- Bullying
- Curriculum
- School transport
- School trips
- School structures

(Children, Young People and Education Committee, 2020)

One possible explanation for this slow progress may be found in Riddell (2020) who argues that 'politicians often believe that once a law is passed, practice on the ground automatically changes…[but] systematic inertia may…have little impact on grassroots practice' (Riddell, 2020, p. 73). Another explanation might be that, despite claims of children's rights being central to policy, a review of more recent key policy documents relating to education in Wales (particularly areas of reform) found little explicit discussion of children's rights with key word searches revealing very little mention of children's rights or the UNCRC explicitly. The *Criteria for the Accreditation of Initial Teacher Education in Wales* (Welsh Government, 2018) in force during this period and which set out the curricula for all new teachers made just one reference to the UNCRC under the heading 'Exercising Corporate Responsibility' and stated that 'this should, inter alia, include a knowledge and understanding of… Wales's commitment to the United Nations Convention on the Rights of the Child (UNCRC) and its implications for learners' rights' (Welsh Government, 2018, p. 45) and made no reference to teaching through and for rights.

In another example, *Our National Mission (*Welsh Government, 2017) does not use the terms 'Children's Rights' or 'UNCRC' at all. Within the updated version of *Our National Mission* (2020b) there is just one explicit reference to rights in relation to the curriculum:

> This will help ensure that they are supported to discuss and understand their rights and the rights of others, as well as being provided with access to information that keeps them safe from harm, including online safety.
>
> (Welsh Government, 2020b, p. 11)

Such definitions must be carefully interpreted, otherwise there is a risk that teachers may come to see teaching children's rights as a form of education which can be about others' rights (such as minority groups) and problems (for example, children's lack of provision rights in other countries) (Jerome, 2016; Waldron and Oberman, 2016). Furthermore, as earlier policy such as the seven core aims (Welsh Government, 2015) is overtaken by new policies and a plethora of educational reform, it becomes much more difficult for busy practitioners to consistently develop and apply cohesive policy knowledge. Ball *et al.* (2011) link teachers' abilities to do this to Foucault's concept of the field of memory in which discourse knowledge over time can gain a sense of general validity which becomes progressively more difficult to

challenge or to see inconsistencies over time (Foucault, 1972). This would strengthen Freeman's (2010) case for rights to be repeatedly made and reinforced. Policy writers should guard against not making children's rights explicit in all key educational policy document or else risk it being viewed as less important.

It is also possible to look to other documentation, which whilst not official government policy, is designed to support and influence policy. The Children's Commissioner's original guidance document *The Right Way: A Children's Rights Framework for Wales* (2017), helpfully exemplifies and explains for professional practitioners some of the underpinning principles embedded within the UNCRC, but as an independent commission, such guidance is optional and was not tailored specifically to the education context, leaving the question of how to apply rights concepts in the educational setting to the practitioner. However, in 2022, the Children's Commissioner launched a new Right Way framework specifically tailored to education and with teachers as its primary audience. It provides a useful overview of five key principles for a human rights approach for children and emphasises the teacher's role as a duty-bearer responsible for empowering children. Since it is located within the educational setting, it is likely to be a useful resource for teachers. Yet, like the UNCRC from which such guidance is conceptually derived, it too tends to gloss over tensions and inconsistencies. For example, the guidance simply states that children's rights 'changes the relationship between children and professionals. It means adults sharing power with children' (Children's Commissioner, 2022a, p. 15) making no allusion to the sense that teachers may not agree with this view and reminiscent of Jerome's (2016) claim that rights approaches within education often try to side-step teachers own 'thorny' views or attempt to 'win them over.' Nor does it engage at length with another controversial area of rights such as the extent to which teachers may link rights to the concept of responsibilities, thereby introducing an element of interdependence between the two concepts, even though children's rights as set out in the UNCRC are immutable and not dependent on the child's fulfilment of responsibilities (Shier, 2018). The guidance does stress this and for that reason notes that they 'recommend schools do not pair rights and responsibilities together' (Children's Commissioner, 2022a, p. 20). Instead, they advise teachers to focus on children's own rights, the rights of others, and how their actions can affect others' rights. Shier (2018) stresses the importance of keeping such concepts separate and highlights the fact that legally children do

not have responsibilities towards others – adult duty bearers have a duty to children. He argues that discussion of the rights of others can create a moral correlation which does not exist within such a legal framework (Shier, 2018) and, unless taught carefully, can lead to a misapplication of rights to the individual rather than the state (Waldron and Oberman, 2016). The balance placed on children's own rights compared to the rights of others is an important one because it determines 'whether human rights education promotes social conformity and control or whether it can be considered as education towards empowerment' (Waldron and Oberman, 2016, p. 746). Jerome (2013) suggests that this type of approach can become part of a 'responsibilization agenda' (Jerome, 2013, p. 723) often seen within neo-liberal governance structures which aim to coerce the individual into accepting their responsibilities and echoing Foucault's theories of governmentality as a structure for the 'conduct of conduct' (Foucault, 1977) (explored further in Chapter 3).

Whilst the guidance is undoubtedly a helpful and comprehensive overview of children's rights in the context of education in Wales, it does not appear to have been designed to support practitioners to engage with their own conceptualisations and theorisations of children's rights within their own practice (Tobin, 2010; Jerome, 2016). This is reflective of what Jerome (2016) terms a legalistic approach to children's rights as a set of standards. Ideas are presented neutrally, are not politically contentious and concepts are rarely problematised (Jerome, 2016). Within this mode, he also notes that practice tends to be viewed as a technical process of implementation, one in which any identified deficits can be resolved by better training, resources and clearer policy commitments at state level (Jerome, 2016) – all of which have featured as recommendations in the annual Children's Commissioner reports (Children's Commissioner, 2019; 2020). This would also seem to reflect Ball *et al.* (2011) model of the teacher as a policy-actor and where gaps in practice can be supported by adopting the role of policy receiver whose role is to get and follow the guidance better. When teachers are assumed to be receivers in this way, how teachers truly enact policy becomes obscured (Ball *et al.* 2011).

It can be useful therefore to recall to mind Hanson and Peleg's (2020) point about considering the purpose and context within which children's rights is being considered. The Children's Commission is primarily concerned with the legal compliance of the UNCRC and children's

rights in Wales – it is possible to argue therefore that the R*ight Way* guidance for teachers provides a helpful, legalistic approach to their professional responsibilities. What it does not provide, however, is advice on how this translates into effective teaching and learning about, for and through rights – that is, a rights-based *pedagog*y needed to support the cognitive, process and action dimensions of rights enactment (Howe and Covell, 2021). This does not render the document unhelpful or incorrect, rather it is important for teachers to recognise its context and purpose and to consider it critically as part of their overall understanding of their practice (Hanson and Peleg, 2020). However, there appears to be a limited amount of research yet available on teachers' pedagogy within the new curriculum, and very little focused specifically on children's rights. This may be considered expected within the context of a new and young curriculum, but it may also mean that there is a current 'gap' in the resources available to teachers in Wales to support their enactment of children's rights in their practice or indeed in their own understandings of children's rights and this was intended to be explored further in research question two and three.

2.7 Children's Rights and the Curriculum for Wales

Croke and Dunmore (2013) argue that the convention needs to be known and understood by children and teachers alike and included in the National Curriculum. Donaldson's (2015) curriculum review *Successful Futures* offered a foundational blueprint for a new curriculum – but the design and construction of the Curriculum for Wales itself has since been built by teachers and educators across Wales. The review does not use the term children's rights but does refer to the UNCRC on three occasions. Reference one stated the UNCRC as a legal basis for policies in Wales, a second reference noted that the principles of the UNCRC should be encompassed within curriculum design and a third reference highlighted children's rights within the context of ensuring that the new curriculum is inclusive in nature and:

> easily understood by all, encompassing an entitlement to high-quality education for every child and young person and taking account of their views in the context of the United Nations Convention on the Rights of the Child (UNCRC), and those of parents, carers and wider society.
>
> (Donaldson, 2015, p. 14)

Donaldson's (2015) approaches to the UNCRC and children's rights has since been further developed by wider educational and curriculum reform, with a phased introduction which commenced in September 2022. The curriculum is positioned as the cornerstone of a reformed education system, and guidance places the children's rights agenda firmly within scope. It is possible to identify many implicit concepts which are strongly linked to children's rights both within the four key purposes and through its inclusion of a human rights education approach (Murphy and Waters-Davies, 2022). Curriculum guidance makes specific reference to a three-part children's human rights education, reflecting the need to teach about, for and through rights (Struthers, 2015; Welsh Government, 2022). Links to specific articles of the UNCRC have been mapped by the Children's Commissioner across curriculum guidance (Children's Commissioner, 2022b) to support teachers' understanding of rights within the new curriculum framework. This is considered further within Chapter 4 in relation to research question one and two.

The possibilities offered by the Curriculum for Wales may be viewed as how a socially-just purpose for education can coincide with a realisation of rights in practice (Devine and McGillicuddy, 2016). However, whilst curriculum guidance (Welsh Government, 2022) demonstrates the policy's compliance with the duty to use the UNCRC as a basis for policy design, it does not interrogate in further depth what the 'principles' of the UNCRC are, or explain how it should be enacted in practice, merely noting that it should ensure it is enacted by teachers through curriculum design. The new curriculum envisages teachers as agents of change (Hizli and Priestley, 2019) yet the conceptual underpinnings of children's rights discourse itself which positions adults as change-agents in children's lives is rife with tensions – to what extent should the teacher apply the notion of best interests? Is the discursive practice of one group (teachers) deciding for others (children) ever a valid practice? (Alcoff, 1991). In the new curriculum, both the vision of the teacher and child are viewed in a new, empowered light, with teachers expected to develop more creative, student-centred approaches with active learning to be encouraged (Powers, Newton and Taylor, 2020). This vision of the teacher is mutually complimentary of the teacher who has the capacity to be part of changing social structures to increase equity and social justice. This is achieved through adopting an educational approach directed towards changing power-relations and to empower children to learn and where children are seen by teachers as agents in their own

lives (Brantefers and Quinnerstedt, 2016). Yet, these areas of practice are often problematic as there seems to be limited impact on significant aspects of school life such as the curriculum and relationships between pupils and teachers (Watson *et al.* 2012; Powers, Newton and Taylor, 2020).

However, just as there is a policy-practice gap in children's rights in schools and teachers' practice, so too is there often a 'gap between curriculum proposals and what happens in the classroom' with teachers often struggling to operationalise these designs (Powers, Newton and Taylor, 2020, p. 319), demonstrating that there is further risk of seeing continued policy-practice gaps in teachers' conceptualisations of children's rights playing out even within a new and shifting paradigm. Where there is an absence of clear and grounded guidance which is accompanied by structured opportunities for sense making, teachers may continue with 'old habits and understandings' (Hizli and Priestley, 2019, p. 740). This can lead to divergent understandings (and therefore enactment) of policy. As noted by Fitzpatrick (2013) genuine application of rights flows from teachers' moral obligations, rather than legalistic ones. Teachers must 'play out' a balancing of principles since they will be influenced by their own orientations and individual sense making processes (Hizli and Priestley, 2019, p. 740). As such, Hizli and Priestley (2019) argue that the ways in which teachers will interpret policy varies – they do not implement policy, but rather enact it. Waldron and Oberman (2016) also argue that teachers often default to what they term a common sense understanding of rights which derives from their everyday context rather than the structural, legal and historical domains within a professional context.

Jerome (2016) suggested that there are three ways in which the implementation of rights by teachers can be classified. The first is where children's rights are positioned firmly within a legal framework and presented as a relatively uncontested area for the implementation of agreed standards (Jerome, 2016). On this basis it is possible to argue that the embedding of the UNCRC into Welsh domestic law is representative of this. Furthermore, Jerome (2016) argues that any identified deficit of children's rights is often ascribed to the need for better training (such as Croke and Dunmore's (2013) call for teachers to receive better training) or for more resources on a national basis (Children's Commissioner, 2017).

The second method of classifying implementation is where children's rights is posited as a reformist world view. Within this view, teachers are encouraged to engage in active and critical reflection of constructs of childhood to position children's rights as a distinct ideological position within teaching (Jerome, 2016). The Children's Commissioner's (2022a) framework for rights in Wales and the underpinning of the new curriculum by principles of children's rights also go some way to addressing this second stage of implementation, but does so by providing a ready-made uncontested, untroubled ideology. However, this also poses a danger, as it must also be recognised that the ideological positioning of children's rights discourse is often at odds with other dominant paradigms – particularly where the system, like Wales, has previously been founded on performative norms (Powers, Newton and Taylor, 2020). Like Reynaert's and Vandevelde's (2009) technicalisation argument, there is a further risk that children's rights only become valued for outcomes such as better attendance or behaviour (Covell and Howe, 2005) which sit more comfortably within the performative, high accountability environment. This makes the move towards Jerome's (2016) third and for him, most desirable type of implementation, where a radical, transformative perspective which takes account of this ideological terrain calls for all to develop a theoretical basis for children's rights work, much less likely (Jerome, 2016).

Where teachers do adopt a more radical, transformative perspective, they are often practising this within a system configured around other values. Children's views that rights approaches in schools are often tokenistic (Kanyal, 2014) may stem from this, as teachers who adopt rights-based approaches within schools where this is not valued ideologically are likely to be viewed as hypocritical (Jerome, 2016). Devine and McGillicuddy (2016) emphasise the inevitability of teachers enacting rights with a 'context of structurally embedded power relations that are inter-generational' (Devine and McGillicuddy, 2016, p. 425), arguing that whilst teachers have always had the power to subjectify children through their practice, those decisions are mediated within the structures which 'are the rules and resources, signifiers and power relations… the discourses that set the context for the action in schools' (Devine and McGillicuddy, 2016, p. 427).

The tensions in conceptualisations between rights and teachers' practice in Wales is problematic and others have highlighted the significant implications of how a policy-practice gap leads to limitations, inconsistencies or even failings in children's rights practice in schools in Wales (Croke, 2015; Children's Commissioner, 2017; Lewis *et al.* 2017). However, within the current context of educational reform in Wales, there is a danger that these issues could become increasingly problematic for children's rights in Wales. It may pose a risk to the enactment of curriculum reforms which are posited as a radical restructure of the curriculum to improve equity in education in Wales, to 'raise standards for all [and] tackle the attainment gap' (Powers, Newton and Taylor, 2020, p. 319). It influences teachers' pedagogic practices through which those values are performed and becomes a space where the above identified tensions may play out in teachers' practice.

2.8 Teachers as Agents of Change

The notions of empowerment embodied in teachers' new roles in the Curriculum for Wales suggest that it:

> brings new challenges for teachers. Contextual, socio-cultural and structural factors may act as constraints or enablers, shaping how and to what extent curricular flexibility is applied and by whom.
>
> (Hughes and Lewis, 2020, p. 29)

Whilst this was originally noted as true of teacher's roles in curriculum development, the same tension likely applies for teachers as enactors of rights too, because similarly children's rights influence all aspects of a child's life, including their economic, social, cultural, civil and political rights and are broad philosophical principles which can be interpreted and applied according to context (Jones and Walker, 2011; Kanyal, 2014). Drawing on Bernstein's theories about the way curriculum classifies and frames knowledge, Powers, Newton and Taylor (2020) argue that the former Welsh curriculum strongly classified knowledge into subjects and that this, in turn, impacted on the power-dynamic within classrooms. The structure of the curriculum leads to a situation where 'relationships between teachers and taught are strongly framed with the nature of the classroom encounter being controlled by the teacher' (Powers, Newton and Taylor, 2020, p. 319).

However, children's rights discourse also seems to offer a seeming antidote to this dilemma for teachers through the advocation of children's participation rights in schools. If fully and effectively enacted, such rights claim to challenge the established power dynamic between adults and children (Prout, 2005; Boylan and Dalrymple, 2009) implicit in the above classroom encounter. Whilst Powers, Newton and Taylor (2020) suggest this is a consequence of the wider structuring of the curriculum, which is tightly codified, it is also possible to argue that the 'encounter' is actually underpinned by the teacher's pedagogic enactment of the curriculum, shaped and underpinned by the teacher's enactment of rights in their practice and their view of the power dynamic between children and adults. As we move from a tightly codified and controlled curriculum to a new integrated curriculum in which subject boundaries are more blurred, the anticipated consequence would be 'a change in the relationship between the teacher and the learner, with the student being given (ostensibly) more freedom to direct their own learning' (Powers, Newton and Taylor, 2020, p. 320). This is described as a move towards an invisible pedagogy which is neither a consequence of either the absence or presence of teacher control, but rather the application of evaluative criteria about progress and the visibility of teacher control. Therefore, if the move to an invisible pedagogy is to be successful (and Newton, Powers and Taylor (2020) argue that it needs to be if the new curriculum is to be appropriately enacted) then greater consideration needs to be given not to the evaluative criteria (which is conceptualised through progression steps) but rather to the teacher's perceptions of control in the classroom, and how they make that control 'visible'. As noted by Devine and McGillicuddy (2016) the teacher effect is not only 'about the what and how of teaching and learning…it is fundamentally relational' (p. 423). Furthermore, Donaldson (2015) also argues that the 'why' something is approached in such a way is equally as important. McGillicuddy and Devine (2016) conceptualise this as teacher thinking, doing and being, but also highlight that these aspects are all set within 'a context of structurally embedded power relations that are inter-generational' (Devine, 2003 in Devine and McGillicuddy, 2016, p. 426) highlighting the nature of the adult-child dynamic.

This change in curriculum thinking shifts the paradigm from a more technical and hermeneutic interest to a more emancipatory one – the curriculum (and the children's rights education within it) either becomes a force which improves or reduces social inequalities more broadly (Cohen, Manion and Morrison, 2018). Curriculum knowledge about rights and

the way in which teachers seek to provide and organise learning through and for rights will reflect the wider distribution of power and the principles of social control (Cohen, Manion and Morrison, 2018; Waldron and Oberman, 2016).

Despite the centrality of the relationship between the curriculum and rights, only 27% of teachers who participated in the *Right Way Survey* (Children's Commissioner, 2018) agreed that they made links between their curriculum planning and children's rights. This can be exemplified through the way that teachers plan for participation. Whilst the Curriculum for Wales framework sets out a more participatory framework for learning, one which includes children themselves in curriculum design and planning, only 54% of primary aged children and 32% of secondary aged children had opportunity to make choices about their learning (Children's Commissioner, 2018). Estyn (2022) note that there is a fundamental interdependency between a purpose-led curriculum and the pedagogy adopted by the teacher, and where teaching is deemed effective it is characterised by knowing pupils well and planning engaging learning experiences. This is arguably much more difficult to achieve if pupils' views about what is considered engaging is not considered. In the Primary sector,

 2.9 *Conclusion*

To conclude therefore, this review of literature draws three key findings from research which both informed and supported identification and exploration of my research questions. First, the research indicates that there are inherent tensions in the way that the theoretical literature conceptualises children's rights within a multi-disciplinary discourse, and that many of the tensions are inherent within or arise from tensions in the UNCRC itself - the key lever for policy and practice in relation to children's rights in Wales and within education more broadly. Secondly, perhaps because of these confused positions, there is a lack of clarity, rigour and shared understanding around what children's rights means *in practice,* and this may in part, cause a gap between the theory and policy of children's rights and the enactment of rights in practice. Rights in practice may become understood as a technical set of standards without explicit theoretical positioning by teachers within their practice. This could be said to be reflected in the legalistic approach which has been adopted by Welsh Government policy through including a duty to promote (rather than duty to include) the UNCRC within the new

curriculum and that wider supporting literature for teacher's practice also focuses on rights as a process within policy. These findings informed RQ1 and RQ2 (*RQ1: How does Welsh Government policy relating to children and young people conceptualise children's rights?; RQ2: How is children's rights conceptualised in the Curriculum for Wales 2022 framework?*). Thirdly, when applied to the context of children's rights in Wales, there is emerging evidence that there is insufficient enactment of children's rights in practice, with several significant areas emerging in relation to education and the way that schools (and teachers) enact children's rights and research question three set out to determine whether this was applicable specifically to the Welsh context (*RQ3: How do practising teachers in Wales conceptualise their practice in relation to children's rights and within the new Curriculum for Wales?*). The literature indicated a possible conceptual gap between theory and the understanding of children's rights by those who are duty bearers, however, the reasons to explain this within the context of the Welsh curriculum was not well known, with evidence mostly deriving from school inspection findings and reviews undertaken by the Welsh Children's Commissioner. The dearth of empirical research relating to the enactment of children's rights in schools in Wales in particular, despite a very successful legislative and policy approach to embedding rights, suggested that there are significant gaps in the knowledge in this area that would benefit from further research and is also supported by the research undertaken in this thesis and further explored in chapter four.

Chapter 3: Methodology

3.1 Introduction

This study explored the conceptualisation of children's rights within theory, policy and teachers' practice related to the Curriculum for Wales and used a qualitative critical case study approach. The Curriculum for Wales remains a developing area of research for both practitioners and academics. Specifically, this study sought to answer the question *'How are children's rights conceptualised in the Curriculum for Wales and enacted by school teachers?'*

To respond to this overarching question, I chose to delineate several specific research questions:

- RQ1: How does Welsh policy relating to children and young people conceptualise children's rights?
- RQ2: How are children's rights conceptualised in the Curriculum for Wales 2022?
- RQ3: How do practising teachers in Wales conceptualise their practice in relation to children's rights and within the Curriculum for Wales?

Prout (2005), Reynaert and Vandevelde (2009) and Jerome and Starkey (2022) suggest there is a possible disparity between what is advocated by children's rights literature and the actual practice of professionals (such as teachers) in relation to the rights of the children with whom they work. This can be reduced at its most base level to the social construction held by the adults of the autonomy and independence of the child (Prout, 2005; Boylan and Dalrymple 2009; Waters-Davies and MacDonald, 2022). Drawing on the critical theory and Foucaldian lens (see 1.3) suggests that whilst policy and the UNCRC can provide structures for the realisation of rights within a context, it is teachers' mediation of such within their own practice or 'habitus' which translates this into a reality within the school context (Devine and McGillicuddy, 2016). Children's rights discourses may reframe children as a minority group (Mayall, 2000), locating children's rights within wider rights movements relating to social justice and equality, and consequently positioning adults as oppressors, albeit benign in nature, for the most part.

Previous studies have suggested that the enactment of children's rights in Wales in educational practice is inconsistent and sometimes contradictory and that the view of children as *in*capable remains to be a dominant view, particularly among practitioners of younger children (Lewis *et al.* 2017; Tyrie *et al.* 2022; Waters-Davies and MacDonald, 2022). One recent suggestion in the updated *Right Way* guidance claimed that many educational settings in Wales may now have well developed practices for a children's rights approach (Children's Commissioner, 2022a), but the evidence base for this claim was not provided. However, in other reviews, the Children's Commissioner noted that whilst children identify how their teachers have helped them develop an awareness of their rights, they remain to have a limited understanding of what this means and how it applies to their lives (Children's Commissioner, 2022a)*.* Inherent tensions within the conceptualisation of children's rights within the UNCRC, a key policy lever for children's rights in Wales, along with a lack of critical debate around the conceptualisations of children's rights within theory was also highlighted in the literature (Freeman, 2010; Invernizzi and Williams, 2011; Tobin; 2013; Croke, 2013; Lewis *et al.* 2017). Despite the significant positioning of children's rights within Welsh education policy (Butler and Drakeford, 2013; Children's Commissioner, 2021), there are indications that there may remain to be some continuing limitations within teachers' practice (Jerome, 2016; Devine and McGillicuddy, 2016; Lewis *et al.* 2017; Waters-Davies and MacDonald, 2022) and an identified need for professional learning in this area (Children's Commissioner, 2021). Others suggest that the Welsh educational policy landscape has been hampered by the global virus pandemic which saw most children educated remotely from home for significant periods of time, resulting in significant impacts on children's lives and educational experiences (Children in Wales, 2021; Children's Commissioner, 2021b). Opportunities for rights to be embedded within the a new curriculum framework as it was being developed was strongly supported by the former Children's Commissioner (Holland, 2018) alongside the statutory obligations for the curriculum to take account of the United Nations Convention on the Rights of the Child (UNCRC) (Donaldson, 2015) and which was later addressed within the Curriculum and Assessment (Wales) Act 2021 as a duty to promote knowledge and understanding of the UNCRC.

The overarching purpose of this study therefore was to explore the conceptualisation of children's rights in theory and in policy, to identify the possibility, the extent and nature of

any limitations which may exist in Welsh teachers' conceptualisations of practice and any possible effect on the enactment of the Curriculum in Wales more specifically.

This chapter considers the methodology used to undertake this exploration. It discusses a rationale for the choice of research design, including my research paradigm, the selection of participants, data collection methods, and a summary of pilot-testing, all framed by the Foucauldian and critical theory framework adopted in this study (see 1.3). It also provides an outline of the data analysis framework selected, which were also influenced by the theoretical framework, and which used Braun and Clarke's (2006; 2014; 2020) method of *Reflexive Thematic Analysis* (RTA). It will also discuss the ethical considerations made throughout the research and how this impacted my positioning as a researcher. Lastly, the chapter provides an overview of the specific steps of the analysis process used.

3.2 *Research Design*

In considering the design of this study, my own interest in children's rights in education was a significant factor. It is possible to argue, therefore, that the overall design of the study was question-driven, as opposed to paradigm-driven (Punch and Oancea, 2014) as the overall design frame and data collection tools selected arise primarily from practical and professional issues which interested me as the researcher and were suitable to the question. At the outset of this research, by adopting a methodological theory approach rather than a substantive theory approach (Punch and Oancea, 2014; Taylor, Bogdan and DeVault, 2015), I recognised that there was a certain inherent flexibility in the question itself, with the likely need for further refinement and development as the study progressed. In the initial stages, the study was best described as a 'loose' or flexible design, in keeping with the qualitative methodology adopted (Denscombe, 2010), with two phases planned but the decision to continue with the second phase to be made after the first phase.

This study followed Stenhouse's (1975) seminal approach commencing with a pre-empirical stage comprising of a choice of topic which both arises from and is shaped by a review of the literature available, followed by an empirical stage focused on data collection and analysis. Punch (2009) notes that the qualities of effective research are organisation, systematic approaches, internal consistency and logic. As a researcher, I was keen to apply these qualities

to ensure I developed what Zwozidack-Myers (2012) refers to as a disposition to enquiry, seeking to develop an open-minded approach with a "willingness to consider more than one side of an argument and fully embrace and attend to alternative possibilities" (Zwozidack-Myers, 2012, p. 5). I wanted to trouble the notion of what Butler and Drakeford (2013) named the well-articulated image of the ideal policy-child in Wales in relation to children's rights. The focus of the study was to gain a better understanding of the extent to which there is conceptual alignment between the Welsh Children's Rights approach espoused in theory and policy and how such rights are understood and intended to be enacted by practitioners within an educational practice setting, specifically with the Welsh educational school context in mind.

This study is designed to provide a significant snapshot of information which is relevant to inform ongoing and emergent curriculum design (as such a longitudinal study would not be appropriate (Denscombe, 2010)). It is appropriate to consider this study a piece of exploratory research which aims to collect the views of teachers during this process. It is, therefore, primarily descriptive in nature as its main purpose is to identify the conceptualisations inherent in the theoretical and policy literature and then to describe the perceptions of teachers' practice collected (Denscombe, 2010). Punch and Oancea (2014) note that there is a risk that descriptive studies can be considered as a 'lesser' form of research, due to its absence of explanatory analysis, but stress that there is an important role for description over explanation when it is viewed as part of a new area for research, and when 'through careful description, the study seeks to gain understanding of what factors to concentrate on for later explanatory studies' (Punch and Oancea, 2014, p. 23). The inclusion of the Foucauldian theoretical lens also supported an analysis approach which provided opportunity for some interpretative analysis alongside the description (Braun and Clarke, 2006) to provide rich, deep descriptive accounts of teachers' stories of their practice.

As a piece of exploratory research, prima facie research questions formed a useful starting point to the study. Whilst there are clear research questions set out at the beginning of this chapter, I recognised that each question is broad in scope – specific boundaries to each question therefore needed to be determined at an early stage through the adoption of orientating questions (see Appendix A). Bryman's (2012) advice that questions be clear, researchable, have connections with established theory and research, be linked to each other,

be neither too broad nor narrow and to hold out the prospect of making an original contribution to the field also formed a guide to the formulation of a set of initial orientating questions which were later to support the delineation of thematic lines of enquiry.

However, despite the question-driven nature of the rationale for design, both Denscombe (2010) and Thomas (2017) stress the importance of ensuring that the philosophical position adopted by the research is clear and explicit, and necessarily involves consideration of the research paradigm in which the study is located (Cohen, Manion and Morrison, 2018). The methodology of the study is qualitative in nature and whilst the degree to which various data collection methods can be used within this paradigm is a matter of debate (mostly founded on traditional hierarchical views of quantitative traditions as being greater than those of qualitative research) (Punch and Oancea, 2014; Renn, 2019), it is generally considered vital that there is strong coherence between the research paradigm adopted and the data collection method(s) used (Pring, 2004; Kumar, 2014). Using the question-driven approach to design, this qualitative study adopted three data collection methods: document analysis; semi-structured questionnaires; and interviews. However, it is important that in making this selection, the research also took due note of the philosophical expectations inherent in qualitative research. To ignore such metatheoretical commitments would result in 'an abdication of intellectual responsibility which results in poor research practices' (Johnson and Duberley, 2003, p. 1279).

3.3 Research Paradigm

This research sought to consider how people interpret and understand the world around them, drawing on rich and complex data, mostly in the form of words (Taylor *et al.* 2015; Thomas, 2017). My view was reflective of one in which people seemed clearly to respond to the world around them in a variety of ways, with 'multiple nature of reality and truths' (Cohen, Manion and Morrison, 2018, p. 17). Explicitly outlining my theoretical framework was also an important part of the research design, as it elucidated how I, as the researcher, understood the world, and how I might 'take understanding to be and what [I] see as the purposes of understanding' (Cohen, Manion and Morrison, 2018, p. 3). Taking a qualitative approach was therefore consistent with my choice to adopt a critical theory perspective (Renn, 2019) which

Denzin and Giardana (2015) argue is important if research is to advance social justice concerns as I intended.

My ontological position within this research is based on constructivism (Bryman, 2012; Thomas, 2017), which accepts that in seeking to understand teachers' perceptions of children's rights in their practice, the basis of this research is one which takes an interpretive approach to social reality (Cresswell, 2012). It generates theory as the research progresses, and constructs meaning through the observation of social interactions and in a constant state of revision (Thomas, 2017; Taylor *et al.* 2015). The notion of rights, children and teachers exist within cultural, economic and social structures (Jones and Welch, 2010). Adopting an interpretivist epistemology here allows for full recognition and exploration of this, as it accepts that participants of research do not exist in a vacuum (Cresswell, 2012) and allows for the full exploration of the subjective meaning of actions in a social space (Guba and Lincoln, 1998; Bryman, 2012). This is also an important recognition when discussing the means of analysis which I used also (Braun and Clarke, 2006; 2019; 2021).

However, whilst this interpretivist approach offered a useful basis for the positioning of myself as a researcher during the early planning phases of this research, it became clear that on its own, interpretivism insufficiently addressed the tension that exists for teachers as enactors of rights within the school and policy structures within which they work. Alone, interpretivism can externalise social structures as somehow belonging outside of ourselves, neglecting to consider the power of these external structures to shape behaviour and events (Cohen, Manion and Morrison, 2018). It does not address the fact that teacher's perceptions of their pupils' childhoods are shaped by the environmental, economic and socio-political conditions (Jenzen, 2008; Boylan and Dalrymple, 2009) surrounding them and which has influenced their adult attitudes. Whilst it is a position compatible with the view of childhood as a social construction (Jenks, 200; Reynaert, 2009) and which is viewed subjectively, it does not account for the fact that the view is also suffused with concepts of power (Foucault, 1977) as it is not possible to separate this discourse from the times and places in which ideas were conceived (Aubrey and Riley, 2017). In terms of my own positioning as a researcher, this moved me closer towards a post-positivist approach and aligned with the post-modernist or post-structuralist viewpoint (Constas; 1998; Denzin and Giardina, 2015; Cohen, Manion and

Morrison, 2018) and was also consistent with my choice of theoretical framework as Foucault too can be considered in a critical and post-positivist light.

To support further exploration of how participants view themselves and their practice, I also drew on the concept of hermeneutics (Miles and Huberman, 1994) when considering the design of my data collection tools. My methods needed to be able to support me as the researcher to seek out meanings from the participants by giving attention to the social and historical context within which they are situated, and which can be considered in relation to social actions and other non-documentary approaches (Bryman, 2012). It places focus on the need to understand from the perspective of the social actor – in this case I wanted to understand the conceptualisation of children's rights held by the teacher-participants involved in the study and how they sought to apply this to their practice. This carried direct implications for the design of data collection methods as well as an important influence on my own positionality as a researcher. As a researcher, I sought to make sense of the meanings of teacher-participants, who themselves were trying to make sense of their own meanings, with the nature of data collection methods such as interviews providing teachers an opportunity to reflect as they responded to the questions asked. There is limited empirical evidence about the degree to which teachers may examine their children's rights practice in relation to their own social contexts (Tobin, 2013; Jerome, 2016; Isenström, 2020) and I was interested to explore how some views of reality may be privileged and others under-represented (Denzin and Giardina, 2015; Cohen, Manion and Morrison, 2018) within the school context. This provided a lens through which I was seeking to construct meaning from the participants' words and actions.

In an earlier pilot study, I adopted a methodology which derives from critical theory of the Ideology Critique, which can be used to "uncover the vested interests at work… revealing to participants how they may be acting to perpetuate a system which keeps them [or others] empowered or disempowered" (Geuss, 1981). In that study, I drew on the first three stages of Habermas' Ideology Critique method (Habermas, 1972) to create a frame for focus group questions in which I sought to engage teachers in considering their own double hermeneutic loop. Through this approach, teachers would be guided to begin to question how they view themselves and what they believe leads them to act or behave in certain ways and to discover more about what Freire would call teachers' own sense of praxis (Shor, 1987). However,

whilst this method was useful in a discursive setting, teachers in the pilot group were often reluctant to reflect critically in front of others or appeared anxious that they would inadvertently demonstrate a lack of perceived 'correct' understanding. This learning supported my choice of alternative methods in this study, as outlined further in 3.6.

However, this was not the only means in which to support a hermeneutic cycle in action. Jerome (2016) suggested that a policy-practice gap may derive from the fact that teachers simply do not know or think all that much about rights on a conceptual level. A scoping study assessing Welsh teachers' preparedness for the new curriculum undertaken just prior to the commencement of the Curriculum for Wales framework also raised the question of whether busy teachers have sufficient time and the right professional learning opportunities to enable deep thinking about aspects of the curriculum (Duggan *et al*. 2022). Children's rights discourse is often presented to school-teachers through policy guidance solely as enactment of the UNCRC, which is presented as a ready-to-go interpretation of children's rights – but yet, teachers must then interpret that interpretation within their own context – performing their own double hermeneutic cycle (Cohen, Manion and Morrison, 2018). The concept of Children's Rights in the UNCRC are presented universally, timelessly and complete, with rights-holders (children) and duty-bearers (adults) viewed as homogenous groups.

Recent guidance produced for teachers by the Welsh Children's Commissioner centres the role of the UNCRC (following its inclusion in the Curriculum and Assessment Act 2021) providing a description of its purpose and an overview of rights in relation to three themes (Children's Commissioner, 2022a) yet there is no critical evaluation or hint at tension raised. Therefore, I wished to unpick further the dynamic of power that lays in the space in-between from the teachers' perspectives. The literature review highlighted that some teachers may view children's rights as a threat to their power (Jerome, 2016; Thomas, 2021). One child participant in a national Welsh children's rights survey said of their teachers "if they tell us [about rights] they think we'll have more control over them" (anonymous child, Children's Commissioner, 2021a). This example reflects how "one person's or group's freedom and power is bought at the price of another's freedom and power" (Cohen, Manion and Morrison, 2018, p. 52), as teachers may prioritise their need for control (sometimes, well-meaning intentions linked to protecting children) over children's rights to autonomy, which Alcoff (1991) also noted is often an issue when dealing specifically with the issue of rights. The use

of critical theory can help surface where such tensions exist (Cohen, Manion and Morrison, 2018). Whilst Foucault's theories of disciplinary power are helpful in considering the nature of hierarchies of power in schools (for example, school leaders-teachers-pupils), his theories of pastoral power locate the teacher as a type of 'ethical subject' where their own moral views of children's rights will form part of their own conceptions of self (Perryman *et al.* 2017) as they negotiate 'strong…competing, normative and ideological perspectives' (Hanson, 2012, p. 63). It was necessary therefore to consider a research design which would support the identification of the normalised discourses and ideological perspectives which were located in the curriculum guidance as well as enable analysis of teachers' views of the same.

3.3.1 Design Frame

The design frame is influenced by two modes – firstly, that of the case study, which provides a superstructure for the study and secondly, that of critical research.

This research can be considered in keeping with Bryman's (2012) consideration of the case study as a method which allows the generation of an intensive examination of a single case. In this instance, the case can be said to be 'an object of interest in its own right' with me, as the researcher providing 'an in-depth elucidation of it' (Bryman, 2012, p. 69). Whilst the review of the literature identified the gaps in research and outlined the problem of a theory-policy gap, the case study allows me as the researcher to further explore the how and why instead (Cohen, Manion and Morrison, 2018), and to do so specifically within the Welsh context to directly address research questions two and three. Cohen, Manion and Morrison (2018) note that case studies are particularly useful when seeking to understand the perception of events by groups of actors and that its focus is on capturing rich and vivid data. This case can be classified according to Yin's (1984) definitions as both an exploratory and a descriptive case study, in that it allows for exploration of the macro-political effects of Welsh policy on the practice of children's rights in schools (Ball, 2010), but also captures the picture of what is there (in the new curriculum) and what is then happening as a result (in teachers' practice). However, whilst I share a consensus with many of the researchers above, I have

also noted Stake's (1995) advice that every researcher must define case study for themselves. In naming this research as a case study, I draw on Cresswell's (2013, p. 97) definition of

> a qualitative approach in which the investigator explores a bounded system (a case)...through detailed, in-depth data collection involving multiple sources of information and reports a case description and case based themes.

(Cresswell, 2013, p. 97)

However, there are some nuances and differences of viewpoints which are inherent in my specific delineation of my 'case' for study. Cresswell's (2013) definition identifies the bounded system usually as a single instance – for example a teacher, a school or a community. Yin (2009) sees the 'case' as being critical to understanding the holism of the case, and so allows for a more blurred boundary between the phenomenon under study and its context. This is in keeping with other concepts I have adopted, such as Foucauldian notions of the inseparability of knowledge and discourse from its genealogy (Foucault, 1969). However, both Cresswell (2013) and Yin (2009) place a focus on the 'unit of analysis' of the study to be an individual, group or organisation. It is therefore important to note that in this case, the unit of analysis is the Curriculum for Wales, and in naming this the 'case', I am adopting Merriam's (1998) stance that it is appropriate for the case to be constructed and interpreted by the researcher. Merriam and Tisdell (2015) argue that the defining characteristic of any case lies in 'delimiting the object of study: the case...the unit of analysis, not the topic of investigation, characterises a case study' (Merriam and Tisdell, 2015, p. 38). In this research, the focus on children's rights is best considered the topic of investigation, whilst the Curriculum for Wales forms the unit of analysis. My definition also draws on Stake's (1995) definitions of instrumental case studies, in which it is permissible to focus on an aspect of the case (in my case, teachers' children's rights practice) and that the unit of analysis may include aspects of teaching and learning, implementation of policy or curriculum development and issues of professional relevance. It is therefore on this basis that I identify the Curriculum for Wales as my case.

Hamilton and Corbett-Whittier (2013) argue that the case study should allow for deep understanding of the case in real contexts and that to enable this, the researcher should consider the case from at least two different viewpoints and use a variety of data collection methods. In this case study, the viewpoints of teachers, academics and Welsh Government

(through policy as a proxy) are considered, with three different data collection methods used: document analysis, questionnaires and interviews, all of which are common to the case study design within educational research (Yin, 2018; Hamilton and Corbett-Whittier, 2013; Merriam and Tisdell, 2015). This combination was chosen as it allows for the abstract ideas and principles outlined in academic theory and policy texts about children's rights to be brought to life through considering real people in real situations (Cohen, Manion and Morrison, 2018). It allows me to consider the 'holism' of teachers' perspectives, but more specifically in relation to children's rights. However, it is also important to note the limitations of this chosen design. As a small-scale case study, it is not possible to generalise the findings outlined in this study (Bryman, 2012), nor is that the intention of this method (Cohen, Manion and Morrison, 2018), and therefore the concept of relatability is one which is more helpful when considering the case study approach and the method of analysis used in this study (Byrne, 2022). This is because it would not be possible to conduct the case study within the same context for replicability and the mode of analysis used recognises the role of the individual researcher in generating themes based on their own thinking about the data sets (Braun and Clarke, 2006).

Within this study, I sought to understand the Curriculum for Wales as a case, and make recommendations for teachers' practice and policy articulations, and in so doing prompt teachers to reflect on their own practice through their engagement with the study. Cohen, Manion and Morrison (2018) argue that the act of researching an issue in a critical mode inherently changes it and is an act towards redressing the inequalities being challenged. In this research, I share Lundy's (2019) stance that children's rights is not 'about pity, charity… or the general principles of the CRC…' (Lundy, 2019, p. 596) rather it is an intentional promotion of the child as an autonomous rights-holder in alignment with my position as a critical researcher, and as suggested by Jenzen (2008) this is coherent with a wider post-modernist approach to educational research in relation to children. It is intended that because of this study, people will take action following engagement with the dissemination of the research findings, but also through teachers' participation in the study, as data collection methods are designed to ask teachers questions, which in the act of talking about the issues relating to children's rights in their enactment of curriculum, allows them to reflect and invites change of their practice where applicable (Merriam and Tisdell, 2015). This focus therefore

renders this research design frame as a post-structural case study (Jenzen, 2008; Merriam and Tisdell, 2015; Cohen, Manion and Morrison, 2018*)*.

3.4 Participants and Sampling

When considering who to include in this study, I considered Bryman's (2012) suggestion that the research questions should drive the nature of the participants to be included. In this study, there are two 'units' for sampling. The first is the selection of relevant documentation for analysis in relation to the curriculum and explained further below. The second is identified as those people who are actively working as teachers in Wales (Cohen, Manion and Morrison, 2018) focusing specifically on their roles as duty-bearers of children's rights, enactors of curriculum, and their agency and construct of self. Further understanding may be gained on this topic in a future study by also including pupils as participants. However, in this study, I wished to focus on the construction and enactment of children's rights *by teachers*. This choice was made in light of findings of previous studies which found that children's rights are often dependent on the school a child attends and the approaches that the teachers within it actively engage (Children in Wales, 2021). There are also suggestions that there may still be limited current knowledge about children's rights education amongst teachers in schools (Robinson e*t al.* 2020). Whilst teachers had been preparing for several years in advance of the phased curriculum roll-out from 2022, at the time this study was conducted, pupils themselves had limited and variable experiences of the new curriculum, so considered that involving children as participants may be more appropriate for future areas of research. Consideration of this choice is also further explored within the context of ethical implications in section 3.7.

The sampling strategy selected used two types of non-probabilistic sampling common to qualitative methods, over two phases (Check and Schutt, 2012; Schreier, 2018). In phase one, a sample of Welsh Government curriculum documentation was selected for analysis by purposive sampling. Several sampling points were identified throughout the study to ensure selection of the most relevant and up-to-date documentation during the evolving process of curriculum reform and to take account of an iterative process of draft versions of curriculum guidance being produced. This also supported the familiarisation stage of data analysis (Braun and Clarke, 2006) where I sought to immerse myself in a genealogical approach to tracing

ideas about children's rights within Welsh Government policy and curriculum guidance. This involved identifying aspects of narrative presented as 'truths' about children's rights and being alert to any hidden discontinuities in narrative (Foucault, 1969). It was also necessary to take into consideration the context-specific nature of each version (Cohen, Manion and Morrison, 2018).

In phase two, I opted for a respondent-centred approach (Smyth, 2016) to selecting the sample for the questionnaire and interviews. It was intended that schoolteachers (from a variety of schools, including primary, secondary, Welsh medium and English medium schools) across the whole of Wales would be recruited to take part in the study. By including different groups of teachers within the sample, I initially considered whether a maximum variation approach to sampling would be appropriate (Cresswell, 2013; Schreier, 2018). However, since all participants included were defined as teachers in Wales, I was concerned that there would be a limitation in how extreme the variations between participants really could be given the national curriculum approach, and since this is a case study, I was not seeking representation. For this reason, I selected purposive sampling (Denscombe, 2021) for the questionnaire, and initial questions were designed to support selection of the target population above (currently practising qualified teachers in Wales). I chose convenience sampling for the interview to identify teachers to participate in a more in-depth exploration of their views (Check and Schutt, 2012).

My third data collection method, the interview, adopts a similar form of non-probabilistic sampling, as volunteers self-selected based on the offer of the opportunity to participate in further stages of the research at the end of the questionnaire (Cohen, Manion and Morrison, 2018).

Participants were invited to take part in the study by means of advertisement on two social media platforms (Twitter and Facebook). These platforms were selected on the basis that they enabled a greater reach than advertising via poster or email as it could be shared freely by others to support a 'snowball' effect. The research was also advertised by newsletter to a wide network of schools available by means of my work within a university education faculty as conducting research in the field of education is an established practice. Participants were also asked to share the advert with any other teacher who may have an interest in this

area. The online distribution method enabled me to reach a greater number of teachers than paper or postal distribution may have allowed, as the survey and online interviews were easily accessible to participants across the whole of Wales. Participants could directly access the questionnaire immediately, without needing further correspondence such as expressions of interest to me as the researcher (Salmons, 2016). The link was also shared via professional educational networks within Wales. Data analytics showed that over one thousand respondents accessed the initial survey link, but fewer than 25% continued to complete the survey, indicative perhaps of the time pressures experienced by busy teachers but sufficient within the paradigms of this study as it is focused on the curriculum practice of individual teachers.

3.5 Validity and Generalisability

My approach to sampling was also designed to cohere with the case study approach (Bryman, 2012; Salmons, 2016). In considering the validity of my findings, I was mindful of Yin's (2002) advice that case study researchers should 'maximise four conditions related to design quality: construct validity, internal validity, external validity and reliability' (Yin, 2002, p. 19). To do this, Yin (2002) proposes three key methods which include: collecting evidence from multiple sources; create a case study database; and maintain a chain of evidence. These aspects were included in my choice of different data collection methods, my approach to data analysis and the genealogical approach to tracing ideas throughout data evidence including documentation.   I also considered Yin's (2009) suggestion that generalisability is best considered in relation to the analysis rather than statistical representation. Rather, it is intended that findings can contribute to the wider body of theoretical generalisation within the area of children's rights and the new curriculum (Yin, 2018; Schreier, 2018) and is considered in light of my qualitative framework, eschewing any notions of positivist notions of rigour such as replicability or even 'truth' (Patterson, Ball, Corkish and Whittick, 2023). In considering my sampling strategy, I wanted participants from a diverse range of school backgrounds so that it would increase the breadth and richness of the participants' experiences to be explored so data was collected in a way to represent different perspectives, and which linked to my research questions. Some data about respondents' backgrounds (such as length of experience or school role) was collected in the questionnaire. This allowed for greater ability to triangulate my data through comparing findings across data items collected

via different methods and in relation to the literature review. This also adds to the validity of the research, though it should be noted that this is in reference to capturing different viewpoints, rather than seeking to cross-validate data in a way more consistent with quantitative approaches (Thomas, 2017) and to do so with an authentic approach to representing participants' views and experiences (Patterson *et al.* 2023). This design was intended to support close alignment between the research questions, the data collection tools selected and the sampling strategy used and is outlined in Figure 1 below:

Research Question 1: How does Welsh policy relating to children and young people conceptualise children's rights?	Research Question 2: How is children's rights conceptualised in the new Curriculum for Wales (CfW) 2022?	Research Question 3: How do practising teachers in Wales conceptualise their practice in relation to children's rights and within the new Curriculum for Wales?
A) Literature Review academic theory from multiple disciplines. B) Document Analysis Welsh Government statement of intent/ policy rationality (Foucault,2007).	A) Literature Review existing academic literature pertaining to CfW in Wales. B) Document Analysis Welsh Government statement of intent/ policy rationality (Foucault,2007).	A) Literature Review existing academic literature pertaining to teacher's practice in Wales and related to children s rights. C) Questionnaire practising teachers self administered responses D) Interviews practising teachers responses
Sample: A) selected by key word search. B) purposive sampling of Welsh Government curriculum and policy documentation according to specific inclusionary/exclusionary criteria.	**Sample:** A) selected by key word search. B) purposive sampling of Welsh Government curriculum and policy documentation according to specific inclusionary/exclusionary criteria.	**Sample:** A) selected by key word search. C) purposive sampling all practising teachers in Wales. D) non probabilistic convenience sampling self selecting volunteer teachers from the questionnaire phase of the research.

Figure 1: The intended alignment between research questions, data collection tools and sampling methods used

The target population of teachers selected for the questionnaires and interviews allowed for participation from all interested practising teachers in several parts of Wales. Questionnaire participants were invited to participate in interviews to further explore their knowledge of practice in relation to children's rights (Check and Schutt, 2012).

3.6 Data Collection Tools

Freebody (2003) argues that educational practices are 'fundamentally about social relationships' (Freebody, 2003, p. 55) which take place through the form of social interactions but also through educational activities which 'project the learner's future through the enhancement of both specific and general capabilities and dispositions, into new social relations and affiliations' (Freebody, 2003, p. 55). As previously noted in relation to

research design, it is these social relationships and the participants' conceptualisation of their children's rights practice within the developing curriculum that I as the researcher sought to identify. It was necessary therefore to select data collection methods which could capture the full richness of these interactions and which would collect the most pertinent data focused on the research questions (Saldaña, 2020). In keeping with the qualitative case study methodology selected, three data collection methods were used: document analysis, semi-structured questionnaires and semi-structured interviews (Merriam and Tisdell, 2015).

3.6.1 Data Collection Tool 1: Document Analysis

The first phase of the research was desk-based and involved the analysis of primary data available online in the public domain (Salmons, 2016). Document analysis is a systematic approach to the interpretation of text sources and is often used in case study research (Stake, 1995; Yin, 2018; Hsiu-Fang and Shannon, 2018). Document analysis is a useful method of data collection in a case study because it can lead not only to insights related to the case, but also can reveal power structures and communication patterns which can be compared to other data sources to illuminate new understanding by identifying confirmatory or contradictory knowledge (Mills, Durepos and Wiebe, 2010). It was important therefore that this data collection method was conducted first, so that it enabled later exploration of any differences between or contradictions in teachers' practice in comparison to the curriculum guidance.

As noted earlier in the discussion of the theoretical framework (see 1.3) document analysis was an approach frequently adopted by Foucault as a means of constructing themes relating to power and discourse (Bell and Waters, 2014) and this was an aspect which I wished to include in this design to support the identification of normalised discourses and the means by which power is suffused within curriculum guidance (Foucault, 2007). At an early stage of the study, many documents were selected based on their usefulness to the research (Mills, Durepos and Wiebe, 2010).

Whilst many of the documents provided useful background information, not all documents were included in the final selection for document analysis. By conducting an initial selection for analysis early in the research process, it also supported the identification and generation of questions for the subsequent questionnaire and interview parts of the research (Bowen, 2009; Gross, 2018). Comparing subsequent curriculum guidance later was helpful as a means

of tracking changes and development inherent in the stages of the curriculum roll out (Bowen, 2009).

However, with a vast amount of Welsh Government documentation available, at the outset it was necessary to decide on a document selection strategy through identifying inclusionary and exclusionary criteria (Gross, 2018). As the focus of the analysis was on the role of children's rights within the Curriculum for Wales, I decided that only guidance relating to the new curriculum would be included as I considered this to be the only document which fully met Foucault's (2007) criteria of being a direct proxy for the government's intention as it is also the main 'political technology'' by which government seeks to operationalise the curriculum (Foucault, 2007). Other state or government documents, such as the UNCRC itself, had also formed a significant and critical part of the literature review, with analysis of the articles themselves already a well-researched area and which would yield no specific information about the Curriculum for Wales. Other documents (for example, articles of policy analysis by external analysts) were excluded. Other factors included geography (only Welsh materials were selected) and as the focus was to explore the implementation of the curriculum, only official government documents were used, excluding other documents such as opinion pieces (Gross, 2018). There was a significant volume of documentation developed across Welsh Government during this time, including further materials produced by the Government's middle-tier function, the Regional Consortia (regional school effectiveness and support organisations, replacing aspects of previous local authority responsibilities) or other umbrella bodies such as the Children's Commissioner, designed to support teachers' curriculum practice. The Children's Commissioner is an independent body; however, it monitors and reports to Welsh Government on compliance with the UNCRC and promotes children's rights in Wales. Such documentation was excluded from the analysis as they could not be considered a direct proxy for the governmental view. In accordance with my theoretical framework, the Welsh Government curriculum documents are treated as a proxy for the 'view' of the government and an expression of its rationality (Foucault, 2007) but also through combining the curriculum guidance with later exploration of teachers' views on the curriculum, I was able to undertake a two-way critique (Doherty, 2007) to identify the curriculum's stated ambitions and objectives as well as teachers' operationalising of this.

The curriculum guidance considered in this study was developed throughout 2020 – 2022, with iterations of the guidance documents being made available throughout that time so initial selection of documentation was subject to review at two points built into the project plan to ensure that all relevant documentation was included as the project progressed. Annual updates of the online curriculum guidance made in subsequent years (2023 onwards) were outside the timeline of this study. Figure 2 below outlines which documents were considered for document analysis and the rationale for the final selection.

Documents considered for analysis	Date of Publication	Included in final analysis?	Rationale
Donaldson, G. (2015) *Successful Futures,* Cardiff: Welsh Government.	2015	N	This provided the original recommendations and blueprint for the curriculum and was subsequently further developed as part of the Pioneer school approach and replaced by newly developed curriculum guidance co-constructed with teachers. Whilst its review provided useful background context and supported the design of research questions for other data collection tools, it was excluded from the final sample of selected documents for analysis presented here as I considered it was no longer extant having reached the final curriculum roll-out stage.
Welsh Government (2020c) Draft *Curriculum for Wales Guidance,* Cardiff: Welsh Government	2020	N	This earlier draft of curriculum guidance was replaced by a later version within the scope of the study's time frame.
Welsh Government (2021) *What Matters Code,* Cardiff: Welsh Government	2021	N	The code was selected initially but once it was published and made available, I excluded it from the analysis to avoid unnecessary duplication of analysis of the same materials presented in the curriculum guidance documentation.
Welsh Government (2022) *Curriculum for Wales Guidance,* Cardiff: Welsh Government	2022	Y	Following the completed passage of the final Curriculum and Assessment Act 2021, the latest version of curriculum guidance was accessed via Hwb (the official Welsh Government online platform for education in Wales) to ensure I had the correct, authorised up-to-date version of the guidance and which formed part of my document verification strategy.

Figure 2: Table of documents considered for analysis

Therefore, whilst earlier stages of analysis included a variety of documentation, it was the most up-to-date version of the curriculum guidance document (Welsh Government, 2022) available to me immediately prior to the formal launch of the Curriculum for Wales, and which is based on the final Curriculum and Assessment 2021 Act, which was selected for analysis. The Act sets out the legal requirements of schools and teachers in relation to the curriculum as well as the legal position of children's rights within the curriculum, therefore providing the statutory basis for teachers' responsibilities as duty holders and which is the basis on which the guidance is created. Therefore, the curriculum guidance document is the key document for analysis in this thesis and selected as the most influential and important of documents. Bell and Waters (2014) notes that documents need to be considered in light of the potential they have to inform and structure daily decisions made by others. In this instance, the documents guide teachers' practice and is intended to support teachers to operationalise requirements within their settings and to embed particular approaches within their practice.

One of the possible criticisms of the document analysis approach is that by drawing on sources from policy makers, there can be a danger that a top-down view of education is privileged, with the interface between the teachers and learners missing as the learning context is not considered (Cohen, Manion and Morrison, 2018). However, it should also be noted that Welsh Government refutes such criticism in relation to the curriculum, stating that it was developed through a process of co-construction with teachers so that the guidance documents arguably become a reflection of the work *of* practitioners *for* practitioners (Welsh Government, 2021b) with an ongoing implementation plan with high teacher involvement: 'Schools and settings should co-construct their curriculum, working with learners, families and the wider community' (Welsh Government, 2021c, Paragraph 3) . However, views on the efficacy of this approach and the extent to which practitioners in Wales have widely and systematically been able to engage in such co-construction varies (Newton and Taylor, 2020; Evans; 2022). However, it was clear that document analysis on its own would be insufficiently attentive to the views of teachers which would be required to respond fully to RQs 2 and 3 in particular.

Bell and Waters (2014) warn that documents alone cannot replace other forms of data designed to capture the lived experience. This is why it was important therefore that other data collection methods from different perspectives were also included (for example,

questionnaire of teachers' views) to try to ensure that this rich, complex interaction was not missed and to avoid what Cohen, Manion and Morrison (2011) call 'an acts and facts' viewpoint (Cohen, Manion and Morrison, 2011, p. 253). It was also designed to support the holism of the overall case study approach adopted (Yin, 2018). Bell and Waters (2014) also adds the need for reflexivity and due attention not only to the knowledge contained within a document but also the position which the document holds within a setting and the cultural values ascribed to them, seeking both intended and received meanings. Cohen *et al.'s* (2011) principles for ascertaining the meaning of a document were also adopted and I undertook each of the following stages:

1) *Verified the reliability and accuracy of the source*.
2) *Understand the information relayed and the values and assumptions of the author.*
3) *Took account of the text, including language and form, as well as the educational, social, political and economic context*.

3.6.2 Data Collection Tool 2: Semi-structured Questionnaire

The second data collection method in this study was an online questionnaire. It was used to gather teachers' views on children's rights in the new curriculum and their practice (see Appendix B) to answer research question three: how do practising teachers in Wales conceptualise their practice in relation to children's rights and within the new Curriculum for Wales?

Young (2015) urges caution when adopting a questionnaire design in educational research. Gorard (2001) suggests that there is a danger in social sciences in equating questionnaires with quantitative approaches whilst Young (2015) notes that the questionnaire is often viewed as a 'quick fix' for researchers, which is at risk of abuse as a data collection instrument. Denscombe (2021) however, notes that methods should be selected based on their answering the research questions and when designed to take a respondent-centred perspective, Smyth (2016) argues that questionnaires can be particularly useful. Questionnaires, though often associated with quantitative methods, can be used successfully within qualitative research (Atkins and Wallace, 2012) and can in fact offer more rich, varied

data, with a sense of the openness offered by anonymity not always possible in other forms of qualitative data collection methods (Terry and Hayfield, 2020).

Online Qualtrics questionnaires were chosen due to the nature of the investigation, which requires the consideration of individual views of teachers across Wales (Kumar, 2014). It was beyond the scope of the time and finances of this study to interview the vast numbers of teachers which would be required to achieve a representative sample, nor was this necessary to the case study method (Hamilton and Corbett-Whittier, 2013). One rationale for the choice of a questionnaire in this instance is therefore that it is a less expensive way of garnering many viewpoints (Cohen, Manion and Morrison, 2018*). Another rationale for the choice of this method is that it offers greater anonymity to participants (Kumar, 2014), which is particularly important as some of the questions ask teachers to express their views about the progress and development of the Curriculum for Wales reform and which may be considered controversial as teachers may gauge what is permissible to say within the discourse of children's rights in the curriculum (Foucault, 1969). Some teachers may be reluctant to share views in public which are seen to criticise reform, Welsh Government policy or other educational leaders' practice. With this in mind, it was also important to design questions to be as neutral and framed on a national level as much as possible to avoid the risk of prestige bias (Thomas, 2017) where teachers might focus too closely on sharing their own school practices which they deem effective. This in part accounts for the decision to include a possible third data collection method involving interviews, so that individual experiences could be explored in more depth if required (Flick, 2018).

Originally, the intention was to collect some demographic data about the teacher-participants (to allow for later analysis according to age or experience of teachers, factors identified in the literature review as sometimes affecting teachers' practice) and to follow with approximately three open-ended questions to allow for detailed responses. However, the continuation of the global pandemic impacted on education throughout the duration of this study. Through involvement in other national research projects using questionnaires, I realised that teachers were under extreme time pressure and due to the prolific nature of educational reform in Wales during this time, there was also wide use within the education system of a multitude of questionnaires, which can lead to questionnaire fatigue. This resulted in a high risk that teachers may choose to not participate at all or to provide very brief responses, resulting in a

risk of insufficient data to answer the question. As such, the final questionnaire design was orientated overall to a qualitative, open-ended approach, but some structured questions were included for ease and speed of teacher's responses, with plentiful opportunity for teachers to further explain or enhance their responses should they choose. The questionnaire comprised of nineteen main questions with four sub-parts, using a mix of open-ended responses and some multiple-choice questions using a three or five-point Likert scale for consistency to promote further evaluation. Every multiple-choice question was followed by an opportunity to explain the response further. This introduced a small element of pragmatic design (Cohen, Manion and Morrison, 2018) within this aspect of the data collection only. Despite the inclusion of some multiple-choice questions, it is important to note that the questionnaire remained to be qualitatively orientated, with the choice of responses offered designed to elicit further indications of the importance ascribed to an aspect of rights in the curriculum or teachers' estimations of their own confidence in relation to topics, and so whilst the Likert scale allowed for a sense of numerical measurement (Smyth, 2016), the nature of the aspect under consideration was the attitude and beliefs of the participants, more commonly associated with qualitative paradigms. The questionnaire was designed to take approximately fifteen minutes in total.

Open ended questions were designed to elicit respondents' views in an unfettered manner, and without making any presumptions about how a respondent may answer (Denscombe, 2021), though the nature of the questions themselves were designed to support teachers to reflect critically on their own values and beliefs relating to children's rights as well as their own praxis. The objective of the questionnaire was to elicit respondents' views and to best achieve this, Hesse (2018) recommends ordering questions in a way which considers participants' feelings and provides the most logical structure for the progress of the questions. The questionnaire therefore begins with high interest value questions towards the beginning, with more challenging questions placed towards the middle, and ends with high interest and positive questions (Thomas, 2017; Cohen, Manion and Morrison, 2018). Throughout the questionnaire design process, it became necessary to reduce the number of questions significantly and to avoid participants becoming overwhelmed by the questions, sections are used to make the questionnaire appear shorter and also to take account of the act that respondents may choose to respond using a variety of devices,

including using mobile phones or a much smaller screen (Salmons, 2016). The online layout of the questionnaire is one question per page which makes it easy and clear for participants to understand how to respond (Cohen, Manion and Morrison, 2018; Denscombe, 2021; Smyth, 2016) and is more easily read on small tablet or mobile devices.

To support the validity of the tool, Denscombe (2010) recommended considering three key aspects; the appropriateness of questions; precision and detail of data; and the truth of the information. One technique utilised in the design of this questionnaire was to include statements which are both positively and negatively worded towards the main issue (one directional statements can risk leading the participant (Gorard, 2001). The questionnaire was also designed in two languages (Welsh and English) to take account of the context of Welsh education which is bilingual in nature. It was also an ethical consideration on my part to ensure that participants were able to participate in their language of choice. It also meant that the questionnaire was more likely to be accessible to and completed by teachers across the Welsh medium school sector whose usual daily professional context is through the medium of Welsh.

The bilingual questionnaire was piloted with a small group of teacher-educators and academic researchers (all qualified teachers but working outside of the current school system and therefore excluded from my main population sample) in advance to check for clarity (Denscombe, 2021) and to test the technical aspects of the questionnaire system. The accuracy and meaning of the translation was confirmed by other Welsh speakers. Some changes were made to the order and the clarity of the questions following this pilot (for example, re-wording of an overly long question, changing the order of two questions to improve the 'flow' of the question narrative), as well as some minor corrections to the Welsh language version. Following the pilot stage, some questions were removed from the questionnaire to help avoid the fatigue effect of respondents being asked too many questions (Hesse, 2018) and some questions were moved so that only one question per screen would appear for clarity (Smyth, 2016). Questions were designed to elicit teachers' views about the Curriculum for Wales, addressing the second research question in particular.

The questionnaire was deployed electronically, using the Qualtrics (2018) software package which is available to me as a UWTSD post graduate student. In addition to supporting easy

and wide dissemination in an electronic form, it offered ease of completion on the part of the participant (Hesse, 2018) as there is no need to post a reply (Salmons, 2016). The use of the Qualtrics system also carried benefits at the analysis stage (Denscombe, 2021). In addition, the Qualtrics system provided a safe, secure and GDPR compliant method of data gathering, an important ethical consideration.

The use of online survey software has several benefits and was particularly relevant to collecting data from a large group of teachers, spread over a geographically diverse area (Kumar, 2014; Salmons, 2016). It is a sustainable way of collecting data, as well as providing ease of analysis at the next stage of the study, reducing possible error on behalf of the researcher (Kumar, 2014). The questionnaire was accessed by a link available on an advert poster as well as email invitation. Careful use of filters at the beginning of the questionnaire and an easy-to-follow sequence of questions (such as, 'are you a qualified teacher currently working in Wales?') avoided data being collected which was not useful and ensured that respondents' time was not wasted completing questionnaires with limited relevance to them (an important ethical consideration) (Cohen, Manion and Morrison, 2018). Whilst questionnaires can be notorious for low return rates (Hesse, 2018), using an online invitation can make it easier and quicker for respondents, leading to a better response rate (Gorard, 2001; Thomas, 2017; Hesse, 2018).

As with any data collection tool, it is important to give wide consideration to the ethical issues which may surround its use (Punch and Oancea, 2014). The online questionnaire also offered greater anonymity to participants (Kumar, 2014), which is an important ethical consideration in this study. To ensure this, I enabled two Qualtrics security features – distributing the questionnaire using anonymous links and enabling the 'anonymise response in survey' option. Using both features together ensured that the completed responses were completely anonymous with no embedded identifying information, including deletion of IP and locality data (Qualtrics, 2021). One risk with this approach is that it did mean participants could access the questionnaire by following the general survey link again after completing the questionnaire. It wasn't possible to stop this from occurring due to the anonymity setting and would have required a setting change which recorded respondents' server details so they could be recognised if they visited again. However, this was not in accordance with the ethical

approach of anonymity I had adopted, so the information screen made a specific request of participants to complete the questionnaire once only.

An information letter and consent section were used to explain the study and to share the key purposes, importance and benefits of the study (Cohen, Manion and Morrison, 2018; Kumar, 2014) and these aspects have been built into the design of the letter of information and consent form (See Appendix B). The first page of the questionnaire provided an information letter which set out the aims and objectives of the research. The letter also made it clear to the participant that whilst the research was being undertaken for my own examination purposes, it also had potential benefits to the teaching profession more widely, and that a copy of the final report and any other related publications would be open access and made available through dissemination. The information letter also provided the contact details of my university supervisors should participants have wished to withdraw at any point but not speak to me as the researcher. Participants could also withdraw simply by closing the browser at any point. Cohen, Manion and Morrison (2018) stress that all participants who consider taking part in research have the right to self-determination. This means that participants have the right to be fully informed about the research, as well as the right to withdraw prior to, during, or after taking part in the research without explanation and without penalty.

Each participant was asked to confirm that they gave consent to taking part in the research in the introduction to the questionnaire itself. Participants were asked to confirm that they understood:

- the purpose and nature of the research

- that the research is voluntary

- that they could withdraw from completing the research at any time up to the point of submitting the questionnaire. Once the questionnaire was submitted, due to the anonymising settings used on Qualtrics, the participants' response was untraceable and anonymous and therefore it was not possible to disaggregate any individual respondent's information from the data set. This was clearly outlined within the

information letter and an additional reminder provided at the submission stage, reiterating that there was no penalty to withdrawing from the study.

- that only practising teachers in Wales should take part in the survey. If a participant was unable to confirm they were a practising teacher, they were redirected to an explanatory message ending the survey.

The letter of information embedded within the introduction of the questionnaire also stressed that the final report would ensure the anonymity of all participants and ensure non-traceability by not including identifying features. The questionnaire itself did not request participants' names or specific school information. Participants' responses were allocated a numerical code for the purposes of data identification throughout the analysis.

Once participants submitted their questionnaire, due to the anonymous nature, it was not possible to withdraw the data from the set, and this was made explicit at the outset (British Educational Research Association, 2018) and formed part of the confirmation of consent. It is also courteous to offer thanks for the completion of the questionnaire and vitally to provide information and reassurance about the confidentiality of the response (Kumar, 2014). In addition, I shared some useful links to further children's rights resources which may have been of interest to practitioners following the opportunity to reflect on their practice.

Another benefit of the Qualtrics software is that the data was automatically collected in a computer readable format, allowing for less error during analysis as it cut down the risk of transcription error on the part of the researcher (Denscombe, 2021). There were possible limitations, however, such as that not everyone will have had internet access, and questionnaires are not always relevant to all population groups, such as those with low literacy skills (Kumar, 2014; Smyth, 2016). It is possible that the intended meaning of a question is not clear to the respondent, whilst the aim of the pilot was to reduce this risk, some questions offered further mitigation by offering the participants the choice to state that they did not understand the question. However, these were considered to be low risks in this study, as teachers in Wales all had access to internet in the workplace.

Questionnaires are often also criticised for being limited to populations who can read and write to a good standard (Cohen, Manion and Morrison, 2018; Kumar, 2014). However, in this

case, as respondents are all qualified teachers subject to minimum entry requirements of a high academic standard, it was assumed that participants would have the necessary literacy skills to complete the questionnaire. Another limitation is that there may have been a lack of opportunity to clarify issues when questions are issued to respondents at a distance from the researcher. Careful piloting of the questionnaire in advance of the event was also another step I took to mitigate the possibility of misinterpretation of questions (Cohen, Manion and Morrison, 2018).

The questionnaire was initially made live and was intended to be available to participants for a period of approximately twelve weeks in total. During that period, two phases of advertising the research opportunity was conducted. For example, the adverts were re-shared later in the summer term when it was possible that teachers may have had more time available to complete the questionnaire. Due to a low volume of respondents, the original window was then further extended to include the school summer holidays and the beginning of the new academic term, and a third phase of advertising was carried out. Therefore, the questionnaire was available for a period of six months. This also enabled ongoing familiarisation and analysis of the questionnaire responses even from the early collection stages (Saldaña, 2020). This is considered further in 3.9.

3.6.3 Data Collection Tool 3: Interviews

The third and final data collection tool used in this study was that of an interview, a method which is widely employed in qualitative research within the social sciences (Bryman, 2012; Marvasti and Tanner, 2020) and which is often considered appropriate to the case study method as it allows for rich exploration of individual lived experience (Hamilton and Corbett-Whittier, 2013). Nevertheless, it is also important not to risk normalising the interview in a way which disguises my underlying assumptions as a researcher. Despite the popularity of interviews as a research tool, it is also a social encounter of its own, subjected to the dynamics of a social interaction (Marvasti and Tanner, 2020). Together, the questionnaire and the interviews could be used in conjunction to gather information directly relevant to research question three: *How do practising teachers in Wales conceptualise their practice in relation to children's rights and within the new curriculum for Wales?* Whilst the questionnaire focused on the aspects relating most to the Curriculum for Wales, the interview was designed

to explore in greater depth teachers' conceptualisation of their children's rights practice. However, in keeping with the flexible and iterative nature of the qualitative research design, the inclusion of interviews was decided after the data collection point for the questionnaires (Marvasti and Tanner, 2020). At the outset of the research, the potential use of the interview was included both within the design and the ethical approval processes needed. Due to the partial completion of several questionnaires, I decided to progress with three interviews to support a more robust approach to the data triangulation. This was in keeping with my ontological approach which did not require large samples, as the purpose of each interview was to explore complexities of the individual's teacher-self in relation to their curriculum practice (Marvasti and Tanner, 2020).

It was important to sample practising teachers in Wales for this aspect of the research and who were directly involved in the new curriculum. Personal experiences of participants ensured credibility to the data collected (Flick, 2018). This was something I learnt from previous pilot studies, where I had realised that my participants were not always well placed to discuss the topic in focus. I considered interviewing other participants in education in Wales who may contribute in more indirect ways to the development of teachers' practice, for example, Regional Consortia staff as system leaders, but decided that to do so risked slipping into a 'hierarchy of credibility' (Taylor *et al.* 2015, p. 83) where the perspectives of those in positions of authority may be considered more valid. As it was the view of the teachers I wished to learn more about, I decided it was best to explore the topic directly with those adults who have the daily interactions with children across Wales and were the main target sample group.

At the end of the questionnaire, which used convenience sampling (see 3.4) teacher participants were given the opportunity to state their interest in participating in an online interview of thirty minutes in length, so interviewees were self-selecting. This allowed participants to share further detail about their views about children's rights and more direct examples of their practice. Additionally, further advertising on social media also highlighted the opportunity to participate in the study at the interview stage.

The interview itself can be considered a co-construction between myself as the researcher and the interviewee. Whilst the questionnaire tended to focus on participants' knowledge

and understanding, the interview was an interpersonal social encounter (Kvale, 2007; Cohen, Manion and Morrison, 2018) and allowed for in-depth exploration of values and attitudes also as there was more extensive opportunity for asking challenging questions and probing further (Baker and Johnson, 1998; Denscombe, 2021). Baker and Johnson (1998) argue that these are important features when considering interview talk as a form of professional practice. The interview was intended as an opportunity for teachers to talk about and reflect on their practice and 'in the very act of talking about issues, [change] their consciousness about these things and hence invite change' (Merriam and Tisdell, 2015, p. 62). The interview was semi-structured and asked questions which were more personal in nature to elicit more complex and nuanced responses than those which could be gained in a questionnaire. For example, whilst the questionnaire asked about possible structural barriers to teacher's children's rights practice, the interview asked about barriers on the personal, individual level or prompted participants to provide specific examples from their own practice. To do this, it was important to build a rapport between me as the researcher and the participant. Robson (2020) notes that achieving this in an online setting can take more time than in offline contexts, and that careful consideration of language to avoid misinterpretation is critical. Robson (2020) also adds that an online interview can sometimes even enhance trust as it offers a sense of distance akin to anonymity, as only the online presence of the participants and researcher are 'known'. A carefully designed interview schedule was reviewed throughout the supervisory process and piloted by two academic colleagues who were previously qualified teachers. The interview was designed to begin with ice-breaker questions to help the participant feel at ease and through offering further prompts at appropriate stages to elicit more responses. Sometimes this was achieved through asking pre-set prompts, at other times, prompts could involve smiling, nodding and using natural language (Kvale, 2007). For example, question three asked the participant to explain what children's rights meant to them in their daily practice. A follow up prompt included asking for a specific example from their practice which would illustrate this. A list of pre-written prompts was built into the design of a semi-structured interview schedule (see Appendix C). Using a semi-structured approach enabled teachers to answer in their own way and using their own words, drawing on their own frames of reference (Baker and Johnson, 1998; Cohen, Manion and Morrison, 2018).

The design of a question-based interview guide in advance of the interview ensured that I asked the most relevant questions to explore the focus of the research question. Questions were ordered according to topics to create a sense of flow through the interview. I rehearsed the questions in advance to be familiar with the questions and their order. Although I endeavoured to create a natural, fluid, conversational approach to the interview, Denscombe (2021) notes that participants also recognise that they are taking part in formal research and that the agenda is set by the researcher. On occasion therefore it was necessary to re-direct participants back to the focus of questions. The use of the interview guide supported this approach. Being very familiar with the interview questions also helped me to develop a more active approach to *listening* to participants' responses also. The interview guide therefore also included some brief aide-memoire sentences to support member-checking of participants' meanings throughout the interview (Cohen, Manion and Morrison, 2018). For example, approaches such as paraphrasing the response given, or asking 'do you mean...?' were ways to check I understood the meaning that the participant wished to convey accurately.

Cohen, Manion and Morrison (2018) note that it may be considered appropriate in some interviews to challenge the participant, or to try and tease out more deliberately any inconsistencies in the participants' responses as a means by which to ensure the validity of the interview data. I did not deem this appropriate within the context of my study, opting instead to consider the advice of Denscombe (2021) to facilitate full and honest responses through a more passive, neutral stance, remaining non-committal about statements made. Flick (2018) explores the difficult concept of 'truth' in respondents' answers and adds that one quality indicator to support the accuracy of responses is to ensure that interviewees are given plentiful opportunity to talk credibly about their own experiences. She goes on to add that the way in which the researcher prepares, conducts and writes about the interview is also crucial to the quality, so that the focus on the interaction and with the issues explored are not lost at the writing up stage (Flick, 2018). Therefore, the interview schedule included both prompts to support reflection on own practice and also accuracy checks to ensure my field notes and recordings could be used at the post-interview stage to ensure writing was accurate.

Five participants volunteered to take part in individual interviews. Three participants volunteered via the option at the end of the questionnaire. However, following written confirmation of intention to participate, one participant did not respond to the request for a suitable time and the other did not attend the confirmed interview. I then advertised the interview opportunity once again via social media and two further participants contacted me to participate. In total, three interviews were conducted through the medium of English. To help decide the number of interviews I would need to conduct, I considered Marvasti and Tanner's (2020) view of the usefulness of qualitative interviewing for effective illumination and exploration of complexity without the requirement for large sample sizes (Marvasti and Tanner, 2020). Braun and Clarke (2022) also recommend that for the completion of a study to meet the usual requirements of a professional doctorate drawing on Reflexive Thematic Analysis, that a minimum of approximately three to five interviews is usually required to gain enough insight from the data to respond to the research question. Since this data collection tool was part of three overall data collection methods and because several of the interviewed participants' views were similar or echoed those of the questionnaire respondents, I decided to stop collecting further data after conducting three interviews.

The interviews were held online using Microsoft Teams as this is in common use within Welsh schools and all teachers have access to the software via Welsh Government's virtual learning platform for education. Like the choice of an electronic questionnaire, online interviews facilitated ease of access for participants across Wales and offered convenience, reducing the time burden on very busy teachers through removing the need for travel (Robson, 2020). It was also appropriate given continuing health and safety measures in place owing to the global virus pandemic. Additionally, it carried benefits to me as the researcher, reducing costs of travel and venue hire as this was a non-funded study, as well as providing a free English medium transcription function, which could be used during the live interview and would support in reducing lengthy transcription time. However, the online format did mean there were some additional limitations. Interviews are often selected for their flexible nature in supporting multi-sensory data collection (Cohen, Manion and Morrison, 2018). The participants' verbal and non-verbal interactions, including body language, can be important in analysing meaning but is arguably also more limited in an online method, although partly mitigated using the web camera (Denscombe, 2021).

Although interviews took an online format, Robson (2020) stresses that a human subject ethical paradigm should still be adopted. At the interview stage, it was not possible to offer full confidentiality due to the nature of the method (Robson, 2020). An information letter was sent directly to each participant via direct email and participants were asked for consent both in writing and at the outset of the interview, as well as reminded that they could withdraw at any point (Bryman, 2012; Cohen, Manion and Morrison, 2018). Participants were asked to consent to recording of the interview to enable later transcription. I recognised that this posed the risk of introducing connotations of surveillance to the study which I had been keen to avoid, but I decided that this risk would be outweighed by the benefits of this to enable high quality analysis and that this risk could be mitigated through ensuring a safe, confidential online environment. In the instance that a participant did not wish to be recorded, I planned to write some field notes during the interview itself and add further detail immediately after the interview. I did not wish to make overly detailed notes during the interview itself as I felt this would impact too significantly on the social and transactional nature of the interview and the need to establish a relationship within a more challenging medium. However, this action was not required as all three participants agreed to the use of camera, the recording of the interview and, since interviews were also conducted in English, the use of the online transcription function. I wrote detailed field notes immediately after the interview which would support any online transcriptions provided by the Microsoft Teams function, as an additional mitigation.

If any participants did not consent to the use of the camera, I was prepared to continue with the interview as I believed it would have been unethical to remove the participant's choice in participating in the study simply because they did not wish to comply with all aspects of my data collection tool design and could appear as coercive. However, I recognised that this would need to be discussed in relation to the data analysis which would have become text-based only and would not have included the visual cues of an interview and would be more like a telephone interview. Despite the online nature of the interview, I endeavoured to keep in mind Robson's (2020) reminder that like face-to-face interviews, the technology used is also embedded in social, political and economic contexts and that the virtual interview also has to be socially constructed and embedded, with similar ethical and practical considerations made.

In presenting the interview findings, anonymity was retained throughout by using pseudonyms (Bryman, 2012) which I preferred to the numerical code used earlier as I did not wish to create connotations of dehumanisation of the rich, detailed experiences which participants generously shared with me. In selecting pseudonyms, I chose names which sought to reflect the gender, culture and context of the participants.

3.7 Ethics and Methodology

To present my ethical considerations, I adopted Beach and Eriksson's (2010) advice that ethical matters should be addressed throughout the body of the discussion, and not related solely to the methodology only. Previous sections pertaining to individual data collection tools have made specific reference to the ethical considerations which could be considered as endemic to that particular method (Cohen, Manion and Morrison, 2018) whilst this section focuses on issues of the 'highly differentiated, contextually specific and politically contested' (Danaher, Baguley and Midgley, 2012, p. 3) nature of ethics within this study.

At the outset of the study, ethics approval was gained from UWTSD's Research Ethics Committee (see Appendix D for a copy of approval confirmation). However, ethical principles of research did not end at the approval stage, but rather carried on as a process throughout forming dynamic and evolving considerations at all stages of the research. From choosing the topic of children's rights, conducting the literature review, the design of the methods and the choice of participant sample, and in analysing data and presenting findings in a way which was cohesive with the critical and emancipatory aims of the study – ethics was central.

To support a reflexive ethical approach, I drew on two of Stutchbury and Fox's (2009) traditions of ethical thinking in which I sought to ensure that I applied consequential and ecological ethics. Within consequential ethics, the undertaking of the research must be worthwhile. The lack of information available about teachers' enactments of rights in relation to the Curriculum for Wales at a critical point in education reform appeared to offer useful and relatable insights (Schoen, 2011) which would ultimately benefit children in Wales through the potential development of teachers who seek to continually improve their practice. Within an ecological model, research must also be conducted responsibly. This was to ensure I was responsible to my community of peers by ensuring my research was

undertaken to the highest standards, as well as my responsibilities to my participants in the teacher community to whom the work would eventually be disseminated (BERA, 2018).

British Educational Research Association (2018) ethical guidelines, UWTSD research ethics and integrity code of practice, as well as regular discussions with my supervisors guided my decision making at each stage. An example of such 'live' decision making was not pursuing further contact with interview participants who did not attend the confirmed interview, which I recognised as the participant exercising their right to withdraw without reason and at any time (BERA, 2018).

I aimed to develop a reflexive approach to ethical mindfulness (Warrin, 2011) which was particularly important given the moral imperative I feel has driven my interest in this study with respect to children's rights. I also wished to consider the responsible, respectful conduct of research with teacher participants whose own wellbeing and time was often severely impacted by the global pandemic. In asking teacher participants to share their personal reflections on their own practices and experiences, I was conscious that I may need to be prepared to present findings transparently and sensitively, taking account of the wider context of educational reform and change in relation the Curriculum for Wales with which teachers continue to grapple. I therefore had a dual responsibility to both the teaching community, whose wellbeing, reputation, anonymity and confidentiality must be protected, but also to my academic research community, in ensuring that I adhered to the correct procedures and protecting my own and my institution's reputation as credible, robust researchers (Cohen, Manion and Morrison, 2018; BERA, 2018).

An important initial decision was to decide whether to include the views of children and young people within the case. The inclusion of children's experiences may have been considered consistent with other aspects of my study, such as my adoption of the concept of the agentic child. I was also aware that there have been significant recent moves towards research being conducted *with* and not *about* children (Lundy and McEvoy, 2012; Donaher, Baguley and Midgley, 2012).

I returned therefore to my study design and research questions (Punch and Oancea, 2014) which focuses on curriculum policy and its enactment by teachers. Research questions focused on how teachers conceptualise rights within a school setting teaching the new

Curriculum for Wales. The International Charter for Ethical Research Involving Children (CERIC, 2013) guidance notes that when deciding on the fundamental decision of whether to include children in research, you must ask whether they need to be included and if so, in what capacity (CERIC, 2013). I considered whether it was possible for the knowledge I sought to be obtained through other means, or whether there were valid, informed reasons for not including children directly. It was not clear how children's participation would address the research questions the study was designed to explore. Children may have provided interesting insight into their contemporaneous experiences of rights in school, but key factors about this seemed to be known already, as discussed in the literature review, and the study would make a limited contribution to new knowledge. There was also the practical issue that not all children were yet being taught the Curriculum for Wales during the completion of this study and so children may not have been well placed to understand the new curriculum or be able to identify any differences in their experiences at such an early stage of roll out.

Furthermore, Lundy and McEvoy (2012) argue that any research involving children should have the clear aim of supporting and developing their capacity as rights-holders. This was not the aim or focus of this study and, in short, to do so it would have become a different study. The Curriculum for Wales itself is considered the case within this case study, with children's rights forming a topic of enquiry and so may best be considered as *informed by* children's rights rather than adopting a fully children's rights-based approach (Lundy and McEvoy, 2012) as part of the methodology. Lundy and McEvoy (2012) offer a typology of children's rights research which may include children either theoretically or empirically, noting that in childhood research in multi-disciplinary fields, where the topic considered is in relation to policy, theory or matters of compliance with the UNCRC, then it may not be appropriate to include children as participants. An example of such a study drawn on in this research by Isenström and Quennerstedt (2020) undertook a research synthesis of teacher thinking and doing in relation to children's rights. This study shared similarities both with the overall purpose of my own study as well as my approach to analysis and did not include children directly as participants.

Thomas (2021) acknowledges that when considering a social constructivist view of the child, there is usually recognition of the need for adults to balance respect for children's agency with their ability to represent their own interests and the legal and institutional protections

given to children. He argues that childhood studies discourses must guard against becoming dogmatic about the voice of the child, which is not always fully examined critically, and to avoid a radical social constructionist approach. My research seeks to decentre childhood to a degree to focus on the broader context and institutions (via the school curriculum) which govern and shape children's lives and to explore the tensions for teachers in the 'balancing act' mentioned above. My final decision was not to include children within this specific study. To mitigate any potential risk from not including children directly, I sought to apply Beazley, Bessel, Ennew and Waterson's (2009) view that children have a right to be correctly described, researched and considered within any study which includes children as a subject of interest. I have endeavoured to include the voice of children from other empirical studies where relevant and intend that this exploratory case study will contribute useful new knowledge about rights in the Curriculum for Wales to shape future studies involving children.

Other ethical considerations were also applied in selecting a data analysis method and in presenting findings. Risks could include ignoring certain data, misrepresenting the words of participants or muting some voices through the analysis (Calder, 2020), demonstrating a fine line between ethics and methods – you cannot analyse what you as the researcher cannot see. The use of semi-structured questionnaires and an interview schedule therefore allowed for some measure of mitigation in drawing out full and rich experiences from participants. However, my wider ontological position refutes any notion of true freedom from researcher bias. In selecting reflexive thematic analysis to interrogate data, I viewed *collection* as a process of data *generation* instead and acknowledged that it is my own identification of patterns and themes which have come out of the study (Braun and Clarke, 2006; 2014; 2020). Replication and the use of techniques such as code books or multiple coders is not required, as reflexive thematic analysis acknowledges the 'active role of the researcher…in identifying patterns/themes [and] selecting which are of interest' (Braun and Clarke, 2006, p. 78). This is discussed further in section 3.8.

Calder (2020) stresses that ethics is both a process and an outcome, cautioning the researcher to be alert post-completion of the study in disseminating findings. This must avoid the risk of focusing on self-promotion over fidelity to the matter of children's rights (Calder, 2020) or presenting any possible recommendations for practice which might appear insensitive

towards teachers who expressed well-meant beliefs and attitudes to children's rights practice in the study (Cohen, Manion and Morrison, 2018).

3.7.1 Ethics, Positionality and Reflexivity

Another ethical consideration was the choice of theoretical framework adopted and founded on a postmodern construct of childhood shaped and formed by my own socio-cultural experiences (Janzen, 2008). In addition, my choice of critical theory offered a very particular lens through which I viewed my research and in which I considered myself as a scholar-activist (Call-Cummings and Ross, 2019). In doing so, I recognised my own positionality as a researcher with privileged status and that this required me to take a reflexive approach to considering the power/knowledge process (Parson, 2019). This led to identifying that I was working both 'with intention and in tension' (Renn, 2019, p. 283) on two fronts.

Firstly, I sought to undertake research which could contribute to a more socially just approach to curriculum. Yet in doing so, my own background as a teacher could influence the way in which I carried out the research and formed relationships with participants in the study (Call-Cummings and Ross, 2019). As a former teacher myself, I understood the context in which teachers work and whilst such insider positionality can be an advantage to a researcher (Renn, 2019) it also meant that I could end up becoming part of reinforcing and reproducing the established status quo. Within children's rights discourses, this posed the risk that I and the teachers could become an oppressor group in relation to children through reconstructing participants' narratives through my own lens – in this case, a possible shared 'teacher lens'. As Parson (2015, p. 16) notes 'a belief that research is emancipatory cannot be achieved only by speaking for participants in a report' - adopting a critical framework therefore was a key mitigation in avoiding a research process which could perpetuate social stratification. Taylor, Bogdan and Devault (2015) argue that values determine what and how we study and must end with a choice about the vantage point from which a researcher writes up their findings – this, they argue, means taking a specific values position and is a political decision in itself (Taylor, Bogdan and Devault, 2015). Calder (2020) stresses the importance of being transparent about this and owning my positionality. To support me in reflecting critically on my positionality, I undertook study activities recommended by Braun and Clarke (2022) in which I practised analysing a sample data set from an 'outside' perspective, considering

qualitative data from the field of health sciences with which I was unfamiliar and had little contextual experience of. This enabled me to compare and reflect on the process of data analysis from the 'inside' and 'outside' perspective and helped inform an iterative approach to my consideration of the findings.

Secondly, it was necessary to examine my motivation for conducting the study, which whilst was largely driven by own deep interest and moral imperative, was completed as part of seeking to gain a Doctorate in Education which I anticipated would be of personal benefit to me. So, despite my moral, emancipatory intentions, my motivation was not purely altruistic and there was a risk that I as a researcher could benefit more from the study than the teacher-participants who I asked to give of their time and expertise freely to participate (Parson, 2019). To mitigate this, it was particularly important therefore that I considered the appropriateness of my methods (for example, I had to reduce the number of questions in my questionnaire from 31 to 20 throughout the drafting stages because it was too long) as well as simple but thoughtful actions such as taking time to thank the participant at the end, answer any questions they may have and offer reassurance if needed (Cohen, Manion and Morrison, 2018).

A reflexive approach to scrutinising my own actions as a researcher is emphasised as a key mitigation in addressing several of these risks (Call-Cummings and Ross, 2019; Parson, 2019, Calder, 2020). Call-Cummings and Ross (2019) define reflexivity as 'purposeful, often challenging reflection about ourselves, how we identify and what we take for granted as true or right' (Call-Cummings and Ross, 2019, p. 4). The notion of reflexivity is also aligned to my critical theoretical framework because I sought to be reflective about my methods, values and biases, but also sensitive to my own cultural, political and social context which has shaped and informed my own views (Bryman, 2012). Patterson *et al.* (2023) note the importance for critical researchers to embrace their own subjectivity, but remain alert to the problem of implicit, unrecognised subjectivities by the researcher, through ongoing critical self-reflection. Other notions of reflexivity consider knowledge reflexively as being tied to the researcher's location in time and space (Bryman, 2012), ideas which are also closely aligned to Foucault's notions of discourse which is also located in the times and contexts in which they were conceived (Foucault, 1969). Further discussion of the reflexive approach undertaken in the data analysis is explored in the next section.

3.8 Data Analysis

There were three types of data items included in the study for analysis and this took place across three phases, as outlined in figure 3 below:

Phase	Data Collection	Number of Items (N)
Phase 1 (Sept 2021 – August 2022)	Document Analysis	1
Phase 2 (April 2022 – September 2022)	Questionnaires	61* *Partially completed = 40* *Fully completed = 21*
Phase 3 (December 2022 – January 2023)	Interviews	3

Figure 3: Summary of data for analysis

The data was analysed using a type of thematic analysis which is considered a foundational method for qualitative analysis (Braun and Clarke, 2006). The method derived from the work of academics in psychology, Braun and Clarke (2006; 2014; 2020; 2022) whose seminal paper on thematic analysis in psychology set out a six-step approach to analysis which has since been adopted widely within a variety of research communities and is one of the most frequently cited papers about thematic analysis (Braun and Clarke, 2014). My approach to analysing the data followed the six-steps as outlined in figure 4 below:

Figure 4: Six-step approach to thematic analysis based on Braun and Clarke (2006)

In tracing their work and technique over time, Braun and Clarke (2019; 2021) further developed the method, now distinguished as Reflexive Thematic Analysis (RTA) as a way to identify, analyse and report patterns within data. It focuses on rich, complex detail, benefitting from a flexibility which was able to accommodate a constructivist paradigm and my chosen critical theoretical framework (Braun and Clarke, 2006). As a method, it is not closely associated with any pre-existing theoretical framework, so it offered a useful tool to explore the effects of discourse within the case of the curriculum and teacher meaning making within their own social contexts (Braun and Clarke, 2006). By moving through a series

of steps involving coding (the systematic and meaningful labelling of data in an organic manner (Terry and Hayfield, 2020), I sought to form overarching themes, distinct from the codes, which are multifaceted and multidimensional (Braun and Clarke, 2021). My role as researcher in the process is perhaps the most important distinction in the term 'reflexive' thematic analysis, as it stresses the centrality of my role in analysing the data and in *generating* themes actively. Themes don't 'reside in' the data like buried treasure but provide an organising core concept as determined by the researcher themselves (Braun and Clarke, 2019; 2021; 2022). In considering my positionality as a researcher, and the critical theoretical lens within which this study was designed, such an approach offered a strong cohesion with my overall case study design and my position as a critical qualitative researcher (Denzin and Giardina, 2015).

In RTA, data analysis is predicated on prolonged immersion with the data, thoughtfulness and reflection. Whilst steps are presented in a linear method, in reality it is recursive, moving back and forward between the data set, the coded extracts of data and the analysis being produced (Braun and Clarke, 2006). During each phase, data was gathered and presented in preparation for analysis. By its very nature, the process of identifying and selecting text as part of the document analysis, collating and tabulating questionnaire responses and transcribing the interviews also formed the initial familiarisation stage with my data set. I adopted Terry and Hayfield's (2020) familiarisation advice to immerse myself in the data, read the text with purpose through the lens of my research questions and make notes about what I noticed. To support this, in addition to the spreadsheet in which all data items were compiled, I also kept an electronic research journal to make notes on my observations (Braun and Clarke, 2006). The process of familiarisation was conducted on an ongoing basis. Through adopting this iterative approach, each phase was able to inform the next. For example, in familiarising with the curriculum guidance, it supported the design of my questionnaire.

In stage one, for the document analysis, additional preliminary stages were required as part of the data compilation. Due to the length of the curriculum guidance and to reduce the focus on aspects not relevant this study, I selected text from the guidance documentation which related either directly or indirectly to children's rights. I focused on explicit reference to rights and undertook key word searches of the text: *UNCRC; Children's Rights, Rights-based approach, Human Rights, Human Rights Education.* I also compared my findings with a

curriculum mapping document *'Human Rights in the Curriculum for Wales'* (Children's Commissioner, 2022b) which had been produced by the Children's Commissioner for Wales linking aspects of the curriculum with specific articles of the UNCRC. This was intended to support the robustness of my approach in selecting relevant parts of text as it enabled another perspective outside of my own with which to explore the document. During this familiarisation stage, I also looked for implicit references to children's rights within the curriculum. Selected extracts from the text were then copied and collated individually into an Excel spreadsheet. Further columns were added for familiarisation notes and coding (see figure 5 below).
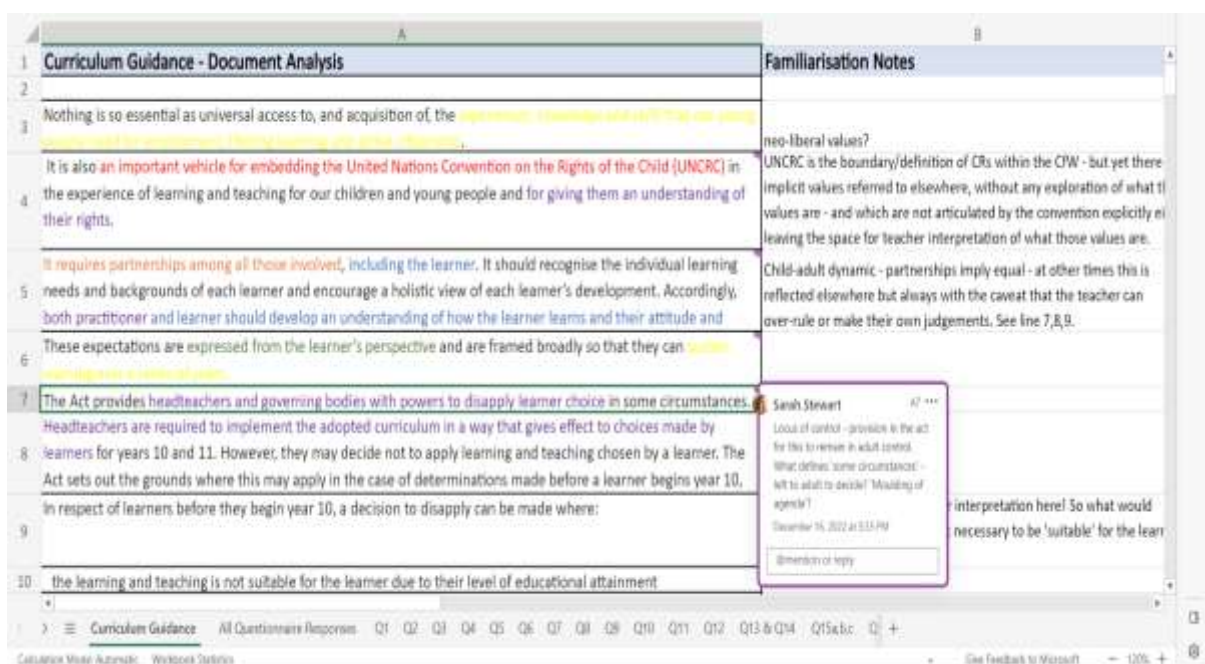
Figure 5: Early coding stages - Document Analysis

In phase two, I used a Qualtrics function to export collated questionnaire responses to an Excel spreadsheet. This was time effective, but collated data still needed cleaning before it could be analysed. This involved removing columns of data which were not relevant to the study (for example, Qualtrics system related information), adding numerical codes to each participant's anonymous responses for tracking and formatting the document for accessibility and ease of reading. I collated all participants' responses on one spreadsheet tab. Next, I created a series of separate tabs for each individual question. For multiple choice questions, I created data tables, and for open questions, I collated the qualitative text responses.

Q2 - In which of these do you teach? Please select all that apply to you.

#	Answer	%	Count	Other: please explain - Text
1	Primary School	62.96%	34	Autistic unit 7-11 years
2	Secondary School	14.81%	8	LA maintained Nursery School
3	3-16 or 3-19 School	5.56%	3	Special School- mixed
4	Special School - Primary	5.56%	3	Special school 3-19
5	Special School - Secondary	3.70%	2	
6	Other: please explain	7.41%	4	
	Total	100%	54	

Primary (Primary + Special School Primary + Maintained Nursery)	38
Secondary (Secondary + Autistic Unit 7-11 + Secondary Special School)	11
All Age (3-16 or 3-19, Special School 3-19)	5

The majority of respondents were teachers from the Primary phase (n=38), with a much lower proportion of responses from the Secondary phase (n=11). Others identified themselves as teachers within all-age or middle school ages (n=5). The questionnaire was shared equally within networks of both Primary and Secondary school teachers, suggesting there was greater interest from teachers in the Primary sector to respond to a children's rights questionnaire. This may also be indicative of findings from the Right Way Survey (Children's Commissioner, 2022) which found that there was a higher awareness of children's rights within the Primary sector than the Secondary sector.

Figure 6: Example of presentation of questionnaire data for analysis

Three respondents opted to complete the questionnaire through the medium of Welsh. As a fluent Welsh speaker, I opted to analyse text in its original language so that there was no risk of misinterpretation or loss of nuance (Taber, 2018). However, Welsh medium responses were coded through the medium of English so that a consistent coding approach was used throughout and in Chapter Four, any direct quotations provided are presented in the original language with an accompanying translation.

In phase three, I transcribed each interview. As interviews were conducted over Microsoft Teams, I was able to make effective use of the automatic transcript technology as a starting point for my transcript. However, as I had also recorded each interview (with the participants' consent) I was also able to return several times to each interview to ensure the transcript accuracy and to make any additional transcription notes, such as emphasis by the speaker, pauses or body language (McMullin, 2023). The transcript was then transferred to an Excel spreadsheet format and additional columns were added for familiarisation notes and coding.

Respondant	Interviewer
	So, I have started the recording now. In your e-mail, you consented to taking part in the interview. So can I just check your still happy to go ahead...lovely. And just to remind you as well that you can stop this interview at any time and you don't need to give me any reason and you don't have to answer any questions that you don't want to answer.
Yes.	
OK.	
	Yeah. OK. So can we start with....you told me a little bit already, but can you tell me a little bit about your teaching background and how long you've been teaching and so on?
OK, I've been teaching for I think it's 26 years now erm and I started erm like you in, in, in University X.	
I did teaching practice in University X...erm..as an RE teacher.	
So I became an RE teacher and then after a couple of years, I was seconded to Cynnal, which is one of the..erm... LEA support agencies at the time. Erm going round erm mainly secondary, but also primary schools looking at RE erm.	
I did various sorts, then I went to another school and then I was appointed in this school. I think it was 2002.	
There I was head of RE then I became head of sixth form, so I was more involved in the pastoral side of things and then became assistant head.	
I think it's... eight or nine years ago something like that so...	
My responsibilities erm were sort of in keeping with my interest really cause...cause I like the pastoral.	
I like the sort of ethical side of things because of my background.	
So things like people participation.	
So I run the school council and the year councils, which obviously the the right to express your opinion is so important erm, erm, things like getting involved, clubs and so forth.	
So making sure that there are plenty of clubs in schools. Again, that's an important right.	
Things like uh, more able and talented..to be the best they can be. And so I run lots of schemes for them.	
Erm, erm... what else did I do? [Looks up]	
Literacy...more recently.	
And I was also responsible when I started for the PSE program, which of course is massive and is is is the	

Figure 7: Example of interview transcription

Once data was collated and presented ready for analysis, and I had immersed myself in the data, the next step was to begin the process of coding. In RTA, this process differs from other methods of thematic analysis in which the researcher may be viewed as a 'threat' to the analysis process through their selection of what is of interest (Braun and Clarke, 2006; Byrne, 2022). However, within RTA, the researcher is seen as a resource for knowledge production (Braun and Clarke, 2019). Whilst other methods, such as those by Boyatzis (1995) argue for processes which encourage coding reliability, Braun and Clarke (2019) argue that this would imply a positivist approach incompatible with a fully qualitative approach. In RTA, codes are understood as a melting pot of theoretical assumptions representing the researcher's interpretation of patterns (Byrne, 2022). Others have criticised Braun and Clarke's original model as being overly procedural or that the coding process should focus on one type of coding only (for example, semantic only in which data is taken at surface meaning). However, Braun and Clarke (2019; 2021) refute these suggestions as misconceptions about their work,

arguing that poor application of the method should not be confused with proceduralism, nor is one type of coding only required. What they do stress, however, is that the design must be considered and coherent (Braun and Clarke, 2019). Here it is important for me to return to the ontological and epistemological positions I outlined earlier in this chapter. My constructivist and interpretative approach affect the way in which I view language. I viewed participants' responses in the questionnaires and interviews as social productions and re-productions of the teachers' meanings and experiences (Cohen, Manion and Morrison, 2018). In RTA, it is not the frequency of an idea which turns it into a code, but rather its meaningfulness – and this is decided in relation to its import to the researcher's central questions as well as being important to the respondent or participant. This is the central criteria within the coding process (Byrne, 2022). The critical orientation of the study also allows for examination of the social context and how it shapes the teachers' systems of meaning, unpicking the fabric of social reality (Braun and Clarke, 2021; Byrne, 2022).

Braun and Clarke (2021) suggest that analytic processes such as deductive and inductive approaches are best viewed as a continuum, rather than dichotomy. Initially, a deductive method of analysis was considered, with a view to using pre-specified codes, for example, such as those arising from the work of Isenström and Quennerstedt (2020). This study was of interest because it was focused on teachers' children's rights practice specifically and the codes were developed in relation to Foucauldian notions of discourse and power. This theoretically driven approach, applying codes drawn from the study could have supported an analysis that was tightly and coherently bound to my overall theoretical framework. However, Taylor e*t al.* (2015) argue that qualitative research is inherently inductive, and Byrne (2022) argues that deductive analysis approaches can sometimes be more closely associated to positivist approaches. Using a more top-down approach, I felt that in adopting a solely deductive analysis approach there was a risk of achieving a less rich description of the data (Byrne, 2022). A pre-coded approach can also risk the researcher looking only for data which supports the theoretical lens adopted, rather than use the lens as a helpful, illuminative framework in which to explore participants' own meanings. Nor did I feel this approach would necessarily support interrogation of the data in relation to my specific research questions.

Conversely, a fully inductive approach would carry the benefit of strongly reflecting the content of the data and the meaning of the participants (Byrne, 2022; Bingham and

Witkowsky, 2022) and would help provide important data to answer research questions two and three. Yet, this method too had its limitations, orientating more to the participants' meanings at risk of neglecting the socio-cultural influences on the teachers' views. I therefore opted to use a blended approach, commencing with open coding orientated to an inductive approach, before then applying a deductive cycle drawing on the rationalities identified by Isenström and Quennerstedt (2020) about teacher's actions which were based on an extensive theoretical research synthesis about teacher enactment of children's rights. Such a combined approach, Byrne (2022) and Braun and Clarke (2021) argues, is not uncommon. This dual coding approach allowed me to make meaning of the data as well as to apply my Foucauldian framework to explore issues of power, discourse and governmentality whilst ensuring a sound, rigorous analysis (Bingham and Witkowsky, 2022). Additionally, I also used the concepts of semantic and latent coding processes as a way of allowing my analysis to be grounded in the data but also attentive to the social and cultural contexts in which the data is also located, allowing for what Braun and Clarke (2021) term a 'situated interpretive reflexive process' (Braun and Clarke, 2021, p. 321). As coding in RTA is organic, coding frameworks are not required, and my themes were generated at a late stage after a lengthy process of iterative development (Braun and Clarke, 2021; 2022). Interpretation therefore is inherent to the RTA process and themes becomes the 'stories we tell about our data' (Braun and Clarke, 2021, p. 352) because it recognises that themes are the mechanism by which the researcher seeks to present their findings in a coherent way and lends itself well to the narrative presentation of findings common to the case study approach.

The way in which my coding process endeavoured to capture the iterative nature of the reflexive thematic approach is summarised in Figure 8 below and which sets out the iterative loops I made as I moved through phases of familiarisation, coding in different ways, and generating themes:
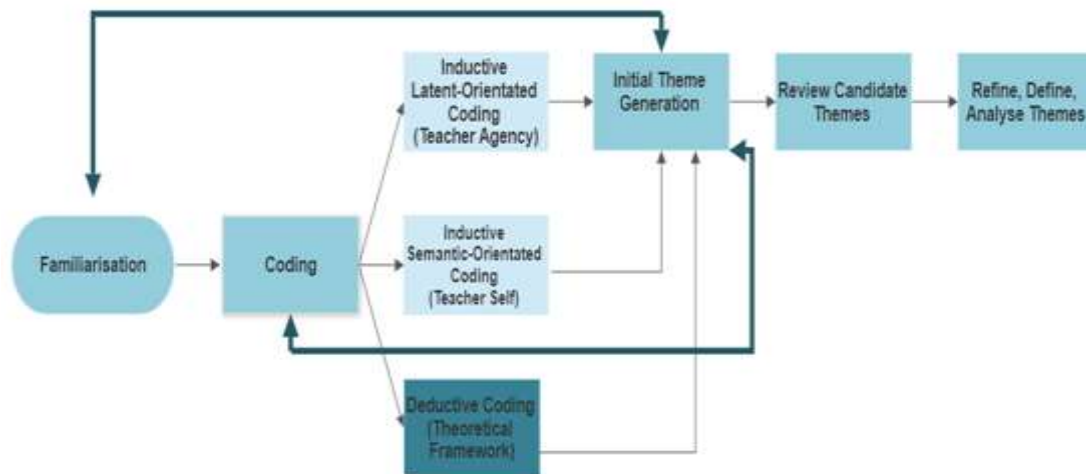
Figure 8: Iterative coding approach undertaken and informed by Braun and Clarke (2021)

The process of coding was therefore a lengthy one, and required several iterations, including discarding early attempts, which Braun and Clarke (2021) stress is relatively usual within this method. Codes were labels I used as an analytic unit throughout the data set – examples of initial coding (using colour coding) and familiarisation, the phase in which I sought to immerse myself in the data in order to process the complexity (Patterson *et al.* 2023). As the coding process continued, I introduced inductive and deductive approaches. I was careful not to limit my codes too early (Braun and Clarke, 2014) and generated many codes in the initial stages, which I then gathered together. Once I had collated all the codes, I began to use further colour coding as a way to gather codes in groups, to collapse codes where there were aspects of duplication or similarity and begin to create initial 'candidate themes' (Braun and Clarke, 2021). This process was sometimes repeated multiple times. I sought to collate coded text extracts from across the data set. To move from candidate themes to generating final themes, I collated relevant data from across the entire data set to review the candidate themes and check for cohesion and whether the theme was a sound representation of the ideas. Examples of all stages of this process can be found in Appendix E.

Initial theme identification and candidate theme review was again an iterative process, with codes moving between themes. At this stage I also introduced theme mapping as a tool to support a reflexive approach to theme generation and early theme map is shown below in Figure 9:

Candidate Themes Iteration 1
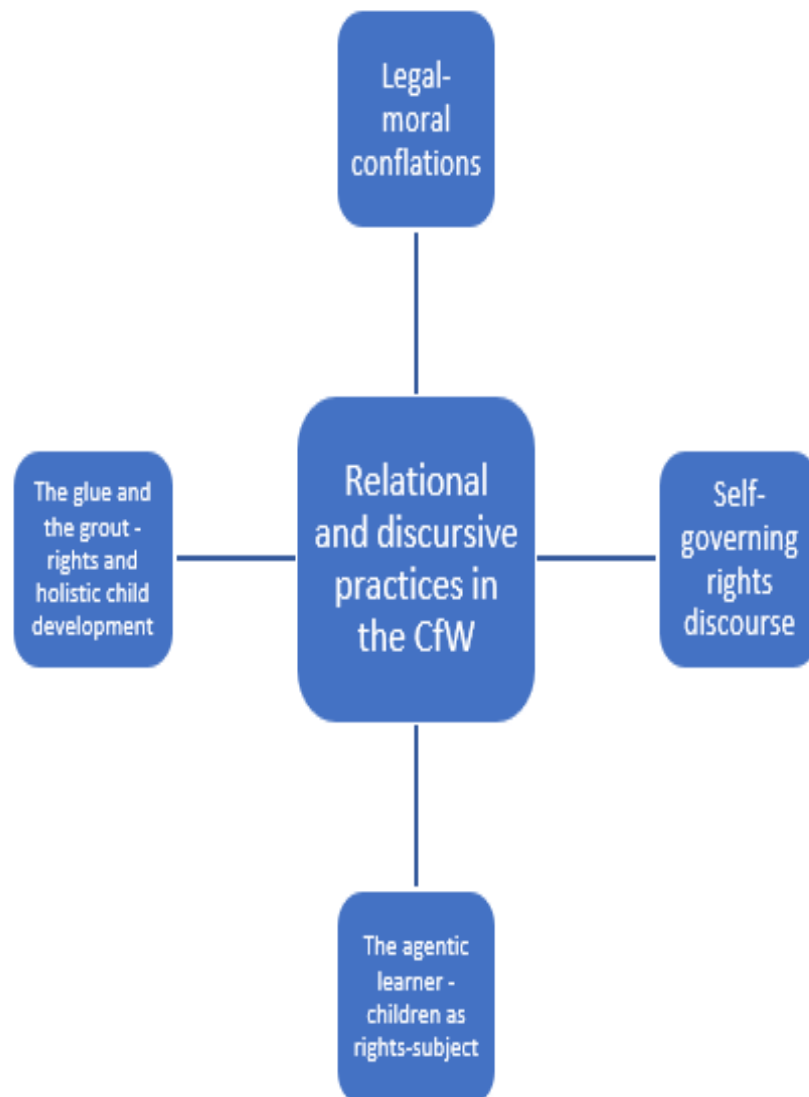
Figure 9: Iterative early theme mapping to support reflexivity

The final stage of grouping codes, theme mapping and text collation resulted in the further collapsing of candidate themes. Details of matched codes and theme definitions can be found in Appendix F.

Finally, three final themes were generated as outlined in Figure 10 below:

The dynamic inter relationship between the enabling teacher and the agentic learner in the Curriculum for Wales

Case Study
Children's Rights in the Curriculum for Wales

Making meaning of rights in the Curriculum for Wales

Teacher constructions of the subject self as enactors of children s rights in the Curriculum for Wales
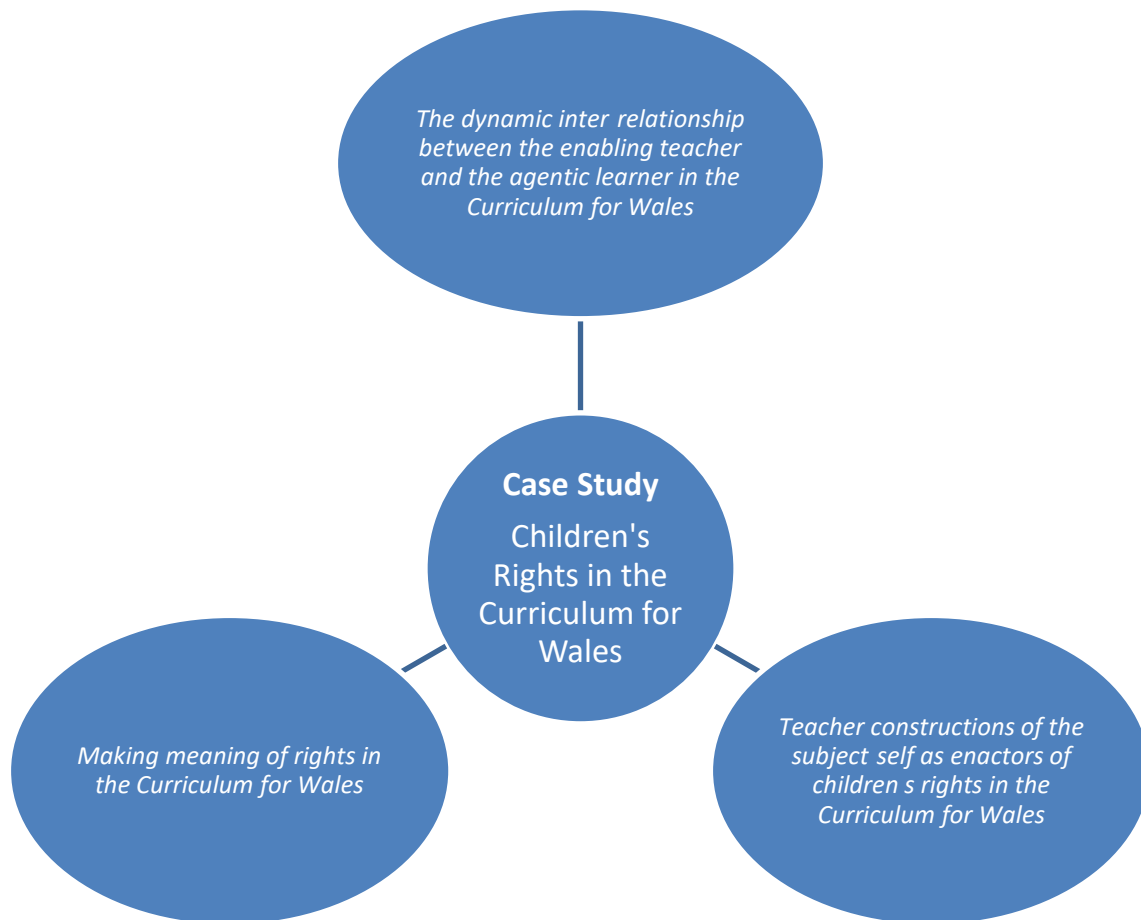
Figure 90: Theme map of final themes

3.9 Conclusion

As the process of analysis and interpretation were so closely intertwined, the next chapter will consider both matters of analysis and discussion simultaneously. The final themes provide the overall structure for the presentation and discussion of findings. As the RTA approach is an iterative process, often the process of coding, theme generating, and interpretation takes places recursively throughout (Byrne, 2022). Since this study also adopted a critically orientated approach to the analysis, it is also reflective of an intended analytic reporting style, rather than illustrative (Braun and Clarke, 2019; Byrne, 2022). Themes were constructed according to a process which involved both semantic and latent coding approaches for fullness, as is common in RTA (Braun and Clarke, 2019; Byrne, 2022). Neither approach was

prioritised, and this allowed for double coding where required. This enabled an analysis which takes account of teacher meaning making whilst also enabling my own interpretation as a researcher (Byrne, 2022). This interpretation was drawn from latent coding as well as some deductive coding within the theoretical framing of this study (namely Foucauldian concepts of governmentality, power, knowledge and discourse) which is one of the benefits of this flexible analysis approach (Braun and Clarke, 2006). The chapter is presented according to the themes which were generated during the analysis process and, in considering the design super-structure of a case study, is intended to provide a rich, detailed presentation of the data, contextualised in relation to the relevant literature. Three theme findings were generated from the analysis process. Braun and Clarke (2021) note that between two and five themes is an appropriate number of themes within a chapter for a professional doctorate, and caution against having too many themes as this may indicate that further recursive consideration of the candidate themes in earlier stages may need greater review or that it may constrain the depth of analysis presented within the chapter. In RTA, themes are considered as a central unifying concept (Braun and Clarke, 2021) rather than a domain summary as may be common in other types of coding analysis processes. Chapter four will continue with further discussion of the findings in relation to the study's research questions.

Chapter 4: Findings and Discussion

4.1 Introduction

Chapter four takes an integrated approach to the presentation of findings alongside analysis of the data generated via document analysis, questionnaires and interviews. In presenting the themes in this chapter, I have adopted the following approaches for consistency with both my case study methodology and the use of Braun and Clarke's (2006; 2014; 2021) reflexive thematic analysis approach. Themes are intended to be presented in a rich, narrative style, incorporating analysis and discussion alongside presentation of data (Braun and Clarke, 2006). When presenting qualitative findings, I adopt Braun and Clarke's (2021) stance of using terms such as 'several' or 'many' to refer to the patterned ideas conveyed in the data. The data collection tools used were designed to be fluid and flexible and it was not expected that all participants would be expected to discuss the same aspects (Braun and Clarke, 2021). In the few instances where participants were asked to focus on specific aspects of the curriculum guidance (to support exploration of the research questions), the question was framed using a Likert scale. In these limited instances, I have used tables to present responses and indicate the specific number of responses given for transparency and context. However, no statistical value is ascribed to this, but rather is considered in terms of its usefulness in responding to the research questions (Braun and Clarke, 2022). Where ideas are frequently common in the data, this is considered also in relation to the relatability of themes rather than validity as considered in a more positivist framework.

Findings are presented according to three themes. The first theme is: *making meaning of rights in the Curriculum for Wales* (see 4.1)*. This may be considered as a 'thin' theme (Byrne, 2022) as it draws predominantly on analysis of the first data item, the curriculum guidance, and partly on questionnaire and interview data. However, this theme enables important comparison between policy discourses and the conceptualisations of teacher practice in other areas of the analysis and supports consideration of RQ1 (*How does Welsh policy relating to children and young people conceptualise children's rights?*) and RQ2 (*How is children's rights conceptualised in the Curriculum for Wales 2022?*). By adopting a Foucauldian lens throughout this study, this theme supports the identification of the 'political rationality' of the curriculum

by identifying the key underpinning conceptualisations of children's rights throughout the curriculum (Foucault, 2007). However, also consistent with this theoretical approach is the consideration of how the guidance is expressed – i.e. *how* it is constructed in order to support its operationalisation by teachers (Doherty, 2007).

The second theme is: *the dynamic inter-relationship between the enabling teacher and the agentic learner in the Curriculum for Wales* (see 4.2). It highlights the relational context in which rights are often situated and which shapes notions of the roles and responsibilities of teachers and learners, influences the way that both teachers and learners are expected to behave and how they may relate to each other in the school setting. The Curriculum for Wales guidance is considered as a genealogy of rights-discourse, representing the government view of rights as presented in the guidance (Foucault, 2007; Doherty, 2007). This is compared throughout the analysis to findings about the conceptualisation and perceived enactment of rights by participants from the questionnaire and interviews as well as surfaces teachers' values and beliefs about rights. The second theme provides important insight in relation to RQ2 (see above) and RQ3 (*How do practising teachers in Wales conceptualise their practice in relation to children's rights and within the new curriculum for Wales?*).

The third theme presented here is *teacher constructions of the subject-self as enactors of children's rights in the Curriculum for Wales* (see 4.3) in which Foucauldian (2007) notions of the subject-self of the teachers in the study is considered, along with consideration of the structural systems in which teachers must operate in their role as teacher as well as representative of the state through the duty-bearing obligation. Further discussion and definition of each theme will follow in this chapter. This theme highlights the techniques for the enactment of rights by teachers in the school setting and draws on Foucauldian concepts of self-governing discourses, pastoral and discipline techniques in the analysis (Foucault, 2007). It provides relevant findings in relation to RQ3 (see above).

Findings are drawn together in the last section in response to the over-arching aim of this study to explore the conceptualisation and enactment of children's rights in the Curriculum for Wales and lead to the overall conclusions and recommendations in the final chapter (Chapter Five).

4.2 Making Meaning of Rights in the Curriculum for Wales

Whilst themes within reflexive thematic analysis are usually generated across all items in a data set (as with my subsequent themes) this theme predominantly arose from the curriculum guidance itself which was necessary to enable an in-depth and full exploration of the positioning of the curriculum guidance in relation to the conceptualisation by teachers. Consideration of this alongside some parts of the questionnaire and interview data helped show how teachers themselves made meaning of rights in relation to the Curriculum for Wales and how they positioned themselves as both the rights-enactor as well as subject of the power exercised through the policy discourse. However, it is a theme and not a code because it encompassed not only what was written explicitly about children's rights within the curriculum, but also the way in which it is presented, in addition to the choices made to include or exclude aspects of children's rights discourse, an important consideration of the Foucauldian theoretical framework (Foucault, 1969). Whilst some references to children's rights are explicit, more often, the guidance adopts a more implicit approach to children's rights discourse, weaving core concepts in relation to rights throughout the guidance constituting the social context for rights in education (Foucault, 2007). (For example, through the presentation of the role of the teacher, the four purposes, or the ways in which children should be supported to learn). Therefore, this theme, *making meaning of rights in the Curriculum for Wales*, focuses on not only the meaning of rights within the guidance, but the genealogy of the way the meaning of rights is constructed within the guidance. This includes identifying points of continuity or discontinuity (Foucault, 1969) and offering in-depth analysis beyond simply organising relevant quotations or codes (Braun and Clarke, 2006). The theme therefore encompasses not only the 'meaning' of rights within the curriculum guidance, but how it is constructed to support others (in this case, teachers) to 'make meaning' of rights conceptually.

Question thirteen of the questionnaire asked respondents (n = 29) to list specific documentation which supported their understanding of children's rights within the new curriculum framework:

Source of Information	Number of Responses
Welsh Government Guidance	7
UNCRC	13
UNICEF Materials	3
Children's Commissioner Resources	4
Other	2

Figure 11: summary of responses to Q13: Please list any guidance, policy or documentation you have accessed to inform your children's rights practice which you think are relevant or important

The main source of documentation used to support rights in the curriculum cited by respondents was the UNCRC itself and explicit reference to children's rights as defined by the UNCRC is made frequently throughout the curriculum guidance (see Appendix G). Seven responses referred to 'Welsh Government guidance' more generally and one specifically referenced the curriculum guidance as a source of information. Documentation of state government (UNCRC and government guidance) along with practical guidance featured prominently amongst responses, whilst more theoretical sources of information did not appear within teachers' answers.

This would seem to reflect Reynaert and Vandevelde's (2009) view that the UNCRC has now become the main framework for the understanding of children's rights. The guidance strongly emphasises the UNCRC's role as a legal instrument, alongside a more implicit social view of teaching and learning in which rights-based approaches are embedded within the school setting and pupils' learning. It also demonstrates the priority which is ascribed to the government's vision of the curriculum. Hanson and Peleg (2020) noted that there is a need for moral and philosophical imperatives for children's rights, and the guidance extracts in Appendix G can be seen to place value not only on provision rights in schools, but also concepts such as protection from discrimination and a focus on equity. In this, the teacher as adult is positioned firmly as a duty-bearer. Participation is seen as a way to engage learners, reflecting the three 'Ps' concept of children's rights as encompassing provision, protection and participation rights (Alderson, 2008; Jones and Walker, 2011).

Drawing on existing legislation through reference to the *Rights of the Children and Young Persons (Wales) Measure 2011* establishes the curriculum within a wider policy and legislation context for children and young people more broadly in Wales and offers a reaffirmation of children's rights as a fundamental part of their human rights with its basis in law (Invernizzi

and Williams, 2011; 2016). Previous legislation (now made over twelve years ago in 2011) is reinforced and rights are made specific to the contemporary curriculum context. This provides a sense of continuity within the policy narrative of the emblematic or well-established approach to children's rights in Wales (Butler and Drakeford, 2013), creating a discourse of children's rights as continuous and uncontested.

More than this, the curriculum is presented as a *further* development in children's rights as it is embedded within the curriculum's four purposes:

> *The principles of the UNCRC informed the development of the four purposes. Each of the four purposes enables learners to experience their human rights, which is exemplified in the mapping undertaken by the Children's Commissioner for Wales.*

> (HWB Curriculum Guidance, 2022)

The four purposes of the new curriculum are directly identified as being underpinned by rights and, it is claimed, provide a driving purpose for the new curriculum framework (Children's Commissioner 2022a) as they set out a vision for the purpose of school education in Wales. In the separate mapping document undertaken by the Children's Commissioner (2022b) and which is referenced directly in the guidance (perhaps somewhat blurring the independent relationship of accountability between the Children's Commissioner and Welsh Government), the four purposes are mapped to a total of twenty-five different articles from the UNCRC. Further exploration of the identified articles shows most articles relate to provision for and protection of children and young people, which, given the nature of the purpose of a curriculum as an expression of government intention (reflecting its obligations), may be expected. Fewer of the listed articles relate to participation overall, though Article 12, perhaps the most significant article relating to participation (the right to be involved in decision-making) is mapped five times to aspects of each purpose, focusing on the skills which pupils would develop through this right, with several references to participative approaches made throughout the curriculum guidance. Within the guidance itself, the curriculum framework is viewed as the primary mechanism for the implementation of the UNCRC in schools:

> *[The curriculum] is an important vehicle for embedding the United Nations Convention on the Rights of the Child (UNCRC) in the experience of learning and teaching for our children and young people and for giving them an understanding of their rights.*

> (HWB Curriculum Guidance, 2022)

This view emphasises the legal responsibilities of schools to ensure that curriculum provision supports the respect, protection and fulfilment of children's rights (Unicef, 2023) as a duty-bearing institution, though the term 'duty bearer' is not introduced until later in the guidance:

Duty bearers are accountable for ensuring that learners experience their rights.

(HWB Curriculum Guidance, 2022)

Yet, it is not the curriculum itself which will support children's understanding or ensure they experience their rights, but the teacher who will enact learning and teaching experiences for and with children. As employees of the state, it is teachers who are obligated by the legal duty-bearing responsibility to ensure that curriculum provision is 'giving' children and young people an 'understanding' of their rights, the connotations of which may suggest a sense of bestowal of knowledge by the adult upon the child. This is reminiscent of Mayal's (2002) identified tension in children's rights discourse that children often depend on adults to be able to claim their rights. This also shifts the emphasis from children solely understanding their rights to also experiencing the fulfilment of their rights through their learning. Whilst the curriculum guidance makes explicit the accountability of the duty-bearer, the nature of the child as rights-holder is articulated more implicitly, arguably positioning the adult at the forefront within this model of rights. Instead, the guidance presents a vision of the learner as an active participant in their learning, and through the realisation of rights through teaching and learning experiences, active learners become active rights-holders who can not only claim their own rights, but recognise and respect the rights of others:

Learners should develop understanding of citizenship, participation and ethical action. They develop understanding of the UNCRC and UNCRPD and can learn to recognise their own and others' rights.

(HWB Curriculum Guidance, 2022)

This suggests that the curriculum is also designed to advance not only children's rights for themselves, but rights for others more broadly, adding to the discourse of continuity of Wales as a progressive policymaker in the rights arena. It would also seem to indicate a shift in power relations between children and adults, as children become empowered by their teachers. However, despite this positive espoused approach to rights enactment throughout the curriculum guidance, the legal underpinning of the curriculum relates to *understanding* the

UNCRC **not** by pupils but rather by teachers and school staff, and whilst children are to 'learn to recognise' rights it does not address the issue of children claiming their rights. The power-dynamic of the school as an institution (Niesche, 2015) is also implied through hierarchical reference to school leadership, for whom there is an additional layer of obligation as duty-bearers:

> *The Curriculum and Assessment (Wales) Act 2021 (the Act) provides that schools and other settings must promote knowledge and understanding of the two conventions among those who provide learning and teaching in respect of their school or setting's curriculum. This means, for example, that **school leaders must make sure that practitioners and other school staff providing learning and teaching gain knowledge and understanding of human rights**, as set out by these two conventions.*

> (HWB Curriculum Guidance, 2022)

This emphasis on the promotion of knowledge and understanding of the UNCRC for school staff may be considered a welcome development in placing a renewed emphasis on children's rights enactment as a core element of the new curriculum framework and several participants placed emphasis on the perception of rights as a legal requirement in schools:

> *[Children's rights] is something that must be covered.*

> (Participant 3, Q11, Questionnaire)

> *Policies must be based around them [children's rights].*

> (Participant 27, Q14, Questionnaire)

> *So, it's not just policy [now] but **law**.*

> (Mrs. Jones (pseudonym), Interview 3)

> *It's actually a right for you to be a member of clubs and to be honest with you, since COVID this has just become.... It's taken on a new significance for me because I know it is a right but I don't think I fully appreciated why it needed to be a right **(emphasises the word)** and not just something nice and frilly that happens at the side, you know.*

> (Mrs. Williams (pseudonym), Interview 1)

However, in practice, it could be argued that this was addressed by the legal impetus already extant within *Rights of the Children and Young Persons (Wales) Measure 2011* which states that all Ministers must have due regard to the rights and obligations of the UNCRC in all policy making – of which the curriculum is part – and which is not identified by teachers in this study. In fact, this was part of the rationale offered by Welsh Government as to why a due regard commitment was not legally required to be mandatory within the curriculum (Children in Wales, 2021). Yet it may still be considered by those concerned about rights not being upheld in education settings as a missed opportunity to further strengthen legislation (Children's Commissioner, 2021) or to adopt further mechanisms such as the appointment of a Ministerial portfolio for children and young people with accompanying budgetary affordances (Children in Wales, 2021). Nor does it appear to mitigate against risks raised by the Children's Commissioner that this could lead to inconsistency in children understanding and experiencing their rights as the curriculum's subsidiarity principle allows for greater individual school autonomy with differences between school curricula likely to become embedded over time (Children's Commissioner, 2019). Such risks are emphasised also by Children in Wales (2021) who note that accessing children's rights knowledge remains dependent on the school's own engagement structures. In considering the genealogy of rights discourse within the curriculum, it is possible to see that whilst the ambitions and objectives of the policy-child (Butler and Drakeford, 2013) contributes to the continuous, progressive discourse of children's rights, careful consideration of the ways such political rationalities are operationalised may be seen to mask the reconstitution of another discourse (Foucault, 1969; Doherty, 2007) – one in which this is not fully realised through the legislative support. For an example of how the curriculum may have offered a strengthened legislative position, it is possible to look to Scotland, who as well as sharing curriculum synergies with Wales (both having been influenced heavily by Prof. Graham Donaldson, the architect of curricula in Scotland and Wales), also claims a well-established rights-based approach to legislature. There is an enhanced duty placed upon Scottish Ministers compared to Wales to:

> . . . take such account as they consider appropriate of any relevant views of children of which the Scottish Ministers are aware (s.1(2)) And b) . . . promote public awareness and understanding (including appropriate awareness and understanding among children) of the rights of children... (s.1(3))

> (Scottish Government, 2019, p. 10)

The curriculum guidance in Wales is underpinned by the Curriculum and Assessment Act (2021) which sets out the role for duty-bearers only and does not go as far as legislating for promoting awareness and understanding among children themselves, as with the Scottish legislation, and which may have gone some way to addressing earlier findings within Wales about children's lack of knowledge about their rights (Croke and Dunmore, 2013; Children's Commissioner, 2018). Whilst this recognises the key role teachers hold as enactors of rights, there is little legal impetus to support children's understanding, knowledge and crucially, claiming of rights. There is strong promotion of rights within the curriculum guidance as a way of encouraging children's independence, aligned to a social-constructivist view of the child who is presented as being in active, mutual partnership with their teacher (see 4.2 for further discussion) and which offers tacit recognition that the conceptualisation of the child and childhood has shifted (Prout, 2005; Janzen, 2008). For teachers therefore to fulfil their duty-bearing responsibilities in relation to this view of the child, the legalistic framework for rights, on its own, would appear to be insufficient. The overall model remains a legal one of a duty of due regard by ministers who direct policy, promotion of knowledge and understanding by school leaders who translate policy and by teachers who enact the policy (Ball *et al*. 2011). The requirement to promote awareness amongst the school as a public institution and teachers as decision-makers offers some strengthening of scrutiny and advocacy for children's rights (Children in Wales, 2021) and focuses legislation within the specific Welsh educational context in which it must be enacted. However, it falls short of offering strengthened accountability such as introducing a compliance model or offering means of recourse for children themselves to seek resolution to rights violations in school (Croke *et al*. 2021), something which has been recommended by the UN (Children in Wales, 2021). Critically, it also emphasises the teacher as the main enactor of rights-fulfilment in the school environment and as the duty-bearer for the state – despite the fact that the teacher's own school context (from school structures such as behaviour or learning policies) will largely shape what is viewed as permissible within the normalised rights-discourse of the curriculum.

Despite the discursive formation of an ideal mutually respectful learning partnership between teachers and learners as presented in the curriculum guidance (see 4.2), adults continue to hold the power in the adult-child relationship. The nature of the enactment of rights remains within the gift of the teacher who chooses how best to exercise their power as a duty-bearer

(Foucault, 1977) and there is no recourse for the pupil who believes their rights are not met. Furthermore, the curriculum guidance also provides subtle, nuanced references to the adult-child power dynamic. This is perhaps aimed at offering reassurance to those who may not fully ascribe to this vision of the adult-child relationship, reassuring teachers that the conditional nature of Article 12 still requires adult interpretation (Wyness, 2022). Examples such as emphasising headteachers' legal power to 'disapply learner choice in some circumstances' (source: curriculum guidance) shows that adults retain the ultimate decision-making power. Learner involvement and participation form an important aspect of the curriculum, and is cited as a 'key principle' but this is somewhat caveated by a 'however' statement which refers to children as learners but teachers as adults and that also draws on the notion of respect for others' rights including those of the adult practitioner during 'learning and teaching':

> *A key principle of this approach is the rights of children and young people to participate in decisions about their learning and their wider school experience. **However**, learners and adults should have opportunities to collaborate to develop and maintain a school or setting community based on equality, dignity, respect, non-discrimination and participation; this includes learning and teaching in a way **that respects the rights of both practitioners and learners** and promotes well-being.*
>
> (HWB Curriculum Guidance, 2022)

It also remains within the control of the teacher to decide when and what form rights-based approaches, such as participation, may take place. The guidance conceptualises participation as possible in degrees, perhaps invoking Hart's (1992) ladder of participation in which children may be supported to participate in different ways:

> *It is important to recognise that there are different levels of participation, and that enabling learners to take part in curriculum design can take place in different forms…[which] will be appropriate at different points in curriculum design.*
>
> (HWB Curriculum Guidance, 2022)

However, the guidance does not allude to the fact that within Hart's (1992) model, the first three stages are not considered true participation at all, but rather manipulation, decoration or tokenism (Hart, 1992). Thomas (2007) notes that participation may be considered either as a process in which children take part in activities, or as an outcome, in which children specifically take part in decision making through direct involvement. It is not clear in the

guidance whether participation is viewed as process or outcome, so it is therefore left to practitioners to interpret participation for themselves, therefore rendering participation as a safe, adult-regulated activity within the institutional discourse of the school (Wyness, 2022). Whilst children's rights can challenge processes previously used to 'govern, regulate, subordinate and silence children' (Tobin, 2013, p. 411) the way in which it is enacted can exemplify how the curriculum guidance may allow teachers to remain the power-holders in the child-adult dynamic as they can regulate the learning space and define participation (Freeman, 2010) or even manipulate situations to better suit them (Ferguson, 2013). However, the relationship between theory and practice is dynamic (Kendall and Wickham, 2001) and in making meaning of the guidance, teachers must aim to reconcile multiple complexities and choose different levels or forms of participation (Invernizzi and Williams, 2011), the challenge of which is not articulated within the guidance.

The Scottish legislated approach to promoting understanding of rights among children could be seen as a way of strengthening such participative ambitions. However, Cassidy, Bruner and Webster (2014) also provide a cautionary analysis of the Scottish approach which they argue aligns rights too closely with a discourse of citizenship where rights 'are explored in relation to being a responsible citizen' (Cassidy, Bruner and Webster, 2014, p. 19). Whilst this may not appear problematic on the surface, much depends on the extent to which an alignment becomes a conflation of the legal responsibilities of adults as duty-bearers with a sense of duty-bearing responsibilities for the child (for example, to fulfil others' rights). The curriculum guidance strongly promotes the importance of citizenship, as well as emphasises the importance of others' rights.

> *Nothing is so essential as universal access to, and acquisition of, the experiences, knowledge and skills that our young people need for employment, lifelong learning and active citizenship.*
>
> *Supporting learners to know their rights and respect those of others through human rights education enables a curriculum driven by the four purposes.*
>
> (HWB Curriculum Guidance, 2022)

Within the four purposes of the curriculum, concepts of the responsible citizen are well embedded, as I emphasise in bold below:

- ***ambitious, capable*** *learners, ready to learn throughout their lives*

- ***enterprising***, *creative **contributors**, ready to play a **full part in life and work***

- *ethical, informed **citizens** of Wales and the world*

- *healthy, confident individuals, ready to lead fulfilling lives as **valued members of society***

<div align="right">(HWB Curriculum Guidance, 2022)</div>

This aspect of the guidance would appear to be well understood by teacher participants who noted a close link between the four purposes of the curriculum and children's rights, and (set within the wider context of each response) appeared to view this positively:

> *It is a purpose driven curriculum and therefore rights entwine everything.*
> <div align="right">(Participant 33, Q11, Questionnaire)</div>

> *They shine through in the four Purposes as well as in the What Matters statements.*
> <div align="right">(Participant 16, Q8b, Questionnaire)</div>

> *It underpins the four purposes!*
> <div align="right">(Participant 33, Q8b, Questionnaire)</div>

> *The new curriculum places significant emphasis on creating healthy and confident and ethical and informed students.*
> <div align="right">(Participant 50, Q8b, Questionnaire)</div>

The four purposes offer a vision for education in Wales, and through its co-construction with teachers at the design stage, appears as a shared discursive formation or, in Foucauldian terms, a regime of truth (Foucault, 1988). The purposes become the normalised discourse for the curriculum. Through setting out the purposes as the driving force of all aspects of the curriculum, it constructs a truth which also excludes any other possible discourses and creates the context for what is or isn't allowable for teachers to say (Dolan, 2020), perhaps reflected in the lack of critical depth shown in the teacher responses, as they repeat the 'expected response'. Alternatively, it may be considered that due to the rhetoric of co-construction of the four purposes with teachers and because of the seeming benign intentions of the purposes, the curriculum discourse has created an acceptability, a sense of moral and

philosophical purposiveness – a shared discourse. However, in doing so the political nature of the four purposes is masked. The mechanism of the four purposes as means of shaping the conduct of both individuals and the population at large over time presents with a veneer of apoliticality (Dolan, 2020) which is not challenged by the teachers in their responses. The four purposes set out a vision in which the child's education is an investment for the future citizen they will become (Wyness, 2022). The brevity of the teachers' responses also demonstrates surface level recognition of the four purposes as a curriculum lever for rights, with little elaboration about the nature of the values emphasised within the four purposes, or in what ways they articulate the principles of the UNCRC more specifically. Further exploration of this within one interview demonstrated the way that the teacher was able to make meaning of the purposes as a lever for rights within the guidance and consider its enactment in a learning context:

> *So you've got the curricular side and the… and the the, erm, tutorial ethos. And then you've got the, making sure that they have opportunities to be ethical citizens. So things like charity work.*

> *It'll be a case of going to the different AOLE's and talking about what they've already got that's promoting rights and how they can tweak things, because very often it's a slight, slight tweak that needs to be done to promote children's rights. So, I think it's just a case of doing that, but to be honest with you, I think this is going to be far easier because of the four purposes. So the four purposes lend themselves, don't they, you know, when you look at the descriptions of what an informed ethical citizen is, it's going to be far easier for me to do that.*

(Mrs. Williams (pseudonym), Interview 1)

In this example, the teacher makes meaning of one of the purposes of the curriculum guidance (ethical, informed citizens of Wales and the world) by connecting it to the example of pupils' undertaking charity work. The teacher by-passes consideration of what it means to be an informed ethical citizen and goes directly to an activity for children.

> *when you look at the descriptions of…what an informed ethical citizen is…*

(Mrs. Williams, Interview 1)

What it means to be an informed ethical citizen is defined by the teacher according to the 'description' (assumedly within curriculum guidance) with no articulation of what such values may mean to the teacher themselves. The guidance itself is taken at face value and the four

purposes are accepted as a helpful enabler in promoting rights within the school curriculum. In this way, teachers become subjects of the power expressed through the discursive formation of the purposes and 'enact their subjection through an obvious and conscious choice and as a matter of their own free will' (Dolan, 2020, p. 43). Whilst the purposes provide a discourse of the child as rights-subject and presents the outcomes of an education which sets this purpose-vision at its heart, neoliberal concepts of the market and the focus on entrepreneurial skills, self-management and monitoring, utmost autonomy and focus on employment, and the ways that individuals can be moulded to the interests of the state as a resource are not interrogated (Dolan, 2020; Ingleby, 2021). Within the guidance, wider social, economic, historical and political structures or context (such as poverty) which may impact on a child's ability to claim aspects of the purposes to 'be healthy' or to be 'ready to learn' are not included, focusing instead on the ideal vision of the child-learner, neatly circumventing expression of the nation state's obligation within UNCRC to ensure rights-fulfilment is properly resourced according to the state's ability. After all, Wales forms part of the UK which is the world's 6th largest economy (Office of National Statistics, 2023) yet sees an estimated 34% of children living in poverty (Children in Wales, 2021). Instead, it is the curriculum which is positioned as the main vehicle for rights-provision in schools and teachers are positioned as the main enactors with the power to gate-keep children's experiences of rights in that setting.

Foucault himself was neutral on the matter of neoliberalism as either a force for good or bad (Dolan, 2020). If viewed as a proxy for the intentions of a benign and benevolent government, it offers a positive and desirable outcome of the model responsible citizen. If considered as part of a harmful, neo liberalisation of education, then the purposes offer a reductionist vision for education, and frames children's rights within a limited and bounded discourse of rights drawn from the UNCRC as a legal instrument, and with little interrogation (or translation for teachers) of the values underpinning such concepts (such as the social context of the school setting) and used as a means by which to produce the ideal citizen according to the needs of the state and rendering schooling as a period of time in which children work to learn how to serve such needs (Wyness, 2022). Teachers become a tool of the state who mould children to respond to the future needs of the state as a resource, but in doing so, are themselves subject to the powers of the state as set out through the curriculum discourse.

Within the curriculum guidance, teachers are prompted by a series of questions to support their understanding of how rights can be designed and implemented within their curricula to achieve the objective of the responsible citizen who respects and fulfils others' rights too:

> *When designing and implementing your curriculum, you should consider the following key questions. How will your curriculum:*
>
> - *enable your learners to develop an understanding of their rights and **the rights of others**?*
> - *draws on learner voice and responds to learners' needs, experiences and input?*
> - *understand and exercise their human and democratic **responsibilities and rights**?*
> - ***respect the needs and rights of others**, as a member of a diverse society?*
> - *have the skills and knowledge to **manage everyday life as independently as they can**?*
>
> (HWB Curriculum Guidance, 2022)

The teacher is viewed as being strongly positioned to support their learners' understanding of rights, but the guidance does not further articulate the values which may be seen to underpin concepts such as independence or democracy. Like the neoliberal government for which the teacher is the micro-apparatus (Niesche, 2015), the teacher is faced with the challenge of deciding what is 'too much, too little or just enough government?' (Foucault, 2007, p. 17). Since it is teachers who have the power to decide the focus of pupils' learning, too much focus on concepts such as responsible citizenship for pupils by teachers in their enactment could further increase the risk that children's rights may be conflated with a sense of children's responsibility (Cassidy, Bruner and Webster, 2014; Jerome and Starkey, 2016; Wyness, 2022). For example, the expectation for children to exercise their '*human and democratic responsibilities and rights'* would seem to present human rights and the responsibilities of the citizen as interlinked. Such wording may be considered unhelpful in supporting teachers to recognise the indivisible, fundamental nature of children's human rights and to tackle what Cassidy, Bruner and Webster (2014) find is a 'preponderance of

[school] staff to emphasise responsibilities over rights, risk burdening children with a sense of duty or misdirect children about their rights' (Cassidy, Bruner and Webster, 2014, p. 21). Yet, this common misconception is not addressed explicitly in the guidance. How teachers make meaning of this aspect of the guidance could be considered through an example from Mrs. Jones (Interview 3), who had received training about children's rights. In an early stage of the interview, she noted:

> *You know, every school, whether they agree with it or not, has to take into account of it. I think it's mentioned in several different AoLEs. It's mentioned… ah, it's in one of the purposes, looking at the ethical informed… talks about rights and responsibilities... I know, they need to be uncoupled [laughs], I know that now. I'm not putting them together, but it does mention both.*

<div align="right">(Mrs Jones, Interview 3)</div>

The teacher acknowledges the contested nature of children's rights and through making direct reference to the curriculum guidance, demonstrates an understanding of a wider rights discourse which advocates against coupling rights and responsibilities (Shier, 2018; Children's Commissioner, 2022a), but yet still pays note that the guidance 'mentions both'. Later in the interview, this tension is further articulated:

> *Students are very vocal now about their rights. And I think that's a good thing, however, you know, parents still need to be able to parent and teachers still need to be able to teach and, but I don't think they're… they are not counter intuitive to each other, they should be able to work together and I think children need to understand about their responsibility even though they're not coupled with the rights and they've got the rights even if they're the most irresponsible person ever. But actually you do have a responsibility to help other people and to be that duty bearer and to sort of help support other people with their rights too. Umm.*

<div align="right">(Mrs. Jones, Interview 3)</div>

The teacher is trying to make sense here of how uncoupling rights and responsibilities might be enacted in the context of the adult-child relationships most common to childhood experiences – parents (including carers) and teachers. This may be directed towards a common concern of those who feel that children's rights can 'go too far' and articulates a concern for how adults' ability (or power) to fulfil their obligations to children as parents or teachers may be challenged if children are too 'vocal' about their rights. From her training

experience, the teacher understands the legal context of children's rights and the rationale for why rights and responsibilities are not coupled together:

…they've got the rights even if they're the most irresponsible person ever.

(Mrs. Jones, Interview 3)

However, by the end of the section, a moral argument for the teaching of responsibilities (*you do have a responsibility to help other people*) becomes conflated with the legal concept of the 'duty-bearer' placing a responsibility on the child to help support others' rights too. Freeman (2010) and Invernizzi and Williams (2011) argued that previous studies have found that this can be a common issue in teachers' understanding when a legal instrument (such as the UNCRC) is viewed through a moral context of teaching children, and the curriculum guidance, in this case, seems to have been interpreted directly by the teacher to reach this conclusion. Similarly, several respondents to the questionnaire also drew parallels between rights and responsibilities within the new curriculum, in response to a perceived increase in the importance of rights within the curriculum, as though one needed to be tempered by the other. One participant identified *'maintaining discipline'* (Questionnaire, Participant 4) as a barrier to the implementation of children's rights within the new curriculum. Others argued that teaching responsibilities alongside rights was integral to education as well as being linked to the UNCRC*:*

To me it is an essential part of education, just as they have rights I also teach that these rights come with responsibilities.

(Questionnaire, Q6, Participant 17)

[Children have a] Right to an education, to be cared for, to be fed, clothed… but they also have responsibilities.

(Questionnaire, Q6, Participant 45)

It is vitally important to teach children about their rights and responsibilities.

(Questionnaire, Q6, Participant 33)

We use UNCRC rights in assemblies, displays and also on policies in school. We try to get the children to understand they have responsibilities along with rights.

(Questionnaire, Q6, Participant 28)

Others saw the link to citizenship as an important 'balancer' between a perceived sense of power gained by children through the teaching of rights with a sense of moral duty through the teaching of responsibilities:

> *With societal changes children need to be and are entitled to be made aware of their rights and responsibilities if we are to equip children with the necessary awareness in life particularly in terms of being ethically informed citizens*
>
> (Questionnaire, Q7b, Participant 33)

This analysis therefore suggests that whilst the purposes (such as ethical, informed citizen) is interpreted by teachers as being clearly underpinned by rights, the introduction of the concept of responsible citizenry leads teachers to make meaning of rights in the curriculum as being interlinked with responsibilities, even in the case where the teachers had engaged in training sessions or the UNCRC itself.

Whilst much of the explicit references to rights in the guidance tend to focus on fulfilling the due regard requirement for all policymaking for children and young people, placing the primary focus on the legal context for children's rights within the underpinning curriculum legislation, other contexts for rights are highlighted through linking rights to specific areas of learning and experience within the curriculum:

> *Learners can develop knowledge about human rights primarily through the Humanities and the Health and Well-being Areas of Learning and Experience, and can be practiced across other Areas... Rights are also fundamental in Relationships and sexuality education…*
>
> (HWB Curriculum Guidance, 2022)

However, as previously noted, the curriculum guidance must also take account of the context in which rights are to be enacted – in this case, the social, political, economic and historical context of schools in Wales and it is here that the moral and philosophical arguments for children's rights are more likely to be encountered:

> *Learning about, through and for human rights should encourage inquiry, analysis, forming arguments, making decisions, cooperation, evaluation, and **developing behaviours informed by values.***
>
> (HWB Curriculum Guidance, 2022)

The focus on learning about, through and for human rights derives from the model of human rights education set out in the United Nations Declaration for Human Rights Education and Training (2011) and which places significance on the experiential aspect of rights, beyond knowledge and understanding only. The curriculum guidance noted that values and behaviours to be developed by pupils should '*reflect human rights values*'. On the face of it, this would seem a sensible and indeed desired approach, but without a specific articulation of human rights values, there is a risk that the notion of rights-values may be influenced by the own values and beliefs of the teachers concerned, unless they seek further professional learning. Others highlight the possibility that previously assumed understandings of human rights in the UK may also be at risk of erosion from actions such as withdrawing from the European Convention of Human Rights or divisive policies which show that human rights values may not be as fixed or immutable as once believed (Bove, 2022; Webber, 2022). It may also provide some partial explanation for why recent findings about rights fulfilment in schools in Wales revealed that more needed to be done to tackle issues such as racism (UNCRC Monitoring Group, 2021). This is not to say that teachers hold racist values (though as a representation of society at large, some may) but rather that anti-racist attitudes, values and behaviours are required, which goes beyond a legal impetus for non-discrimination or 'not racist' behaviours and values into considering a social, moral and philosophical framework for rights.

To mitigate this perhaps, the guidance is detailed in conveying a vision for the learning environment (explored further in section 4.2). On the one hand, the approach to peppering the guidance with implicit notions of rights can support a discourse of children's rights as a unifying principle throughout the curriculum guidance. However, it can make it more difficult for busy practitioners (the main audience of this guidance) to identify any inconsistencies or tensions within the overall children's rights discourse contained within – for example, such as the extent to which rights and responsibilities are interlinked, or the possible neo-liberal interpretation of the purposes for which rights-enactment becomes a lever. Other aspects like points of discontinuity in the discourse narrative of rights, such as a shift from teaching *about* rights to teaching and learning as a way for children to e*xperience* their rights, may be masked. In doing so, it enables the guidance to set out how children's rights should be

approached in the curriculum without tackling the issue of the values of the practitioners involved, or indeed considering the pedagogical shift required to bring this enactment to fruition. This also provides more risk that adults interpret guidance to maintain the status quo of the adult-child dynamic (Invernizzi and Williams, 2010). The guidance takes an assuming tone that the rights-based culture set out in the guidance is shared by all and therefore the teacher audience of the guidance are viewed as a homogenous group who will both interpret and enact the hegemonic qualities of children's rights, according to the UNCRC, as expressed through its government intent in guidance (Dolan, 2020). Again, if viewed as a proxy for the government view, both the teacher and the learner are presented as idealised versions of their respective roles which are characterised by positive words such as 'partnership', 'mutual', 'respectful, 'holistic', 'active engagement', 'empowered' (see 4.2 for full discussion). Such aspirations are unlikely to be challenged where rights are viewed as the vehicle for the creation of a more socially just and equitable society. Conversely, the discourse for rights also become the vehicle for power which is exercised through the curriculum framework (Niesche, 2015). The guidance supports teachers to design curricula which moulds individual pupils as subject-selves shaped by a view of rights which is determined by the UNCRC, and which becomes a fixed, immovable boundary for the conceptualisation of rights. It also frames the social context (in this case, for learning) in which the rights should be enacted (and in so doing, excludes from its framing any structural barriers external to the school environment and which impact on rights-fulfilment). Pupils' identity, through the experiential nature of the curriculum, is socially constructed through and influenced by the vision of the learner set out in the four purposes (Janzen, 2008).

Foucault (1982) referred to this process as neoliberal subjectification in which the individual's own self-identity becomes tied to the powerful discourses which subjugate them. By suffusing the concept of rights implicitly throughout the guidance, teachers can develop the prescribed knowledge of rights and in turn can exercise their power as a teacher in school to normalise the discourse of rights. The guidance therefore sets out the expectations for what teachers should know and do in relation to rights and the expectations they should hold in relation to their pupils' responses and behaviours in return. An accountability system can provide a form of 'surveillance', through self-governing mechanisms and may be reinforced through a hierarchical idea of power which stems from government and flows to headteachers and

school leaders (as outlined in guidance earlier, creating layers of duty-bearing obligation), through to leadership tools such as school self-evaluation, or the external gaze of the inspectorate (Dolan, 2020; Ingleby, 2021). This ensures the levers for such power to operate effectively requires minimal control at a governmental level.

However, Foucault (1977) also notes that viewing power in such a linear way fails to understand the social context of power and the way it may work in practice, in this case, considering the school as a social body, as it risks ignoring the 'plethora of discursive possibilities within and beyond dominant discourses' (Dolan, 2020, p. 47). This goes to the heart of policy enactment because whilst policy discourse can transmit and reinforce the view of children's rights suffused within the guidance, it can also undermine it through exposing it – and therefore making it 'possible to thwart it' (Foucault, 1977, p. 100). For example, here, the guidance makes explicit a particular value which all teachers should hold and which directly relates to Article 31 – the right to play:

> *Play and play-based learning supports holistic development across the curriculum. It should be valued by all practitioners…*

(HWB Curriculum Guidance, 2022)

By explicitly stating that this 'should be valued', there is a risk that a practitioner may be prompted to behave in an opposite manner, because it fails to take account of other dominant discourses (for example, a concern by the teacher that too much play may result in insufficient academic outcomes within a performative and accountability driven system, or the view of a secondary practitioner who may see play as relevant to the primary phase only). This demonstrates the challenges for policymakers in communicating intent to mitigate policy-practice gaps in advance, as it is at the point at which policy-articulations must be translated into policy-enactment that the initial policy intent may diverge.

This theme, *making meaning of rights in the Curriculum for Wales guidance,* therefore provides important insights to support RQ1 and RQ2:

- RQ1: How does Welsh policy relating to children and young people conceptualise children's rights?
- RQ2: How is children's rights conceptualised in the new Curriculum for Wales 2022?

It shows how children's rights are conceptualised within Welsh policy as a fundamental entitlement for all children and young people forming part of a discourse of children's rights as a core principle for all policymaking in Wales. Rights are emphasised as being at the heart of the new curriculum through being embedded within the four purposes which act as the key drivers for the curriculum framework. The curriculum is seen as part of the most recent developments in a long and pioneering history of children's rights in policymaking in Wales, with the new curriculum positioned in discourse as a further progression of the rights agenda for children. The ideal learner is articulated through the four purposes creating a contemporary and reaffirmed vision of Butler and Drakeford's (2013) policy-child. This interpretation appears to be well understood by the teacher-participants within this study, who were able to clearly identify a link between rights and the four purposes, as well as recognition of the more prominent role of rights-based approaches such as a participation. However, by aligning the rights discourse closely to possible neo-liberal concepts of responsible citizenship, there is a risk that adults who may feel threatened by an implicit shift in power-dynamic between adults and children within the new framework, may resort to previous behaviours. Teachers may seek to re-dress a perceived power imbalance gained by children through learning about their rights by over-emphasising responsibilities linked to rights, and thus causing a conflation for the learner between their position as rights-holders and their teachers as duty-bearers. This may also be reinforced by the prominence of rights-framing within a legal context throughout the guidance, but which may mask social, historic, and economic barriers to rights-fulfilment in the school setting or hide possible discontinuities in the discourse (such as the minimal changes to the legal standing of rights for children in Wales practically). The realisation of rights therefore also relies on the enactment of other policy, beyond the curriculum framework alone and across multiple areas. Most of these policies continue to rely on the Rights of Children and Young Person's (Wales) Measure 2011 as the key legislative underpinning, despite the centring of the curriculum as a main vehicle for rights-enactment in education for children in Wales. As an articulation of government intent, policymakers have had to make decisions about when to explicitly express the meaning and prominence of underpinning values and behaviours associated with rights, and when to 'side-step' aspects of rights discourse which may be contested or challenge the teacher's own values and beliefs. This creates a discourse of rights-enactment of the Curriculum for Wales by a homogenous group of teacher-enactors in Wales, but which may

fail to take into consideration the way in which competing discourses may disrupt the assumed hierarchy of transmission of government intent through school leadership structures, or which may be translated differently by individual teachers (and within a divergent curricula context across schools in Wales).

4.3 The Dynamic Inter-relationship Between the Enabling Teacher and the Agentic Learner in the Curriculum for Wales

The Curriculum for Wales sets out a vision for teaching and learning of children, articulated through the four purposes. Inherent within that vision are the roles which must be undertaken by those responsible for teaching, and those who must learn – the teachers and the pupils. The second theme, t*he dynamic inter-relationship between the enabling teacher and the agentic learner in the Curriculum for Wales,* explores the underpinning conceptualisations of the roles of the teacher and the learner, as well as focusing on the relationship necessary between them to create the learning environment needed to realise the Curriculum for Wales framework in schools. The Curriculum for Wales guidance sets out a genealogy of rights-discourse, representing the government view, and when compared to the conceptualisation and perceived enactment of rights by teachers (drawn from the questionnaires and interviews) further support findings in relation to RQ2 and 3:

- RQ2: How is children's rights conceptualised in the new Curriculum for Wales 2022?
- RQ3: How do practising teachers in Wales conceptualise their practice in relation to children's rights and within the new curriculum for Wales?

This theme considers the ways in which specific conceptualisations of the teacher's role is articulated through the curriculum guidance and by the teachers in the study, considering teacher's responsibilities, behaviours and espoused values. This theme also explores conceptualisations of the child as both learner and rights-holder and the influence of socio-constructivist discourses on the expectations of the roles of teacher and learner. It also encompasses the teacher-learner relationship within the Curriculum for Wales framework. The theme's analysis also applies the Foucauldian notions of power-knowledge (Foucault, 1977) and considers underpinning conceptualisations of children's rights relating to the role of the child, childhood and the adult-child power dynamic, as well as the potential complexity

of teachers' views about supporting the fulfilment of children's rights in school and their own agency within that setting to enact their own rights-praxis.

The concept of the teacher as a key enabler of children's rights is presented explicitly throughout the curriculum guidance, with the role of the adult identified as integral to children's learning and is also inherent in the relationship articulated in the curriculum guidance between teachers and pupils. The term 'enabling adult' is used several times in the curriculum guidance and emphasises that practitioners should design their curriculum to be pedagogically appropriate. The role of the enabling adult is noted to be relevant to all ages and sets out the key principles for adults to promote learning, establish effective relationships and fulfil their obligations as a duty-bearer. Whilst some elements, such as modelling kindness or supporting learners to manage changes in routine are emphasised as being particularly important during the learner's journey to progression step one (the earliest phases of the curriculum), other aspects of the enabling adult may be helpful to all ages. The enabling adult is portrayed as:

- Deeply knowledgeable about children's development
- Able to recognise needs and barriers to learning
- Responsive to children's needs and help them to overcome barriers to learning
- Confident in their choices and interventions to progress learning
- Able to empower children to be independent decision makers

(HWB Curriculum Guidance, 2022)

However, the curriculum guidance also portrays the role of the adult in more implicit ways throughout, with the teacher portrayed as helping, supporting and guiding learners. These descriptions were identified as tags during the coding phase and are presented below using Wordle (see figure 12), a text visualisation tool which places greater prominence on concepts determined to be significant during analysis (McNaught and Lam, 2010).

Figure 102: Diagrammatic representation of words describing the role of the teacher in Curriculum for Wales

Such concepts may be seen to indicate a subtle shift in the positioning of the teacher to a less authoritative and more facilitative role, and collectively may be considered as a regime of truth, or rather, regime of practice (Foucault, 1991) of the enabling teacher, tightly bound to the context of this particular curriculum at this particular time. These enabling concepts become the structures within which teachers must operate, setting the context for their actions and providing the rules which guide their actions (Devine and McGilicuddy, 2016). Yet, Gallagher (2008) also reminds us that it is important to also consider the power dynamics within the context, which are found 'not in the minds of those who exercise it, but in its effects' (Gallagher, 2008, p. 400). The guidance does not overtly address this nuanced shift in

power-dynamic between teachers and pupils, in which the child is liberated by the teacher to learn through experience, guided by facilitative, enabling adults, but it does focus on the intended effects through articulating a vision of the learner.

The four purposes set out a vision of the complete learner at the end of their education, and guidance sets out the expected behaviours and values of the learner:

> *Learners are at the heart of assessment and should be supported to become active participants in the learning process.*
> (HWB Curriculum Guidance, 2022)

> *[Learners need to] have the skills and knowledge to manage everyday life as independently as they can.*
> (HWB Curriculum Guidance, 2022)

> *The role of the learner is to participate in and contribute to the learning process in a way that is appropriate to their age and stage of development.*
> (HWB Curriculum Guidance, 2022)

> *Where developmentally appropriate, learners should be able to set goals, make decisions and monitor interim results.*
>
> (HWB Curriculum Guidance, 2022)

This shows how learners are viewed as active (and willing) participants in their own learning, with learning positioned as a mutual activity in partnership with and supported by the teacher. This relationship, along with the teacher's knowledge of the child, is seen as key to the child's development and progress:

> *Active engagement between the learner and practitioner on a regular basis is at the heart of supporting learner progression. To be truly effective all those involved with a learner's journey need to collaborate and work together.*
> (HWB Curriculum Guidance, 2022)

When designing a curriculum, the practitioner's knowledge and understanding of child development is essential.

<div align="right">(HWB Curriculum Guidance, 2022)</div>

The focus on children's progress, along with the emphasis on this as being relative to their age and stage also shows an implicit socio-constructivist view of the child, who with the appropriate support of an adult, develops along a continuum (sometimes linked to age). The curriculum guidance is reflective of seminal cognitive learning theories such as Vygotsky's (1978) Zone of Proximal development (in which the child is scaffolded by adult support at the right level of challenge) or Piaget's (1971) theory of cognitive stages of development (in which the child progresses through four universal stages of development) and with which the enabling teacher is expected to be very familiar. The enabling teacher is also expected to apply that knowledge to develop a conscious praxis where:

> *Effective pedagogy relies on an in-depth understanding of child and adolescent development. It involves exploring and reflecting on which teaching strategies will best support learning in a given context, and inquiring about the impact of this on learners.*

<div align="right">(HWB Curriculum Guidance, 2022)</div>

The curriculum guidance's emphasis on learner independence was discussed within the first theme in relation to the discourses of neoliberalism within the curriculum where the promotion of children's independence may be considered reflective of neo-liberal favouring of models of the autonomous citizen (Raby, 2014; Wyness, 2022) (see 4.1). However, within the vision of the learner in the guidance, independence (whilst heavily promoted) is one of a suite of wider skills children require developing to equip them for their future lives where they are conceptualised as citizens and workers:

> *The four purposes and the integral skills that support them are central to preparing learners for careers and work. These support learners to be resilient, creative and ambitious, requiring them to solve problems, engage with different information and work independently. This will help prepare them to respond to the opportunities and challenges of a changing economic reality.*

<div align="right">(HWB Curriculum Guidance, 2022)</div>

Whilst the curriculum guidance tends to promote children's rights as a way to improve learning and outcomes along a continuum, and arguably aligned to Wyness' (2022) model of

schooling as an investment (in the future labour market), the teachers in the study tended to place more focus on their perceptions of the teacher's moral purpose towards the holistic development of the whole child, placing little focus on the values of the purposes themselves in supporting rights beyond stating that they were closely linked. There was some limited recognition of the types of skills children might develop through rights and these appeared to be aligned to the skills emphasised in the curriculum guidance (see 4.1):

Lots of opportunities for discussion, deep thinking, philosophy, enquiry, reflection.

(Participant 34, Q16, Questionnaire)

Utilising higher order thinking skills.

(Participant 7, Q16, Questionnaire)

Hands on experiences, learning through experience can be extremely rewarding and effective.

(Participant 4, Q16, Questionnaire)

Nevertheless, it is the moral purpose of rights which seemed to provide the prevailing motivation for the teachers in this study. Teachers' conceptualisations of rights encompassed recognition of legal as well as moral obligations to fulfil children's rights. Teachers recognised that the four purposes of the Curriculum for Wales were intrinsically underpinned by rights (see 4.1), but this too had a moral dimension through linking the outcomes of enacting children's rights to good citizenship. Whilst some such aspects were linked to rights derived from the UNCRC, teachers in the study also included aspects which they believed strongly children should know or be taught in relation to their rights which appeared to sit outside of the UNCRC framework, such as the right to be loved or the right to be happy, showing how personal values and beliefs about what is important for children can equally influence practitioners. Waldron and Oberman (2016) note that teachers' understanding of human rights may often be more reflective of a fragmented, common-sense framework of rights, derived from their everyday informal context, rather than a professional one founded on theoretical, structural or legal contexts. Waldron and Oberman (2016) also found that generally, teachers are positive about children's rights in education, and likewise teachers'

responses in this study expressed a strong commitment to children's rights with many seeing it as central to their practice in which rights were already highly valued:

> *I have always ensured that children's rights are heard and adhered to and feel that I have always had the holistic development of the child and their welfare and wellbeing at the heart and forefront of my practise.*

> (Participant 52, Q6, Questionnaire)

> *It underpins everything in school from policies, values, vision, curriculum, ethos!*

> (Participant 33, Q6, Questionnaire)

> *[…]I just think if you were […] an effective teacher, that's something that you would be doing anyway, even if it was still teaching the old way.*

> (Miss. Davies, Interview 2)

> *They reinforce the whole philosophy of children being at the heart of their education.*

> (Participant 51, Q18, Questionnaire)

Several teachers drew attention to the child-led nature of the curriculum framework, the importance placed on children's rights and the value of rights as a way to support learning, as can be seen in the quotes below:

> *Children will have more opportunities to be independent and research /learn more.*
> (Participant 5, Q8b, Questionnaire)

> *[Children's Rights] Integral to the new curriculum, pupils having more choice over what and how they learn.*
> (Participant 7, Q8b, Questionnaire)

> *Every child has the right to learn through their experiences.*
> (Participant 44, Q8b, Questionnaire)

> *Children's rights within the new curriculum enable pupils to have a voice and to be a part of planning their learning and shaping their curriculum.*
> (Participant 50, Q8b, Questionnaire)

Rights is the biggest part of our job, I think at the moment.

(Mrs. Jones, Interview 3)

The values promoted by the curriculum guidance, such as independence and participative approaches, are reflected in the teachers' responses, demonstrating an alignment in conceptualisation between the guidance and the teachers' views. This may also be indicative of the instrumental value which can often be placed on children's rights (Jerome, 2016) in which they are valued for the positive benefits for learning, such as developing critical thinking skills, communication or collaboration. Indeed such skills are articulated explicitly in relation to rights within the guidance:

> *Learning about, through and for human rights should encourage inquiry, analysis, forming arguments, making decisions, cooperation, evaluation…*

(HWB Curriculum Guidance, 2022)

22 of 24 teachers in the study noted that they believed children's rights were extremely or very important in the new curriculum and 20 of 22 teachers also continued to note that children's rights were more important in the Curriculum for Wales compared to the previous national curriculum (source: questionnaire). Only two teachers noted children's rights as 'slightly important' within their current practice, however, both went on to note that it would be more important within the new curriculum framework. However, teacher's responses tended to frame their thinking around the experience of the learner, with a focus placed on the child-led nature, rather than adult-enabled aspects of learning. When asked whether they would need to change anything about their current practice, 13 of 20 teachers stated 'no' despite having identified a more prominent role for rights-based approaches in the future. The remaining 7 (of 20) teachers noted they would need to make changes to their practice but followed up with explanations related to broader school level issues such as updating schemes of work, a lack of systematic training in rights for teachers or needing more time to be able to enact changes. This is important as it may suggest that previously identified gaps between policy and practice may not be addressed by teachers who tend to view rights as a welcome way to strengthen the *curriculum* but not necessarily their own enactment of rights, perceiving their rights-practice to be well embedded within their approaches to children already. For example, several teachers identified participative approaches as being a particularly important part of children's rights within the Curriculum for Wales, with answers

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emphasising the importance of ensuring learners have a voice and a choice, aspects of participation which are generally most frequently identified in education research (Gillett-Swann, Quennerstedt and Moody, 2023):

The new curriculum (if taught correctly) is great and allowing children a voice in their own education is a plus.

Because we all (humans) have rights and have a voice.

(Participant 45, Q7b, Questionnaire)

Ensuring pupils are involved in all aspects of their education, that their voices are heard and respected. That pupils are able to make and effect change.

(Participant 6, Q7b, Questionnaire)

The child's voice has always been important to me since starting teaching 32 years ago.

(Participant 51, Q7b, Questionnaire)

Having their voice and opinions considered.

(Participant 3, Q6, Questionnaire)

Yet, it did not appear to be considered that for children to have more of a voice, they would need to be presented with greater opportunities by their teachers in which to do this. Gallagher (2008) previously argued that participation is generally an unhelpful term, because its broadness means its realisation in practice is often ambiguous. In applying a Foucauldian analysis of the power relationship inherent in the teacher-pupil relationship and within the context of participation, Gallagher (2008) notes that whilst participation often sounds promising, it can also be tightly controlled by adults or even mask a resistance to true participation, reminiscent perhaps of the early stages of manipulation or tokenism within Hart's (1994) participation model. Whilst many teachers in the study noted the need to 'have a voice' fewer went on to consider the impact of children's voice, perhaps demonstrating an inclination by teachers in the study towards participation as a process rather than an

outcome, with the inherent view of children as 'becoming' rather than 'being' (Prout, 2005). To achieve an outcomes-focused approach however, requires greater consideration by the teacher in the planning of learning opportunities. This was a key reflection offered by one senior leader with responsibility for rights in their school:

> *So, great, we're going down to the river, and we're doing work on the environment or whatever, but we need to be thinking then - what is the next step? What are kids actually going to be doing about this…? Where is their protest? Are they going to be writing a letter about COP 27 or will they...What are they going to be **doing**? So I think maybe for us, that's the one that we need to be thinking about more carefully… in planning more carefully.*

> (Mrs. Williams, Interview 1)

In Mrs. William's example, the experience of learning about a rights-focused topic such as environment can become tokenistic if presented as a learning experience only. This example is more closely aligned to a more radical role of the teacher not just as an enabler but as an active agent of change (Jerome, 2016). Mrs. Williams reflects on the importance of the meaningfulness of the rights activities, which teachers must plan carefully, and are necessary to ensure an authentic experience for children. This would seem to offer a subtle difference in conceptualisation from the curriculum guidance itself. The enabling teacher is required to promote opportunities for and value children's rights to have a voice and to make decisions because of the benefits to the learning experience it offers, and to gain experience as a future citizen (for example, rehearsing the behaviours required within a democratic citizenship gained through activities such as participation in school councils) rather than in the realisation of the right itself as a model of 'living rights' (Wyness, 2022). In the guidance, enabling teachers are directed to 'ensure' several practices to support pupil voice and participation:

> *Ensuring that resources are identified to support participation.*

> *Ensuring that consultation, analysis of learners' views and feedback are included as steps in the curriculum design and evaluation process.*

> *Ensuring that feedback on the outcomes of learner voice contributions are given to learners and staff and that this is factored into the timescales for curriculum design.*

Ensuring that learners are informed about the school's process of curriculum design in an accessible language and format and that they know what opportunities there are to get involved.

(HWB Curriculum Guidance, 2022)

Despite the strength of the command to teachers to **ensure** aspects of their practice, many of the practices themselves may be classified as processes or steps. The impact of the child's actual voice or decision making is obfuscated somewhat by a focus on the more authoritative steps teachers should take in 'informing' or 'giving' feedback on learner voice, revealing a nuanced discontinuity in the narrative of the teacher's enabling role. The enabling teacher can therefore empower or act as a gatekeeper of rights-based opportunities.

Other survey findings in Wales suggested that participation rights in schools continue to be met inconsistently by teachers (Children's Commissioner for Wales, 2018; 2020). The *Right Way* survey (Children's Commissioner, 2018) had also found that participation often varied between the Primary and Secondary sectors, with more opportunities offered in the Primary phase. In this study, it is interesting (though not statistically valid) to note that most respondents were teachers from the Primary phase (source: questionnaire n=38; interview n=2), with a much lower proportion of responses from the Secondary phase (source: questionnaire n=11; interview n=1). Others identified themselves as teachers within all-age or middle school ages (n=5). The opportunity to contribute to the study was shared equally within networks of both Primary and Secondary school teachers, perhaps suggesting there was greater interest from teachers in the Primary sector to respond to a children's rights questionnaire. This may also be reflective of findings from the *Right Way Survey* (Children's Commissioner, 2022) which found that there was a higher awareness of children's rights within the Primary sector than the Secondary sector. Miss. Davies, a primary teacher, reflected on the ways in which common structures of the Primary school may support or inhibit teacher's enactment or children's abilities to experience their rights in school:

*I think the way that nurseries, receptions, year ones are set up, where you've got all of the provision, they are able to exercise those rights of decision making and choice because they move around as they **choose** to do.*

If they want to go outside, inside, when they have snack. Actually, in some ways it's easier for them to have those rights met and instilled in them earlier on than it is higher up because everything does kind of become a lot more driven by timetable. So, I actually think that participation…in a well-equipped environment…. allowing children to develop those kind of rights is quite a strength of early years [tilts head and makes a face to indicate possible controversial comment].

Well, you know, mine, they come in and they self register. I never register them - they self register. They go off and start doing, you know, play and doing their jobs, doing their tasks and then they get to comp where they have to sit down and have the register taken and people… it's crazy… they come in and we train them to clock in basically, find their name, clock themselves in… they decide when to use the toilet… they decide when to have their snack… they decide if they want to go outside. They decide what they want to do. And then as they get older, all of that kind of just gets taken away from them. It is a funny old system, isn't it?

(Miss. Davies, Interview 2)

Miss. Davies focused on the structures in which the teachers must operate, highlighting the effects of timetables or the permissibility of children's actions in the classroom, which echo Foucault's views of disciplinary power in which bodies are rendered docile through the control of the time and space they inhabit (Foucault, 1981). The role of the teacher seems marginal, instead focusing on the *'system',* which as children mature, reduces or removes children's rights and in contrast to the progressively developing view of the child inherent in the curriculum guidance. The role of individual practitioners as enabler and enactor of rights is masked within the nature of the 'system'. The previous context of the discussion was framed around rights in the Curriculum for Wales, and how the guidance strongly promotes independence and autonomy for learners. Reference to the system shows how competing discourses can interrupt and distort curriculum intent, as it is not accounted for within the curriculum discourse of rights. Firstly, there is the perceived difference in expectations of the enabling teacher within the primary and secondary phases, and later, comes the idea that secondary teachers may be subject to different competing discourses in which performative norms and accountability may be seen to trump the holistic development of the child:

I was on a course today, a meeting with the comp and what actually struck me is… I I go into teaching every day hoping to equip my children who are three and four … with skills for the rest of their lives... At the comp, they were trying to talk like that, but you can still see that at the end of the day it isn't what they are thinking about. So, things like children's rights, we talk about them because I'm in health and well-being, but really, they talk about it but I can see that they're not really getting it because it isn't

a GCSE. They wanted health and well-being as one of the AOLEs to have an exam at the end of it to make it worth teaching.

So I think everything I do is beyond that, even though they're so little and in the comp they're like, oh, no, see, all of this… unless you can measure it, you're really not that interested.

This may be an unintended consequence of emphasising instrumental value on rights for learning rather than an intrinsic value on rights, but it is also reflective of the teacher's own conceptualisation of the child and their values and beliefs about the nature of the power relationship between adults and children as well as teachers' responsibilities towards children. Jerome (2016) argues that whilst this avoids teachers having to engage in contested moral or philosophical discourses of rights, without addressing contested values, as seen in the example above, it can lead to less buy-in from teachers or can lead to a reduction in teacher agency as they become passive implementors who receive training and use particular processes and resources to enact rights (Jerome, 2016), casting teachers within the homogenous model of the rights-enactor set out in guidance. Several teachers in the study referred to methods and resources such as whole-school power points outlining the right of the month, rights-focused assemblies, displays, or class charters. On the one hand, these may be considered useful methods to support teaching about rights and are cited as ways in which both teachers and learners can build familiarisation with the UNCRC:

I didn't realise how many rights they (we) have. It [UNCRC} was great to read and work through with my class... they were so excited to see how many they had.
(Participant 4, Q14, Questionnaire)

We use UNCRC rights in assemblies, displays and also on policies in school.
(Participant 28, Q6, Questionnaire)

Rwyf yn cynnal gwasanaethau am hawliau a wedi cynllunio dilyniant o wasanaethau ac wedi darparu hyfforddiant ar gyfer staff arall yr ysgol.

[I hold assemblies about rights and have designed a series of assemblies also I have provided training for other staff within the school.]
(Participant 20, Q6, Questionnaire)

On the other hand, whilst this may support the implementation of teaching about rights, it may not help realise rights within the school context, as it is a manifestation of rights-discourse as opposed to rights-enactment. The teacher's role becomes focused on knowledge about rights, which is then transmitted via assemblies, displays or other documentation, an over-reliance on which may run the risk of technicalisation of rights (Reynaert and Vandevelde, 2009) or which creates a strong discourse of rights which masks a limited realisation through the teacher's enactment. However, Miss. Davies also reflected on how such approaches can in fact prompt individual reflection for practitioners, which, whilst little is seen to need to be changed from the pupils' learning perspective, may bring a sharpness of focus to the teacher's enabling of rights within their practice:

> *I would say in the classroom, **very little has changed**… [hand gesture for emphasis]. In terms of what I'm teaching this um Children's Charter of rights, we've been asked to do that by somebody, by the year 4 teacher as part of his role. And **so I think that has come in from the new curriculum**. That's something that he feels strongly that every class should have. Before you maybe would have had your kind of class rules or whatever. We've now all got this instead. **So I think that's changed in terms of I've explicitly discussed that with them**…erm…and I think… on a broader scale, **maybe it's I am more aware of things** like [hand gestures for emphasis] the right for every child to be seen and valued, so I spend a lot more time looking at what kind of resources we've got.*

> (Miss. Davies, Interview 2)

Teachers in the study saw their role to promote the UNCRC through using such approaches as a central part of establishing a rights-based approach across the school, with some participants identifying the need for at least one teacher to take on children's rights leadership on a whole-school level, in order to drive a rights-based agenda purposefully. This may in part support the curriculum's legislative position of placing the onus on school leaders to ensure rights knowledge and understanding of staff in school since the role of support by school leadership is also emphasised as a key enabler for other teachers to enact rights:

> *The head is heavily invested in this, he's extremely supportive and believes in the worth of it.*

> (Mrs. Williams, Interview 1)

Nevertheless, many teachers in the study placed a high value on their promotion of children's rights within their own individual practice too, and demonstrated understanding of their role as a duty-bearer, modelling the legalistic language of the UNCRC, as well as being responsible for supporting children to (at least) understand their rights:

> *It is important that all children are aware of their rights and it's my role to ensure they feel **safe** and able to discuss those rights.*
>
> (Participant 50, Q6, Questionnaire)

> *Every child has the right to feel **safe**, respected, listened too and understood. My classroom is a place where learning takes place without pressure through interests.*
>
> (Participant 44, Q6, Questionnaire)

> *I am a duty bearer and it's my job to ensure children know about their own rights, that they know where to go if they feel **safe** and that they understand that they have a voice.*
>
> (Participant 32, Q6, Questionnaire)

> *It is the base on which I form my pedagogy, co-construct my curriculum and how I treat my learners - with respect. It has done for many years. I brought the school council and children's rights learning into the school many years ago and have used it ever since. I am curriculum lead and know as such the rights of the child underpin everything we do, relating and shining through the 4 Purposes of the new Curriculum for Wales.*
>
> (Participant 16, Q6, Questionnaire)

Within the teachers' conceptualisation of the importance of rights there is also a focus on how children can be supported by teachers to feel safe, as can be seen above. So, whilst teachers in the study acknowledged the importance of rights-based approaches such as participation, they tended to also place equal emphasis on the responsibilities of adults to ensure adequate provision and protection for all children:

> *[Rights] drive our curriculum. It's how our children will stay safe in an uncertain world.*
>
> (Participant 32, Q7b, Questionnaire)

I feel that children must have access to education in a safe and supportive environment, however it is the teacher's responsibility to ensure their basic rights are met and adhered to.

(Participant 49, Q7b, Questionnaire)

[Children have the] right to be happy, be safe and to learn.

(Participant 27, Q6, Questionnaire)

And so professionally, obviously it's all the training about safeguarding and the child's right.

(Miss. Davies, Interview 2)

You know it has to go back to rights. You've got to meet the child where they are and to keep children safe and secure in the school, you know, you have to go back to rights.

(Mrs. Jones, Interview 3)

This would suggest that teachers in the study tended to conceptualise their role as enabling adults as one which involves listening to children, encouraging independence and promoting decision-making, alongside a duty to protect children from harm and ensure that their needs are met. The curriculum guidance notes that teachers are accountable for *'maintain[ing] quality of provision, and adapt their plans to meet the needs and interests of all learners'* and teachers in the study also reflected this view, particularly where children may be viewed as requiring additional protection:

We want all children to understand that they are important and have needs that must be provided.

(Participant 28, Q7b, Questionnaire)

As an SEN teacher, my practice is children led.

(Participant 31, Q7b, Questionnaire)

Children with ALN are often expected to behave as mainstream children without considering their alternative way of learning.

(Participant 44, Q7b, Questionnaire)

All pupils should have the right to equal access to all facilities and opportunities and facilities in school. This means that some pupils will need additional support to access those opportunities.

(Participant 48, Q6, Questionnaire)

This may be seen to represent how tensions between Article 12 (participation) and Article 13 (best interest principle) inherent in the UNCRC (Freeman, 2010; Tobin, 2013) may invoke a model of the child who is simultaneously agentic but also in need of protection and who is competent but also in need of adult support. It may also depend on whether the child is being positioned as a 'being' – a learner and rights-holder in the present, in which rights fulfilment is an outcome, or whether they are considered as 'becoming', in which rights fulfilment is a process and learning is preparatory for later life (Prout, 2005; Freeman, 2010) and the fact that the UNCRC conceptualises children as both is something which Freeman (2010) argues is often glossed over. As the curriculum guidance appears to conceptualise rights firmly in accordance with the UNCRC (see 4.1) it is perhaps not surprising therefore that the tension between being and becoming (Prout, 2005) identified in the literature review as inherent in the UNCRC itself is also evident within the Curriculum for Wales. The way this tension may shape a teacher's practice is articulated by Miss. Davies (pseudonym):

> And **I think my fundamental belief is actually these children have a right to be three and they have a right to be four and five and six and seven**. And to behave as children who are three, four, five.. should be behaving. And I think that's what I advocate for in my practice. Actually, when I really think about it, yes, I think it's the child's right to be a child and **to live in that moment of being a child of that age, not to be being prepared for the next step**. And I think, you know, I have to fight quite often… that, no, that's not suitable because their muscles aren't developed because they are three. They're not ready to write. They're not ready to know numbers... So yeah. So I think my driving principle **is the child's right to be a child**.

> (Miss. Davies, Interview 2)

Miss. Davies appeared to hold a conceptualisation of the child consistent with that of the agentic child and gives examples of competence which she believed are sometimes under-estimated by more traditional, protectionist views of the child held by adults:

> It's **quite a personal thing**. I think **some people will have different opinions on how much autonomy and how much children should be aware of their own rights,** and I think you know **some people…perhaps don't agree with everything that we would want to teach**, and I think some parents as well would be surprised that by the amount of decision making we put on the…that we give to the children and things, but I… I don't think that insurmountable […] But then when I see them with their parents and then I see them in school, I think if your mum could see you now just getting on with it and just doing all of this stuff independently. So I think some of it is…yes, you know that they can't possibly decide if they need to wear their own coat or not. They can't possibly play with those scissors. They can't possibly… **Whereas actually they can.**

Miss. Davies's view emphasises the complexity of the judgement required by the practitioner in determining whether approaches to learning may be considered appropriate to the age and stage of development of the child. There is also recognition that such choices may be contested. There are also echoes of other competing discourses, ones in which curriculum determines the skills to be taught regardless of the child's competence, or in ways which may not accord with the personal beliefs of the practitioner about the child's competence. However, Hammersley (2017) argues against an extreme application of socio-constructivist thinking about the child as it is such conceptualisations of the child's competence which can also lead to the linking of rights with responsibilities (see 4.1). He sees this as leading to an abdication of adult obligations to children. This is because adults may ascribe rights on the basis of children's agency and competency, assuming that with that agency comes accountability for actions. So, children's rights are ascribed to agency, rather than their intrinsic status as a human being – it also means, that as with the example above, where children are not deemed competent by adults, then they may not be provided by adults with the opportunities they would need to develop such skills, thus reinforcing a deficit model of the construct of the child.

In summary, in the curriculum guidance, the rhetoric of the enabling teacher is positioned first and foremost as the facilitator of learning. Rights knowledge is framed according to the UNCRC and teachers use a range of methods to support children to learn about their rights. Rights-based practices such as participation are promoted in the guidance with a high-value placed on the skills which children may develop through being given opportunities by their teachers to have a voice and choice. However, whether the learner is supported to do this as a process of learning or as an outcome of the realisation of rights is not clear. In practice, teachers in the study recognised the increased importance of rights within the curriculum framework. However, the guidance appears to side-step discourses relating to the intrinsic value of rights, and therefore teachers in the study appear to have not yet engaged with the contested underpinning values of rights, although there is tacit recognition of this expressed by some teachers at the interview stage. As a result, competing discourses may lead teachers

to enact rights in a divergent or technicalised manner or lead to fragmented theorisations of rights which are not located in the teacher's professional context. The enabling teacher is empowered to shape the learning environment carefully, based on their deep knowledge of children's needs and development, and to ensure children experience their rights, but teachers in the study tended to focus more on the opportunities for the child rather than the actions needed by them as adults to enable this. Children are depicted by the curriculum as active partners in learning with their teachers. However, in that shaping, teachers are also gate-keepers to the knowledge and experiences children need to be able to develop their capacities to claim their rights, and this creates a space of potential resistance in which teachers may enact rights in a more limited or apolitical manner which may lead to less impactful change (Jerome and Starkey, 2022). Despite this, several teachers in the study alluded to their own moral and philosophical values (discussed further in 4.3) which sometimes sat outside of the UNCRC framework for rights. Whilst the curriculum guidance sets out a vision of the enabling teacher interacting dynamically with the agentic learner, and teachers recognise this vision in the curriculum framework, teachers in the study remained to be influenced by wider discourses about contested elements such as the construct of the child and the overall power dynamic between adults and children remains limited in its changes.

4.4 Teacher Constructions of the Subject-self as Enactors of Children's Rights in the Curriculum for Wales

The third theme is *teacher constructions of the subject-self as enactors of children's rights in the Curriculum for Wales* and explores how teachers in the study constructed a discourse of their own rights-enactment in their professional and pedagogical practices in school, supporting exploration of RQ3: *How do practising teachers in Wales conceptualise their practice in relation to children's rights and within the new Curriculum for Wales?* Analysis of this theme draws on the Foucauldian concept of subjectification in which teachers are considered both as subjects with their own agency and subjectivity, whilst also recognising that the self is also subject to and shaped by power (Foucault, 1982).

Most teachers in the study demonstrated positive views about children's rights and were supportive of its inclusion in the Curriculum for Wales, conceptualising it as an important aspect in both their current and future practice. Teachers in the study tended to form strong narratives about their children's rights practice with the metaphor of the journey used to convey a sense of progression from rights-awareness to rights-enactment:

> *We are at the beginning of **our journey** and just introducing the idea of Children's rights. In the long term it will form the basis of curriculum design.*

<div align="right">(Participant 21, Q6, Questionnaire)</div>

> *[An important part of] **Our journey** to forming positive relationships- between staff, pupils and families. By having a driving ethos to do what is right for the best of our children.*
>
> *[…] Some counties [are] paying and supporting schools in **their journey**.*

<div align="right">(Participant 32, Q11, Questionnaire)</div>

> *For us, nothing has changed, OK. But before, we chose to do a **rights respecting journey**, and to start that **journey** because it's something that we valued. Whereas now it's part and parcel of the new curriculum. And you know, every school, whether they agree with it or not, has to take into account of it.*
<div align="right">(Mrs. Jones, Interview 3)</div>

The use of the 2nd person pronoun 'we' was often used by individual teachers as a way to encompass their own practice within the context of their particular school setting, linking to earlier findings about the marginalisation by teachers of their own impact as rights-enactors, and demonstrating the priority given to policy discourse within schools. The above quotations show how teachers seemed to locate themselves within their schools along a perceived continuum of rights. The enactment of rights within the Curriculum for Wales is positioned much further along the continuum from developing rights awareness through to full enactment. This concept of journey also aligned to the story like narratives constructed by individual teachers during the interviews. Each teacher told a story which commenced with their own interest in rights practice and then developed to encompass how they shaped

rights-practice in their school. The story-journey often seemed to start with a special or unique reason for their own individual involvement or interest in rights:

> *I did teaching practice in University X...erm..as an RE teacher. So I became an RE teacher and then after a couple of years, I was seconded [...] I did various sorts, then I went to another school and then I was appointed in this school. I think it was 2002. There I was head of RE then I became head of sixth form, so I was more involved in the pastoral side of things and then became assistant head [...] My responsibilities erm were sort of in keeping with my interest really cause...cause I like the pastoral. I like the sort of ethical side of things because of my background. So things like people participation. So I run the school council and the year councils, which obviously the right to express your opinion is so important erm, erm, things like getting involved, clubs and so forth.*

<div align="right">(Mrs. Williams, Interview 1)</div>

> *OK, so I did my degree many years ago in early childhood studies. So I think that meant naturally that degree was very children's centred and that must be... when did I? Well, I mean when we did that, we did quite a lot of units on the rights of the child and that must have been ...was like the 1989 rights of the child, I think must have been the document back then that we were kind of working from. So I suppose because of that I've always kind of been aware of them. Perhaps with other people if they've come into teaching a different route, perhaps you wouldn't have been so aware of them.*

<div align="right">(Miss. Davies, Interview 2)</div>

> *We're very focused on what the child needs at that time. A big chunk of my teaching has been... I was ALNCo. And so actually, you know, meeting children where they are, giving, ensuring that everyone has what they need. That's influenced me lots and my discussions on equity and equality with children [...]Umm, you know that unalienable right, you know, that these can't be taken away.*

<div align="right">(Mrs. Jones, Interview 3)</div>

Each teacher gave examples of how rights had progressively embedded within their school settings. All three interview participants and almost half of the questionnaire participants (n=26) held senior leadership roles or management responsibilities within their schools. This would seem to be consistent with Ball *et al's* (2011) view of policy narrators (usually leaders in schools) whose role it is to join up disparate policies into an institutional narrative. The policy narrator creates the school's story and its 'improvement plot' (Ball *et al*. 2011, p. 636).

For several teachers in the study, developing a rights-based approach was conceptualised as a journey in which the school holds a progressive view of the child, and is continually improving its rights-practice. This becomes increasingly important when the journey ahead may seem less clear.

Teachers in the study highlighted that the Curriculum for Wales represented a considerable amount to reflect upon in relation to their practice, and that it could be difficult to identify key priorities:

> *You know, there will definitely be things that we need to adapt and reflect on and at the moment there's so much because obviously… it's not just this, is it. You know, it's like the maths and everything and then it's still dealing with the children day-to-day and all of the normal things that, you know, happen in the school. So definitely I think it's going to be a long kind of process.*

> (Miss. Davies, Interview 2)

> *[There is] too much to do in the curriculum and not enough direction from Welsh Government.*

> (Participant 29, Q12, Questionnaire)

Such views are perhaps reflective of the 'reform fatigue' previously highlighted as a risk to the successful implementation of significant educational policy in Wales (OECD, 2014; Evans, 2022) as, although the teachers valued children's rights highly in their practice, it still seemed to be viewed as somehow separate to the normal day-to-day school activities. This demonstrates the complexity of enactment of rights within teacher practice as they must navigate seeming competing priorities. The topic of children's rights within the case of the Curriculum for Wales was considered by teachers in the study as just one part of a much broader and far-ranging set of changes.

However, teachers in the study also highlighted the potential for children's rights in the Curriculum for Wales to offer a potentially unifying concept which could draw together multiple aspects of the curriculum and support the task of prioritising competing demands, with one teacher offering another metaphoric concept:

I always think it's the glue that holds everything together… like the grout between the tiles.

(Mrs. Jones, Interview 3)

Enacting children's rights were viewed as a means by which seemingly competing or diverse aspects of educational policy could be applied cohesively within their own practice:

It's so interwoven with everything that we do. So, I always think you know, obviously people push, you know, the peace schools and diversity champion schools and looking at Stonewall schools and healthy schools. And are you doing this? Are you doing that? Well... actually, all of that comes under the umbrella… of you know, if you're doing rights respecting properly and the children have a voice.

(Mrs. Jones, Interview 3)

[…] I came across the UNICEF rights respecting schools […] and I just loved what they were doing and I just saw that this was going to hit so many of the things I was responsible for[…] We were doing so much of it already, but we weren't promoting the rights in what we were doing and that we were actually covering things that we weren't, maybe, explaining to pupils how this all fits in. We weren't explaining to parents and to governors.

(Mrs. Williams, Interview 1)

Mrs. Jones' quotation speaks to the comprehensiveness of children's rights, reflecting the position of the UNCRC itself as the most comprehensive treaty of children's human rights (Invernizzi and Williams, 2016) and also how effective, high-quality human rights education can underpin school practices in a broad way. Mrs. Williams' quotation emphasises her commitment to children's rights but also draws attention to the benefits in meeting the professional responsibilities of her role. Mrs. Williams conveys the sense that children's rights are already well established in her practice and school, but that this was not fully articulated in an explicit way within the wider school community. The UNICEF rights respecting school training provided Mrs. Williams with a sense of cohesion across the many things for which she was responsible and also offered a narrative for the public articulation and acknowledgement of the school's approach to rights, creating an institutional narrative.

Teachers saw participation in awards schemes as a cohesive, cogent approach to embedding rights within a whole-school approach, signifying the school's overall development:

Mae ymglymiad i Wobr Ysgolion sy'n parchu hawliau wedi gwedd-newid ein dealltwriaeth o'r modd mae gwreiddio'r hawliau ym mhob un agwedd o waith yr ysgol.

[Our commitment to the Rights Respecting School award has significantly changed our understanding of the ways rights can be embedded in all aspects of school.]

(Participant 8, Q11, Questionnaire)

For others, rights award schemes seemed to offer acknowledged milestones for this progress in which schools took pride.

So [the children] led the initial scheme to get the bronze [rights respecting school] awards and then we went through the silver and then the gold and it was a big deal in school that, you know.

(Mrs. Williams, Interview 1)

It's everything we do. As a school, I work in X Primary School and at our school it's sort of the forefront of everything we do - being rights respecting is one of the things that we're most proud of.

(Mrs. Jones, Interview 3)

Without a whole-school approach, some teachers in the study noted that rights-enactment would be seen by teachers as an 'add on' or that it increased the demands of an already full curriculum. Just as children may view the rights-practice of an individual teacher as tokenistic if not located in a wider school approach (Kanyal, 2014) it may also be considered relevant to teachers' views of their enactment too. Several teachers stressed that a whole-school approach was most effective when all members of the school community were involved and was not just a matter of curriculum or policy:

Everyone needs to be on board and not just put a poster up in class to tick a box.

(Participant 12, Q16, Questionnaire)

The enactment of rights included the need for school office staff, lunchtime supervisors and parents and carers to also have an understanding of rights, showing that adults' knowledge is

important for the enactment of rights in both planned and unplanned school practices (Isenström, 2020).Mrs. Jones reflected on the challenge for supply teachers, working in the school short-term, in adapting quickly to the whole-school rights-approach and how the children had established expectations about their teachers' practice as a result:

> *Supply teachers found it very hard. Uh, because they're not all in one place, because it's not whole class teaching and because they're all carouselling around. Sometimes they might be in the hall, or they could be in the IT suite in a small group with no adults… erm, because that's what they've chosen to do. Umm. Supply teachers can find that hard as they want them all in one place. Also, supply teachers may not be used to us, you know? Often when supply teachers go, we always ask the children, how did that go? What were they like? Can we have them back?*
>
> *Umm, we've had times when the children have gone to the door of the headteacher and gone… actually miss, she's not respecting my rights, she's not listening to my opinion. I'm not happy with this supply teacher. The way she's speaking about other children isn't nice. And they've taken the lead. Umm so it's…if you give children a voice, it can be a worry where it goes sometimes, but […]I think it's really important.*

(Mrs. Jones, Interview 3)

Mrs. Jones' agentic conceptualisation of the children (as competent and able to give an informed view on the actions of the supply teacher) is tacitly recognised here as a 'worry' for some adults and may be seen as a possible challenge to traditional views of the adult-child power dynamic inherent in the roles of the teacher and learner in the school setting and which is potentially disrupted through the example of enactment shared here. The supply teacher is positioned as a potential 'outsider' who is not familiar with the discourses and regimes of practice within the school setting (Foucault, 1982). Likewise, other teachers in the study referenced 'other schools' as holding different (perhaps, less progressive) conceptualisations of practice. The language of the rights-respecting school, adopting the UNCRC's conceptualisation of children's rights, became the shaping force for the enactment of rights within Mrs. Jones' school context and shows how such discourse becomes an important tool for the normalising of rights. The responsibility shifts to individual teachers and pupils to self-govern this expected behaviour and both become subjects of this normalising discourse (Foucault, 1982) demonstrating how the production of power is ever-shifting and based on a relational process (Isenström, 2020). However, returning to the concept of the journey or continuum also becomes a helpful way for teachers to explain the way that practices may differ between staff or between schools:

But we yeah, we were one of the first schools in terms of trialling stuff in humanity, so we're quite far down the line really.

So we're not quite there…

(Mrs. Williams, Interview 1)

[…] it's early days for the new curriculum for some schools.

(Mrs. Jones, Interview 3)

In order to ensure progress along this continuum of rights in the school, several teachers identified the need for a named person, passionate about children's rights, to drive improvements in teachers' practice across the school:

[Ideally] you would have a rights coordinator, whether it would be me or… what would be lovely, is if we if we could appoint somebody, who's you know, main scale and you know that they're collecting all of this… where you've got representatives from each AOLE and they're working on the project and they all know what everybody else is doing and to check that we've mapped things out properly.

(Mrs. Williams, Interview 1)

I'm teaching this um Children's Charter of rights… we've been asked to do that by somebody, by the year 4 teacher as part of his role. And so I think that has come in from the new curriculum. That's something that he feels strongly that every class should have. Before you maybe would have had your kind of class rules or whatever. We've now all got this instead.

(Miss. Davies, Interview 2)

Mae angen adnabod un aelod o staff sydd ar dân dros hawliau plant i arwain a chydlynu. Byddai methu â sicrhau hyn yn rhwystr.

[You need to identify one member of staff who is passionate about children's rights to lead and coordinate. Without this, it would be a barrier.]

(Participant 8, Q12, Questionnaire)

Rwyf yn arweinydd Hawliau Plant yn yr Ysgol. Mae gen i MA hawliau plant, felly dw i'n frwdfrydig i addysgu plant am eu hawliau.

There were many references by teachers in the study to the types of approaches which could most support the enactment of rights within the school setting. This ranged from examples of whole-school approaches to raise rights awareness, through (less often) to examples of pedagogic approaches within teachers' individual practice. For Mrs. Williams (Interview 1), she talked about a *'drip, drip, drip'* approach, where rights are introduced through various processes such as assemblies on an incremental basis. For Miss. Davies (Interview 2) her story was one of explicit modelling of the enactment of rights in her practice both for learners and other staff. Mrs. Jones (Interview 3) gave examples of how the whole school had adopted particular facilitative pedagogies as a result of working towards a gold level rights award. Others cited strategies such as the use of rights mascots or characters or 'right of the month' as an approach to raising awareness of rights amongst the wider school community. However, such strategies, whilst useful for raising awareness, were sometimes cited as being more appropriate for younger children with an expectation that older children would develop a more sophisticated understanding:

> *You know for our parents, we've got a symbol, Sammy, a little seal because when we started our rights respecting journey, we were a SEAL school for PSE? And so we thought we'd pick a little seal as our rights icon. Now we don't follow the programme [laughs] but Sammy has stuck right? Sammy has stuck. Sammy's on everything. So you know he's on our walls. He's on every display. He's on our water bottles. He's by the canteen. But he's also on newsletters. Anything that goes home. Any letters, any policies. Everything […]*
>
> *So there's even teddy bear seals. So when we do a daily check in, the teddy bear seal comes round with the children and they know he's there to protect them. He's there. The little ones say he's there to protect us and help us know our rights.*
>
> *The older ones understand what Sammy does, you know, and that…But they will then talk more about the Children's commissioner actually her role and what her role is to make sure that children's voices are heard and protected at a national level. So it's not just policy but law.*

(Mrs. Jones, Interview 3)

In this example, the use of a mascot has helped raise awareness of rights within the school and that the aim is to do this in a way which is appropriate to the age and the stage of the

children. It has also helped provide a sense of shared purpose within the school community. However, such approaches must also be enacted alongside wider pedagogic approaches if they are to go beyond raising awareness of rights to a fuller enactment of rights-based approaches within the school in which children are rights-subjects able to fully claim and experience their rights (Conn and Murphy, 2022). Without such approaches, there is a risk that rights may become a co-opted agenda by school leadership, which promotes a superficial discourse of rights-prominence on a whole-school basis but which may mask a lack of genuine rights enactment within individual practice. This is perhaps reflected in the responses of teachers in the study who tended to orientate their examples of rights enactment to whole-school approaches or to implementation of rights within school structures and processes, a tendency which Jerome (2016) notes can be common and may result in minimisation of the role – and impact - of the teacher. Prominence on the collective, rather than individual effects of the teacher, negates the teachers' own sense of agency as a rights enactor and is also reminiscent of Alcoff's warning that it means nobody may 'be held accountable for their discursive actions' (Alcoff, 1991, p. 20).

Teachers in the study recognised the shift in pedagogic expectations implicit in the curriculum, emphasising the need for learning to be experiential in nature, rooted in children's own lives and experiences and involve opportunities to choose what and how they want to learn. The purpose-led curriculum was seen as a strong lever for this. However, findings by Estyn (2021) noted that teachers' engagement with the four purposes was often too superficial, demonstrating that an awareness of the underpinning rights nature of the four purposes does not automatically translate itself into rights-enactment.

Teachers in the study identified the types of teaching and learning practices they believed would support enactment of rights in the Curriculum for Wales and this aligned closely to the experiential nature of learning set out in the guidance. Examples are outlined in figure 13 below:

Teaching and Learning Approaches for the Curriculum for Wales
• Participation in co-construction of curriculum
• Frequent opportunity for oracy tasks
• Reflection and enquiry-based learning
• Drama and role play
• Using literature as prompts
• Draw on current affairs
• Mantle of the expert pedagogy
• Experiential learning through practical 'hands on' experience
• Using resources based on the UNCRC

Figure 13: Teaching and learning approaches identified by teachers in the study in support of rights in the Curriculum for Wales (source: questionnaire)

The socio-constructivist approaches to learning envisioned within the curriculum guidance (see 4.2) where teaching and learning is a mutual, social and scaffolded process is reflected in the teaching and learning approaches identified by the teachers in the study as part of the enactment of rights-based pedagogy. However, when this was applied more specifically to the concept of human rights education as outlined in the curriculum framework, reflecting a tripartite model of teaching about, through and for rights, this appeared to be understood less clearly by teachers in the study.

Two senior leaders in the interviews noted that the shift towards teaching 'through' and 'for' rights was likely to be more difficult for teachers to articulate in terms of their own pedagogic practices:

Yes, I do [think rights shapes my pedagogy]. I'm not sure that this would be explicit to teachers. If you ask teachers in school, they might not be able to explain to you how it does, but I think it does.

(Mrs. Williams, Interview 1)

But, I think some staff would find that hard…to know the difference. I think possibly they just think that, you know, you teach the rights and you've done the bit on, you know, on the Children's Commission and that's it done. Umm, not that it's something that you keep coming back to, that needs to drive your policy, it drives your school improvement plan, it drives your pedagogy.

(Mrs. Jones, Interview 3)

Teaching about rights was seen to be '*the easy one*' (Mrs. Williams, Interview 1) as rights could be treated in the same way as any other topic in the curriculum. However, when asked to self-assess their confidence in teaching *through* and *for* rights, teacher confidence levels declined, with the least confidence expressed in teaching 'for' rights (see figure 14):

Confidence Level	Teaching about rights	Teaching through rights	Teaching for rights
Not at all confident	0	2	2
Slightly confident	3	2	3
Moderately confident	5	8	8
Very confident	9	6	5

Figure 1411: Teacher self-assessment of confidence in providing human rights education

This is important, as extensive knowledge of rights by teachers is found to support teachers' abilities to organise learning and make wider pedagogic choices for rights-based learning, whilst insufficient knowledge can be a barrier to creating empowered human rights environments (Isenström, 2022). These findings also echo those of a case study of the Scottish Curriculum for Excellence by Struthers (2015) which found that, whilst all three aspects of this three-part rights model are necessary for effective human rights education, the 'through' and 'for' aspects of rights education was most often limited in practice and that more detailed guidance was needed for schools. Teachers' enactment of rights tended to be based on broad rights-based concepts, but with gaps in teacher-knowledge needed to fully embed human rights education through enactment. Struthers' (2015) analysis concluded that:

> there is widespread teacher enthusiasm for educating in this area, but there is a fundamental absence of concrete curricular direction and guidance for effective implementation of education about, through and for human rights.

(Struthers, 2015, p. 69)

Whilst the Curriculum for Wales guidance offers a brief definition of what it means to teach about, through and for rights, it does not provide what might be considered 'concrete' direction and such guidance would likely be difficult to achieve, as Isenström (2022) argues that developing a 'holistic approach to rights learning…can be seen to occur in a number of different situations in school' (Isentstrom, 2022, p. 276). Instead, teachers need to be equipped to choose methods which have a rights-learning intent (Isentstrom, 2022).

Isenström (2022) also notes that insufficient knowledge about rights can lead teachers to feel insecure, perhaps offering some explanation for the lack of confidence expressed by some participants in this study.

Teachers in the study highlighted the challenges to developing the expected knowledge, attitudes and behaviours needed to enact rights, in addition to the availability and quality of resources to support them. Barriers to rights-enactment within the Curriculum for Wales identified by teachers in the study is summarised in Figure 15 below:

Figure 15: Identified barriers to rights-enactment in the Curriculum for Wales (source: questionnaire and interviews)

The most frequently identified barriers were a lack of sufficient time to both plan for and enact rights, insufficient access to professional learning opportunities and the prohibitive cost of quality training (an example provided several times was that offered by Unicef as part of the Rights Respecting School award, a scheme in which 19 participants in the questionnaire participated). This is also consistent with Duggan *et al*. (2022) findings that teachers in Wales did not feel there was sufficient time to fully develop curriculum practice and that the availability and quality of professional learning opportunities to help do so was inconsistent (Duggan *et al.* 2022). Time for planning and collaboration was considered particularly challenging:

Having the time, I think more than anything at the moment, time is at such a premium […] So we've just had INSET now last Monday, last week, erm, but even having a whole day....It still doesn't....You know, it's not even the tip of the iceberg, you know? And what I would love would be for us to have more time so that you could dedicate – and it's the same for others, not just rights... It's the same for literacy – where I would love to get my literacy group together and have a whole morning with them doing just, you know, cross curriculum literacy. Well, in an ideal world, you would have the same thing for the rights.

[…] So I think the greatest challenge is time more than anything else, more than money, more than resources.

(Mrs. Williams, Interview 1)

However, whilst the teacher identifies time as the barrier, the more tacit implication here is what the teacher feels needs to be achieved *during* that time – time to think and the opportunity to build a shared, common understanding and approach to rights with other teachers in the school, as well as to support their own individual practice. There is also recognition here of the value which is placed on rights within the school context and whether it has similar parity with other cross-curricular aspects which are heavily prioritised, such as literacy, demonstrating how the school is a site for 'the propagation and selective dissemination of discourses' (Ball, 2010, p. 49). However, Alkan and Priestley (2019) emphasise the importance of structured opportunities for teachers to engage in shared sense-making as a key aspect of policy enactment by teachers, without which teachers may revert to 'old habits' (Alkan and Priestley, 2019, p. 740). This may explain in part why, despite the teacher's personal and professional commitment to rights-enactment in the school, and their position as part of the school leadership, such an opportunity remains to be seen as out of reach. It also highlights how rights-enactment may be limited by institutional practices and power-relations within a school, despite the value placed on rights within individual teachers' practice discourse (Ball, 2010).

4.5 Summary

This chapter has considered three themes which were generated from the data analysis. The first theme focused on exploring the meaning and meaning-making of rights within the Curriculum for Wales. However, rights enactment lies not in the language of rights within the guidance document, but rather in the institutional practices of teachers in the school setting

and the power-relations between the school as an instrument of the state and the teacher; and the teacher and the pupil (Ball, 2010) and provided important insights into RQ1 and RQ2. The second theme explored the conceptualisation of the roles of the teacher and learner and their relationship in the Curriculum for Wales and considered the way teachers in the study conceptualised their roles and responsibilities in relation to that framing, thus offering new knowledge in response to RQ2 and RQ3. The third theme could be considered to address Ball's (2010) emphasis not on the language of rights, or on the power-relations between teachers and pupils, but on the institutional practices of teachers in the school setting. The final theme offers useful understanding in relation to RQ3 and how teachers conceptualise their own role as teachers in supporting children's rights. Each theme has its own central concept but taken together, present an inter-connected and rich narrative of the conceptualisation of children's rights in the Curriculum for Wales as well as identifying areas of discontinuity in conceptual discourse both within and across areas of theory, policy and practice. A summary of key thematic findings, alongside consideration of the implications of this and recommendations for future practice are discussed in Chapter 5, the final concluding chapter of this thesis.

Chapter 5: Conclusion

5.1. Conclusion

This qualitative case study explored the topic of children's rights within the Curriculum for Wales and considered the case from the different perspectives represented by theory, policy and practice. It is significant because it offers unique analysis of the Curriculum for Wales in relation to rights as well as new empirical knowledge about teachers' conceptualisation in Wales. It was conducted between September 2020 and January 2023 and as such remains to be a contemporaneous study relevant to the current early roll out of curriculum which is taking place at the time of writing this thesis. A comprehensive review of literature considered the contemporary and multi-disciplinary theoretical field of children's rights and explored this against the policy context for children's rights in Wales, as well as the Curriculum for Wales itself. The next phase of the research involved document analysis of the Curriculum for Wales guidance, the only such analysis in relation to children's rights at present, and a final phase of primary data collection took place via online questionnaires and interviews to garner the views and experiences of teachers. The research design, implementation and analysis were influenced by a critical theoretical framework, drawing on key Foucauldian concepts of power, knowledge, discipline and governmentality. Reflexive thematic analysis offered a flexible method of analysis to which the theoretical lens could be applied when exploring the data. This final chapter will address the main aim of this research which was to explore: *How are children's rights conceptualised in the Curriculum for Wales and enacted by school teachers?'*

The answer to the above question is important because it offers a useful yard stick in gauging the progress of the new curriculum's aims in relation to rights, and through its comparison with previous studies in Wales, indicates that previously known issues in children's rights practice by teachers in Wales may continue into their enactment of the Curriculum for Wales.

I outline the contribution made by this case study of the Curriculum for Wales to the field of children's rights. I surface implications for both professional practice and policy about the implementation of human rights education within the curriculum by teachers in Wales. The

geographic position was selected as an example of a country which positions itself at the forefront of a progressive rights agenda, as well as being the one with which I was most familiar. Whilst children's rights in education is a growing area of research, with wide recognition of the role of teachers as key actors for rights (Isenström, 2022), there remains to be little research into teachers' conceptualisations and enactment of rights within their practice. This is particularly pertinent in the context of wide educational reform and a developing new curriculum, which is a key vehicle for the shaping of teachers' practice. Whilst this thesis offers a critical perspective on the Curriculum for Wales, my approach has also remained consistent with the aims of educational reform in Wales, which through this study, I intend as a contribution to a more socially just and equitable education for children. It also provides important insight into this early phase of curriculum enactment in Wales and offers original and timely insight for policy makers and practitioners specifically within the Welsh context, as much of the existing limited empirical research about teacher enactment of rights has been conducted outside of the UK. Therefore, my dissemination plan for the findings of this study, both in Wales and beyond, will also be outlined. The limitations of this study will also be considered along with identification of what could be addressed in future research in this area. Finally, recommendations for the future development of policy and practice are made.

5.2 Implications of the Findings of the Study

This study found that rights continue to be positioned as a fundamental entitlement for children in Wales. Welsh Government is committed to the principles of the UNCRC and the development of the Curriculum for Wales is positioned as an important marker of progress in furthering children's rights in Wales. The Curriculum for Wales is portrayed by policy and seen by teachers as the main vehicle for the systematic implementation of rights, and teachers are both seen, and recognise for themselves, the key role they hold as enactors of rights in the school setting. Teachers in this study recognised that there were several explicit references to children's rights within the Curriculum for Wales and were positive about a human rights education approach being embedded. Teachers had a strong espoused commitment to rights. Many of the explicit references to rights in the Curriculum for Wales guidance addressed the legal obligation for due regard of the UNCRC in policy making and tended to relate to the legal

responsibilities of the duty bearing school, and the teacher within that. This duty bearing role was well understood by teachers in the study, who also placed prominence on the importance of the legal impetus for rights. They also leaned towards a more protectionist conceptualisation of rights in relation to safeguarding, behaviour policies or ensuring children felt belonging and safety in the school setting.

These conceptualisations of rights can be illuminated further by the application of Foucauldian (1977, 2007) concepts of power and discourse, which positions the curriculum guidance as the basis for a normalised discourse of rights through which teachers, and in turn pupils, become subjects who embrace their own governance (Foucault, 2007) via the four purposes as drivers for education. The school setting in which teachers must enact the curriculum provide a further context through which teachers and pupils are subjected to the power (Doherty, 2007; Niesche, 2015), from the classroom resources and environments available through to the positioning of school leaders, placed by legislation, at the top of a hierarchical and cascading approach to the distribution of knowledge and understanding about rights in schools. Yet, in such top-down approaches, policy is rarely interpreted and enacted in the same way by all teachers in the study, demonstrating the contested nature of rights for children in both discourse and conduct (Foucault, 2007).

The Curriculum for Wales also contained implicit references to rights-based approaches as articulated through the vision of the role of the enabling teacher and the agentic child. There was a shift towards a more relational pedagogy and a facilitative role envisaged for the teacher who is integral to the holistic development of the child and offers a tacit shift in the power dynamic between adults and children. The curriculum guidance positions children within a socio-cultural model of childhood in which learners are not yet fully developed and the 'age appropriate' context acts as a caveat within which teachers enact rights-based approaches. Children are seen as progressing along a continuum of maturity and development, which through adult nurture and scaffolding, can be further developed and progressed. This view was also reflected by teachers in the study. Within the guidance, the teacher is positioned as the 'enabler' with a focus on actions such as helping, supporting and guiding, but the onus is on the learner to be active in enacting their advice and guidance. There is strong promotion of rights as a way of encouraging independence. Inherent within this are notions of the agentic child in active and mutual partnership with their teacher, with

learning goals and intentions forming the heart of the pupil-teacher relationship. The learner is positioned as capable of autonomy and independence, and by implication the teacher is trusted to make a professional judgement about the child's competence, though little practical guidance is offered on how to achieve this. A view of the learner as an active rights-holder who is capable and confident to claim their rights is evident throughout. This ideal view of the learner is encompassed within the four purposes which provide the main driver for curriculum design and enactment, and act as the main lever for rights within the curriculum framework. The four purposes set out a vision of the learner and could be argued to represent a contemporary and refreshed articulation of the policy child (Butler and Drakeford, 2013), presenting a continuous narrative of rights-development within education in Wales.

Teachers in the study recognised that the four purposes were underpinned by rights and viewed this positively. However, articulations of the link between the purposes and rights-enactment by the teachers tended to be superficial and usually focused on the types of tasks and activities which could be undertaken by children and which broadly linked to an aspect of the purpose. There was often a sense that this was the expected or 'correct' answer to provide. During the study, no teachers drew explicitly on theoretical or research literature as part of their practice conceptualisations. Most referred to the four purposes and the UNCRC. Within the guidance, the boundary of children's rights is firmly those of the UNCRC itself. The UNCRC itself is a list of articles and therefore any 'values' which are seen to be derived from the UNCRC will inevitably be based on interpretation. Whilst rights values are referred to within Curriculum for Wales guidance, the meaning of these are not articulated. The implication is that all teachers are assumed to know the meaning of these values and to enact them in the same way, locating teachers as a group of homogenous rights-enactors (Ball, 2010). However, teachers in the study expressed a wide range of views about the meaning and purpose of children's rights. Teachers sometimes identified rights outside of the UNCRC (for example, love, happiness) or gave examples of aspects of their practice as rights-based which were not always consistent, seemed fragmented or tended to be general. This supported findings in wider research which indicated that rights practice is not often located within teachers' professional practice framework but rather from a more 'common sense' approach (Waldron and Oberman, 2016). The curriculum guidance seems to sidestep where such values may be contested by teachers as this may be considered a 'thorny' issue (Jerome,

2016. The main political technology therefore is the four purposes, which become the driving force for the conduct of conduct by teachers and pupils, and through a shared discursive notion of these purposes, creates a self-governing expression of power (Foucault, 2007). Values are excluded because, where these may not accord with government intentions, they risk becoming a disruption to the political rationality which otherwise masks the seemingly altruistic, politically neutral expression of government intent (Foucault, 2007; Doherty, 2007).

Drawing on the Foucauldian theoretical framework also positioned the four purposes underpinned by rights and rights-values as a neo-liberal vision of education (Foucault, 2007). Teachers in the study did not challenge this vision of the learner (for example, do all children need to become entrepreneurial? Do children have the right to refuse the right to an education?). As such, the political nature of the four purposes as a means of meeting the needs of the state, or the pastoral power of the self-governing discourse which is created by promoting the four purposes as the central curriculum principle, is not considered. The implication of this is that it may mask wider structural impacts on or barriers to teachers' rights-based practice. Without a shared moral, social and philosophical framework for the meaning of the purposes, there is a risk that their enactment may remain at surface levels. Several teachers in the study defaulted to statutory responsibilities such as policy making, safeguarding or other aspects of protection and provision within their conceptualisation of rights. This is perhaps reflective of the curriculum guidance itself. Whilst rights are commonly viewed in the literature as belonging to a continuum from protectionism to liberalism (Boylan and Dalrymple, 2009), the curriculum guidance would seem to try to appease both ends, making explicit reference to specific articles which fall predominantly into the protectionist domain whilst also creating a discourse of agency and competence for children through the concept of the agentic child. However, critical reflection on this would also suggest that opportunities for children remain to be regulated by the adult teacher who is the gatekeeper to rights-opportunities (Jerome, 2016).

Deciding how to apply Article 12 (children's voice) is conditional on the teacher's conceptualisation of the child's competence and agency (Wyness, 2022). Teachers in the study recognised that this can be contested and may differ across schools and even between practitioners within an individual school setting. Many teachers in the study said they believed children should know their rights and have a voice in school. Examples tended to

involve processes such as school assemblies, rights charters and wider structures such as school councils. Teachers understood that rights can empower children. However, some teachers recognised concerns that children's rights could be seen to go too far or could result in the loss of adult control over children's behaviour (which was seen as necessary to keep children safe). Such concerns were often couched as an issue in other schools or teachers' practice. Many teachers in the study noted that teaching children about their rights should be done in tandem with children learning about their responsibilities, although some teachers noted that they had received training which taught them that rights were not dependent on responsibilities. Teaching of responsibilities as interlinked with rights was not always viewed as a condition for rights, but rather a way to keep the balance of power between children and adults or as part of the teacher's own moral framework in which rights and responsibilities were simply about being good citizens. The latter view is closely aligned to the vision of rights within the Curriculum for Wales which also discusses rights within the context of citizenship. Teachers tend to see this positively. However, some teachers conflated a moral rationale for teaching about respecting others with the concept of duty-bearing as part of a legal framework for rights. This risked positioning the child themselves in the role of a duty-bearer towards other children, instead of a rights-holder (Struthers, 2015).

I argue that this model of rights interlinked with citizenship in the Curriculum for Wales is also framed by neo-liberal values, which seeks to develop the ethical, democratic, independent citizen that the learner will one day become. The Curriculum for Wales positions education as being about equipping learners with the skills and experiences to enable them to do this as adults, therefore creating a sense of children as 'becomings' rather than 'beings' (Prout, 2005). Not all teachers in the study agreed with this view. Whilst the experiential role of rights is identified in the curriculum guidance and by teachers as an important part of rights-enactment, it is identified alongside the legal duty for promotion of understanding of rights, and is often positioned in guidance as teaching moments or opportunities for 'experience'. Childhood becomes a temporary state for practising civic skills for adult life. There is also a tension between the value of rights-based approaches as a way of improving the quality of teaching and learning and the support it lends to academic outcomes (Jerome, 2016) (as implied by curriculum guidance), and teachers' own varied conceptualisations about what it means to be a child and why rights are important.

Almost all teachers in the study believed that rights would play a more important role in the Curriculum for Wales than in the previous curriculum. They identified the need for greater opportunities for participation and decision-making for children as key changes. This too is closely aligned to the view set out in the curriculum guidance which also emphasises the role of participation. However, I argue that this is more concerned with participation as a discourse within the institution of the school (Wyness, 2022) rather than a model for activism and transformation often considered in theoretical literature (Brantefers and Quennerstedt, 2006; Jerome, 2016; Howe and Covell, 2021). Only one participant linked rights-enactment to activism and protest – others tended to opt for more adult-regulated methods of participation. This has important implications for the effectiveness of the implementation of a full human rights education within the curriculum.

Teachers in the study viewed the Curriculum for Wales as an opportunity to strengthen children's rights in the curriculum. However, most teachers did not believe they would need to change their practice as a result, despite the increased focus on participative and relational teaching and learning. This is an important insight from this study as it suggests that teachers may be unaware of common findings in the literature and in studies in Wales which suggest that enactment of children's participation rights is often limited, top-down or tokenistic (Lavin and Lewis, 2013; Lundy, 2018) and there is currently no view by teachers that previous practices may need development. Teachers see this as an opportunity for curriculum development more than practice and particularly in relation to rights, many believe this has already been a central tenet of their previous practice. With so little research currently available, this study highlights that since little is known about teachers' enactment of rights, both in Wales and beyond, it may be difficult for practitioners to understand their role as key rights actors or to support critical reflection on how teachers' own values shape their practice. This knowledge is key to supporting the development of practice and closing any gaps between theory, policy and practice. Research tends to consider how well the UNCRC is currently understood in schools by teachers and pupils or in identifying children's views on where their rights are not met. This may therefore result in limited opportunities to further develop teachers' enactment of rights within the curriculum or for the development of professional learning which drives improvements in practice (since current enactment

practices are not well understood). It may also indicate that the curriculum framework is at risk of not seeing its policy intentions in relation to holistic rights-enactment being fulfilled.

That is not to say that teachers did not recognise areas for development or possible barriers to their rights enactment. Teachers in the study reflected that they were most confident when teaching about rights. Teachers used a range of techniques to disseminate knowledge about the UNCRC in school and they saw this as an important part of their practice and fulfilment of their professional obligations. However, teachers in the study were less confident teaching *about* and *for* rights. Few of the techniques outlined by teachers fell into these categories and tended to be more process-orientated. Senior leaders believed these aspects were more difficult for teachers to articulate. However, all three elements are identified in the theoretical literature as necessary for human rights education to be effective and this is reliant on high levels of teacher knowledge and expertise (Struthers, 2015; Isenström, 2022). However, I argue this is not addressed in the Curriculum for Wales guidance which provides only a brief definition of teaching about, through and for rights. This provides another important insight as it suggests there may be gaps in teachers' knowledge and expertise of a full, effective human rights education in Wales which is consistent with similar challenges internationally (Struthers, 2015; Isenström, 2022). When considered alongside a possible gap in professional learning opportunities which support teachers to develop their professional contextual understanding of rights within their practice, this may pose further risks to rights enactment through the Curriculum for Wales.

Where teachers identified barriers, these were often related to school structures rather than individual practice. This was emphasised particularly for teachers of older children who are subject to more of the effects of discipline and pastoral power within the school. This was somewhat at odds with the view within the curriculum guidance that children's capacities as rights-holders should become more extensive as they mature. Teachers tended to refer to the 'system', marginalising the impact of the teacher themselves. However, it is questionable whether such structural aspects are likely to change as a result of the Curriculum for Wales. Teachers in the study said they would benefit from further training about children's rights, with opportunities for observing practices in other schools highlighted as particularly effective. Many also cited preferences for paid training such as that offered by rights award schemes. The cost of these opportunities was highlighted as a barrier to the development of

practice. However, I suggest caution in recommending this approach on a wide scale basis as this study also found that an over-reliance on a 'ready-made' conceptualisation of rights-practice may limit teachers sense of personal agency as enactors of rights, or can lead to rights being considered within school discourse, systems and processes, but with limited impact on the pedagogical practices which are necessary for children to experience and claim their rights in the school setting. Teachers noted the potential for children's rights to provide an over-arching narrative for disparate and competing elements of practice and this may provide a valuable foundation for teachers' developing conceptualisations.

Teachers often created a story about their rights-practice, with their involvement in developing rights within the school conceptualised as a progressive journey and may reflect a position of policy narrating common to the senior leader role held by many participants (Ball *et al.* 2011). Award schemes were seen to reward and acknowledge schools for their progressive approach and enabled a shared discourse of rights within the school. Teachers also favoured rights-based schemes as a way to engage the whole-school community in understanding rights. Participation in schemes often provided opportunity for rights-leadership in the school, an aspect which teachers noted was likely to lead to improvements in rights enactment. This aligned to the hierarchical model of duty-bearing obligations outlined in the Curriculum for Wales guidance (Welsh Government, 2022) in which school leaders must ensure staff understand children's rights. Some schools had appointed staff to coordinate rights but may have resulted from the personal interest of individual teachers who were keen to develop children's rights in the school. Whilst teachers expressed a desire for children's rights to have a parity with other cross-cutting themes within the curriculum (such as literacy and numeracy) in terms of school leadership structures, this tended to be seen as an idealistic view which was unlikely to be achieved because it was not likely to be prioritised for the necessary resource and funding which would be required.

To conclude therefore, I argue that broadly the Curriculum for Wales is a positive development for children's rights in Wales. The framework offers an opportunity for rights to be embedded from the very beginning of this curriculum's enactment by teachers and provides a powerful opportunity for systematic human rights education in schools. This study contributes several new and important insights. For practitioners, this study suggests there may be a need for teachers to develop a more cohesive framework for rights-enactment, that

takes account of wider theoretical and professional discourses about children's rights and enables greater critical reflection on how this may shape the teachers' practice. Practitioners are also likely to need to develop a greater focus on the pedagogy of rights-based approaches, beyond teaching *about* rights as framed by the UNCRC, in order to fully enact the vision set out in the Curriculum for Wales. For policy makers, this study offers insight into the extent to which critical examination of the UNCRC and contemporary debate about the purpose and value of children's rights has been reflected in the Curriculum for Wales guidance to provide a coherent, shared understanding of children's rights within the school context which can be used meaningfully by the practitioner. I suggest there may have been further opportunities within the guidance to tackle previously known misconceptions about children's rights and to pre-empt possible challenges inherent in the conceptualisation of the child and childhood which is offered by the Curriculum for Wales. It is clear that there remains much to be learnt about the enactment by teachers of children's rights, particularly how teacher's conceptualisations and pedagogical methods may be developed to improve rights-enactment via the curriculum in the school context. This also offers important insights to those considering early evaluation of curriculum enactment and in identifying teachers' professional learning needs in Wales. This would enable a greater critical engagement with the purpose and values of children's rights and what it means for children to live as rights-holders.

This also offers several important avenues for future research and it would be valuable to consider developing the approaches used in this study to also incorporate observations of teachers' practice, to determine the extent of alignment between espoused and actual practices. Research which works to develop our understanding of *how* teachers may enact rights within practice, closely linked to pedagogical understanding, would make a valuable further contribution. Contemporary debate in the field of children's rights is beginning to test the concept of the UNCRC as the main conceptual framework for rights (Shier, 2018; Howe and Covell, 2021; Wyness, 2022; Gillet-Swann, Quennerstedt and Moody, 2023). Critical debate recognises the tensions and boundaries of that model, alongside an understanding that it must be enacted in what is now a fast-changing social, cultural, economic, and political context for rights in children's lives today. Developing teachers' knowledge and expertise to teach *through* and *for* rights, as well as *about* rights, will therefore be critical to ensuring the

Curriculum for Wales framework can keep pace with these powerful influences. In highlighting the possibility of a neo-liberal framing of rights through the four purposes and the link to citizenship, I do not offer a view about whether this is either inherently good or bad, but rather suggest the possibility that this framing may inadvertently limit the possibilities offered by the Curriculum for Wales for a genuinely transformative model of children's rights. Further collaborative research which involves children as co-researchers within a participative inquiry model could lead to new and original insights into children's view of the relevance of the UNCRC to their lives and to explore further their own conceptualisation of modern childhood, their competences and agency within school and how the adult-child/teacher-learner relationship supports them as humans with rights, as opposed to being a child rights-holder. The Curriculum for Wales is another step in the development of rights in education and is warmly welcomed and offers an important affirmation of rights and a continuing legal impetus. However, I conclude that this study suggests that limitations in teachers' practice may continue within the new curriculum framework without further attention and intervention. Isenström and Quennerstedt (2020) argue that teachers who are most effective in developing human rights education must become 'ontologically transformed' (2020, p. 8). I argue that this is not an explicit intention for the delivery of the new curriculum. As a result, I posit that the curriculum framework is well placed to support the development of some greater involvement for children, agency, awareness, citizenship and respect for rights; all categories of effective children's rights education (Brantefers and Quennerstedt, 2016). However, I argue that there was much potential to go further with the curriculum in developing a framework of rights for social change which could lead to increased social justice and equity. By and large, the framework offers little challenge to the wider power relations and structures in education (Brantefers and Quennerstedt, 2016) and risks masking influential barriers to rights-enactment. Whilst teachers recognise some of these elements, there is also recognition that these are likely to be persistent or difficult to change aspects of school life. The curriculum framework could be argued to offer what Jerome (2016) termed a distinct ideological offer in comparison to other curricula (for example, such as those based on knowledge acquisition) and which enables a much greater focus on the interpretation and implementation of the UNCRC. However, it perhaps does not yet go as far as to offer a more radical, transformative model of rights in

which teachers are agents of change actively constructing children's rights in their practice (Brantefers and Quennerstedt, 2016; Jerome, 2016).

5.3 Limitations

Limitations of this study for due consideration include the fact that participants in this study were self-selecting suggesting an interest by respondents of the questionnaires and interviews in children's rights. A high proportion of the respondents were also senior leaders within schools. This may mean that teachers in this particular study could have been considered more knowledgeable about children's rights than the teaching population at large, and as a case study, this study is not intended to be representative. However, further insight could be gained in future research by adding observation of practice as a triangulation method within the case. Another limitation may have been the decision to include only teachers in the primary data collection. Further insight may be gained by including the views of wider educational stakeholders and children.

5.4 Recommendations

R1: Policy makers may wish to consider increasing calls for a reconceptualization of children's rights away from the adult perspective and possibly within a post-UNCRC framework which may be developing. This may carry implications for the wider legal framework for children's rights in policy making and require additional input from other frameworks for rights.

R2: Teachers' conceptualisations of rights-based pedagogy in this study was limited, as is research in this area. Further research into pedagogical approaches to teaching *through* and *for* rights may contribute to understanding and development of teachers' practice. A critical theory approach may also enable greater challenge of the policy context *status quo* and illuminate new ways of thinking about children's rights within the contemporary context.

R3: Teachers need further opportunities to develop their enactment of rights. Training in rights, whilst useful, has tended to focus more on raising awareness about rights. This was important as until relatively recently the UNCRC was not well known by teachers in Wales. Further professional learning opportunities need to support theorisation of practice and

provide critically reflective opportunities for teachers. Opportunities for sharing effective examples of rights-enactment in school contexts may be a useful approach in developing a transformational model of rights.

5.5 Dissemination

A copy of this report will be made available to all participants who have requested it and will also be available via the university's open research platform. To disseminate findings most relevant to practitioners in Wales, I intend to submit this study to a Wales-based education journal, as well as to share findings in accessible infographics via my professional social media accounts and a research bulletin for teachers to which I contribute. As this study also makes a contribution to the wider field of children's rights, I also intent to submit this study to an international journal for children's rights research.

5.6 Final Thoughts

In adopting a critical theory framework for this case study, I sought to position myself as a scholar-activist (Strunk and Locke, 2019). In doing so, I intended for this research to have emancipatory aims which would support and advance the contributions towards a more socially-just and equitable vision of education. To do this at a time of the introduction of a new curriculum framework, which also held this promise, offered a strong opportunity to add new knowledge to professional discourse in Wales and to prompt critical reflection for practitioners about children's rights in the Curriculum for Wales. I believe this thesis has dropped a pebble in a pond, and I will watch to see what ripples may follow.

The implications of this study emphasises the need for children's rights discourses to remain responsive to the needs of children by being ready to recognise the impact of ever-evolving cultural, social, economic and political influences of society. Whilst the UNCRC was a critical tool of its time, it is perhaps time to consider whether these commitments need to be renewed within a geopolitically insecure context and refreshed by a reconceptualization of children's rights in a new century. Despite the seminal role of socio-constructivist theories in teaching and learning models in Wales, teachers continue to enact rights in ways which are

not fully cohesive or aligned to a model in which adult-child power dynamics may be seen to be challenged. For transformational change therefore, it is clear that new thinking may still be needed in order to effect new teacher 'doing' to achieve a more radical, transformative model of lived rights for children in schools in Wales. Despite the promise of the rhetoric of new Curriculum for Wales and its aspirations for children's rights, this study, undertaken early in its implementation, suggests that there is more yet to do. Additionally, it is clear that more support is needed for teachers to develop the professionally and theoretically cohesive evidence-informed framework on which their practice is founded, and that this is likely to extend to curriculum enactment beyond the confines of discourses of rights alone.

Therefore, this study makes an original and insightful contribution to the wider field of children's rights as contemporary debate turns to consider alternative models of rights-enactment to increase social justice and equity. Children's rights is – and likely to remain – a contested area and the complexity of enacting children's rights within the already complex endeavour of teaching children the required knowledge, skills and experiences of statutory curricula should not be under-estimated. Much is expected of the teacher, and it is heartening that in this study, teachers expressed a strong commitment to children's rights, were open-minded and keen to explore avenues for its development and enactment within the new curriculum framework. Like the journey-stories of the teachers in this study, the development of the Curriculum for Wales too is a continuing journey of debate and development in service of a socially just and equitable vision of education in Wales.

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Appendices

Appendix A: Orientating Questions

Research Questions	Orientating Questions	Data Collection Tool
RQ1: How does Welsh policy relating to children and young people conceptualise children's rights?	How are children's rights conceptualised within theoretical literature? How are children's rights conceptualised within Welsh educational policy documents? How do conceptualisations of rights within theoretical and policy literature compare?	Literature Review Document Analysis
RQ2: How is children's rights conceptualised in the new Curriculum for Wales 2022?	How are children's rights conceptualised within specific selected Welsh policy and curriculum documents relating to the Curriculum for Wales? Is the conceptualisation of rights implicit or explicit within specific selected key policy and curriculum documents? How does the conceptualisation of rights within curriculum documentation compare to wider policy and/or theory? What are the assumptions (explicit and implicit) made about teachers' practice and the enactment of children's rights within the Curriculum for Wales?	Literature Review Document Analysis
RQ3: How do practising teachers in Wales conceptualise their practice in relation to children's rights and within the new curriculum for Wales?	*Secondary data:*	Literature Review Questionnaire Interviews

	What does existing research tell us about how teachers enact children's rights a) in educational practice and b) in relation to Curriculum for Wales?	
	What does existing research tell us about how teachers are known to enact policy?	
	Primary and Secondary data:	
	How do teachers in Wales perceive their enactment of children's rights in relation to Curriculum for Wales?	
	How does the teachers' perceptions of their practice compare to the conceptualisations of rights within literature and specific policy documentation?	
	Are there any differences in conceptualisation of rights and enactment of practice in relation the Curriculum for Wales between groups of teachers (for example, by age, by sector, by length of experience etc)?	
	To what extent does teachers' understanding of children's rights reflect the genealogical discourse of rights? To what extent does policy influence teachers' enactment of rights?	
	How do teachers understand their own sense of agency as enactors of rights?	
	How do teachers' position themselves as enactors of rights in relation to the structures within which they work?	

	How does teachers' understanding of power-relations between adults and children impact on their practice?	

Bilingual Survey - Children's Rights in the Curriculum for Wales

Information

Thank you for taking an interest in this questionnaire for practitioners in primary and secondary schools who will be teaching the new Curriculum for Wales.   This research explores the place of children's rights in the new Curriculum for Wales, the main considerations of theory and policy literature, and teachers' practice during this phase of curriculum development and early roll-out. It may result in recommendations about curriculum development and teachers' future practice. I'll share findings in my doctoral thesis, academic journals and materials for schools.   This questionnaire provides teachers with an anonymous, confidential space to share honest answers about their views of children's rights and their practice. There are no right or wrong answers. It's also an opportunity to reflect on your own children's rights practice and to evaluate your approaches towards the new curriculum.   Only the researcher will have access to your responses, and these will be held in a secure system called Qualtrics. All data will be held according to the Data Protection Act and GDPR rules. No identifying features will be included in the final report. I follow British Educational Research Association guidelines and have ethical approval from the university.   Completing this questionnaire is voluntary. You can withdraw for any reason and at any point, up until the submission of your responses, simply by closing your browser. The survey is designed to take 20 mins with a mix of multiple choice and free text questions. Please complete the questionnaire once only.   If you have any questions or would like a final copy of the report, please contact me at sarah.stewart@open.ac.uk. If you have any concerns about this survey, you may also contact my doctoral supervisors Dr Susan Jones (s.jones@uwtsd.ac.uk) or Dr Sioned Hughes (s.hughes@uwtsd.ac.uk). You may wish to screenshot this page for your records.   Please click to agree to each of the below to take part.

#	Answer
1	I understand the purpose of the research and how findings will be shared.
3	I understand I can withdraw at any time up until the point of submission by closing my browser.
2	I consent to taking part in this research.

Q1 - Are you a currently practicing qualified school teacher in Wales in a state or maintained setting?

#	Answer
1	Yes
2	No

Q2 - In which of these do you teach? Please select all that apply to you.

#	Answer
1	Primary School
2	Secondary School
3	3-16 or 3-19 School
4	Special School - Primary
5	Special School - Secondary
6	Other: please explain

Q3 - What are the ages of the learners you currently teach? Please select all that apply.

#	Answer
1	Foundation Phase
2	7 - 11
3	11 - 14
4	14 - 16
5	Post 16
6	Other: please explain

Q4 - Please select the description which best describes your current role.

#	Answer
1	Early career teacher (0-5 years)
2	Teacher (6 years +)
3	Teacher with additional teaching and learning responsibilities
4	Head of phase or department
5	Assistant or Deputy headteacher
6	Headteacher
7	Other: please explain

Q5 - Does your school participate in any children's rights award schemes or programmes (for example, Rights Respecting Schools Award)

#	Answer
1	Yes: please list below
2	No

Q6 - What does children's rights mean to you as a teacher? You could consider:

- **what your role and responsibilities entail**
- **your values and beliefs**
- **what it means for what you teach and how you teach it**
- **how it shapes your relationship with your learners**
- **how your approaches may have changed over time**
- **any thing else it means to you**

Q7a - How important is children's rights to you in your current practice?

#	Answer
1	Not at all important
2	Slightly important
3	Moderately important
4	Very important
5	Extremely important

Q7b - Please explain:

Please explain:

Q8a - How important do you believe children's rights are in relation to the new Curriculum for Wales? Please explain.

#	Answer
1	Not at all important
2	Slightly important
3	Moderately important
4	Very important
5	Extremely important

Q8b - Please explain:

Please explain:

Q9 - Do you think children's rights will be more or less important in the new Curriculum for Wales than at present?

#	Answer
1	More important
2	The same importance
3	Less important

Q10 - Do you think you'll need to change anything about your current practice in relation to children's rights when the new Curriculum for Wales is fully implemented?

	Answer
1	No
2	Yes: please explain

Q11 - What do you think will support the implementation of children's rights in the new curriculum?

Q12 - What barriers might hinder implementation of children's rights in the new curriculum?

Q13 - Please list any guidance, policy or documentation you have accessed to inform your children's rights practice which you think are relevant or important (for example, UNCRC, specific Welsh government policies or guidance materials, Children's Commissioner resources, local authority or consortia materials etc).

Q14 - Please explain how this has informed your practice.

Q15a - How confident do you feel about teaching children to learn about children's human rights?

#	Answer
1	Not at all confident
2	Slightly confident
3	Moderately confident
4	Very confident
5	Extremely confident
6	I'm not sure what this means.

Q15b - How confident do you feel about teaching children to learn through children's human rights?

#	Answer
1	Not at all confident
2	Slightly confident
3	Moderately confident
4	Very confident
5	Extremely confident
6	I'm not sure what this means.

Q15c - How confident do you feel teaching children to learn for children's human rights?

#	Answer
1	Not at all confident
2	Slightly confident
3	Moderately confident
4	Very confident
5	Extremely confident
6	I'm not sure what this means.

Q16 - What kinds of teaching and learning practices do you think will be important when enacting children's rights in the new curriculum? Please explain.

Q17 - What support or development opportunities would you would find beneficial in developing your children's rights practice in relation to the new curriculum?

Q18 - Do you have any other comments or thoughts you'd like to share about children's rights and the new Curriculum for Wales?

Q19 - Would you like to take part in an online interview with the researcher to discuss your children's rights practice?

#	Answer
1	No
2	Yes: please provide name and contact details below

Children's Rights in the Curriculum for Wales - **Interview Schedule**

Brief Introduction to Myself Give quick overview of research aims (simplify language).	Explore the conceptualisation of children's rights drawn from academic theory and as outlined in Welsh educational policy Explore the role of children's rights within the new Curriculum for Wales as outlined in the new curriculum itself and selected key curriculum guidance Explore teachers in Wales' conceptualisations and perceived enactment of children's rights within their practice in relation to the new curriculum
Thank participants for their time and for confirming written consent. Check consent again. If consent given, note that you will now begin the recording and switch on the transcription tool. If agreed not to record, explain I will make notes but that I am listening.	In your email to me you consented to taking part in the interview – can I just check that you are still happy to go ahead? Also just to remind you that you can just stop this interview at any time without giving me a reason. And, can I just check that you agree to me recording the interview? (Adapt this if already indicated in email that consent not given).

Interview Question	Possible Prompts
Q1: Can you tell me a little about your teaching background? How long have you been teaching? *(Ice-breaker questions).*	Primary/Secondary? WM/EM?
Q2: How aware are you of children's rights in Wales in your current practice? What do you think has led to this awareness?	
Q3: What does children's rights mean to you in your daily practice?	Can you give a specific example from your teaching experience which demonstrates this?

Q4: In your opinion, does the context in which you teach affect the way you approach children's rights in any way? Do you think you'd need a different approach in another context?	For example, teaching different ages or in another type of school?
Q5: Do you think your views about children's rights affects your teaching pedagogies in any way?	Can you tell me a little more about that? Can you give me a specific example of this?
Q6: How does your approach to children's rights shape your relationship as a teacher with your pupils?	
Q7: When the new curriculum is fully launched, what do you think your role will be in supporting children's rights?	
Q8: What do you think the new curriculum is asking for in relation to children's rights?	
Q9: What would support you the most to enact children's rights in your own practice relating to the new curriculum?	
Q10: Is there anything which challenges or causes barriers for your own practice relating to children's rights in the new curriculum?	
Q11: Do you think the new curriculum will mean you or other teachers will need to adapt their children's rights practice in any way?	
Q12: The curriculum guidance talks about teaching children about rights, for rights and through rights.	

How confident do you feel about being able teach children about rights in the way set out here? Can you give an example of what it would mean to teach about/for/through rights?	Are there any parts which you feel more or less confident about?
Q13: The new curriculum guidance says: "Participation is a key principle of the UNCRC and enabling participation will create an engaging curriculum that responds to learners' interests, needs and priorities." It suggests that one way this can be done is by: "Considering learners' perspectives on a daily basis in the classroom through participatory pedagogy." What would that mean to you?	If participants are unclear, further parts of the guidance could be explored.
Q14: What kinds of opportunities do you think would be helpful for teachers to develop their children's rights practice as we approach the new curriculum?	
Q15: Is there anything else you want to share with me about children's rights and the new curriculum?	
End of Interview	
Thank participants for their time. Ask if they have any further questions.	

From: Postgrad Research <pgresearch@uwtsd.ac.uk>
Sent: 23 March 2021 14:19
To: Sarah Stewart (1705286)
<1705286@student.uwtsd.ac.uk>
Cc: PGR Athrofa <PGRAthrofa@uwtsd.ac.uk>; Jan Barnes <janine.barnes@uwtsd.ac.uk>;
Jane Waters-Davies <jane.waters-davies@uwtsd.ac.uk>
Subject: EC855 PG2 Ethics Form Approved: STEWART, SARAH (1705286)

Dear Sarah Stewart,

I am pleased to confirm that the submission of the Ethical Approval on your research 'How are children's rights conceptualised in the new Curriculum for Wales and enacted by school teachers? A review of theory, policy and practice relating to Curriculum for Wales' has been **APPROVED** by the University's Ethics Committee.

Please ensure that you are aware of, and use, the University's Research Data Management Policy and the extensive resources on the University's Research Data Management web pages (http://uwtsd.ac.uk/library/research-data-management/).

Please do not hesitate to contact the office should you require any further information on this matter.

Kind Regards

Steve Davies

Swyddfa Academaidd (Graddau Ymchwil Ôl-raddedig) / Academic Office (Postgraduate Research)
Campws Caerfyrddin / Carmarthen Campus
SA31 3EP
Ext: 4464
steven.davies@uwtsd.ac.uk

Appendix E: Exemplification of stages of the coding process

Example of Early Coding

	A	D
1	**Curriculum Guidance - Document Analysis**	
2		
3	Nothing is so essential as universal access to, and acquisition of, the experiences, knowledge and skills that our young people need for employment, lifelong learning and active citizenship.	Curriculum offers systematic approach to embedding rights
4	It is also an important vehicle for embedding the United Nations Convention on the Rights of the Child (UNCRC) in the experience of learning and teaching for our children and young people and for giving them an understanding of their rights.	Role of the teacher
5	It requires partnerships among all those involved, including the learner. It should recognise the individual learning needs and backgrounds of each learner and encourage a holistic view of each learner's development. Accordingly, both practitioner and learner should develop an understanding of how the learner learns and their attitude and approach to	Role of the child
6	These expectations are expressed from the learner's perspective and are framed broadly so that they can sustain learning o	Relationship between teacher and pupil
7	The Act provides headteachers and governing bodies with powers to disapply learner choice in some circumstances.	Children's competence
8	Headteachers are required to implement the adopted curriculum in a way that gives effect to choices made by learners for years 10 and 11. However, they may decide not to apply learning and teaching chosen by a learner. The Act sets out the grounds where this may apply in the case of determinations made before a learner begins year 10, and	Rights defined as 'under the UNCRC'
	In respect of learners before they begin year 10, a decision to disapply can be made where:	

Curriculum Guidance   All Questionnaire Responses   Q1   Q2   Q3   Q4   Q5   Q6   Q7   Q8   Q9   Q10   Q11   Q12   Q13 & Q14   Q15a,b,c   Q +

Calculation Mode: Automatic   Workbook Statistics

Give Feedback to Microsoft   — 120% +

Example of familiarisation notes

Curriculum Guidance - Document Analysis	Familiarisation Notes	
Nothing is so essential as universal access to, and acquisition of, the experiences, knowledge and skills that our young people need for employment, lifelong learning and active citizenship.	neo-liberal values?	Cu
It is also an important vehicle for embedding the United Nations Convention on the Rights of the Child (UNCRC) in the experience of learning and teaching for our children and young people and for giving them an understanding of their rights.	UNCRC is the boundary/definition of CRs within the CfW - but yet there is implicit values referred to elsewhere, without any exploration of what these values are - and which are not articulated by the convention explicitly either leaving the space for teacher interpretation of what those values are.	Rc
It requires partnerships among all those involved, including the learner. It should recognise the individual learning needs and backgrounds of each learner and encourage a holistic view of each learner's development. Accordingly, both practitioner and learner should develop an understanding of how the learner learns and their attitude and	Child-adult dynamic - partnerships imply equal - at other times this is reflected elsewhere but always with the caveat that the teacher can over-rule or make their own judgements. See line 7,8,9.	Rc
These expectations are expressed from the learner's perspective and are framed broadly so that they can sustain learning over a series of years.		Re
The Act provides headteachers and governing bodies with powers to disapply learner choice in some circumstances.		Ch
Headteachers are required to implement the adopted curriculum in a way that gives effect to choices made by learners for years 10 and 11. However, they may decide not to apply learning and teaching chosen by a learner. The Act sets out the grounds where this may apply in the case of determinations made before a learner begins year 10,		Ri
In respect of learners before they begin year 10, a decision to disapply can be made where:	There's a fair amount of space for interpretation here! So what would constitute the level of attainment necessary to be 'suitable' for the learner	

Curriculum Guidance   All Questionnaire Responses   Q1   Q2   Q3   Q4   Q5   Q6   Q7   Q8   Q9   Q10   Q11   Q12   Q13 & Q14   Q15a,b,c   Q +

Calculation Mode: Automatic   Workbook Statistics   Give Feedback to Microsoft   − 110% +

Collation of codes during inductive and deductive stages

Stage 1: Summary of early semantic codes	Stage 1: Summary of early latent codes	Stage 2: Summary of early deductive codes based Foucauldian and Critical theory
Rights in school are defined by UNRC	Legal-moral conflation	Discipline
Rights approaches improve teacher-pupil relationships	The glue and the grout - rights hold everything together	Teacher-knowledge
Rights help children feel safe	Holistic development of the child	Power in action
Children need to be aware of their rights	Children are positioned as agentic learners	Teacher construction of subject-self
Children have rights and responsibilities	Going on a rights-journey	The child as rights-subject
Meeting children's needs through their rights improves equity	Tough...it's the law	Creating a self-governing discourse
Everyone in the school needs to understand rights	Keeping children is safe is the highest priority	Relational practice in the CfW
You need someone in school to take the lead on rights	Listening to children is the next highest priority to keeping children safe	Discursive example in the CfW
Children need to take responsibility for their own learning	Teachers have a legal framework of rights in which they must fulfil the duty-bearer role for the fulfillment of the UNCRC	Teacher rationality about value of rights
Teachers and pupils need to work in partnership to enact rights	The duty-bearer role positions the teacher as a micro-apparatus of government	Teacher rationality about purpose of rights
It's important rights are protected by law	Start small	Teacher rationality about the competence of the child
Children should be given opportunities to have a say	Drip, drip, drip	Teacher rationality about the role of the adult
Children should be given choices about their learning	The virtuous circle - enabling adults	Pastoral technique
Children should be listened to and their views respected	Absence of rights-claiming and excercising	Dynamic power-relations
It's a teacher's job to help children understand their rights	I trust you know your tummy's full	Teacher agency
Children need to be allowed to be children	Dynamic power-relations	Specific aim of pastoral technique
Children need to learn the skills they'll need for work	Teacher knowledge	Specific aim of self-governing technique
Learning should be child-centred	Discipline	Specific aim of discipline technique
Rights help children feel they belong	Rights awards signal a school is different to other schools who follow the 'system'	Teacher rationality reflects policy view
Some other adults need to realise that children's lives are changing from the past	Right-based approaches in the CfW should be more experiential and contextual	Teacher rationality shaped by socio-cultural considerations

Initial Coding Stage   Iterative Coding Stage   Collapsing Themes   Candidate Themes   Sheet6   Theme Collation 1   Theme Collation 2   +

Calculation Mode: Automatic   Workbook Statistics

Count: 3   Give Feedback to Microsoft   — 100% +

Grouping and collapsing codes to create candidate themes

	A	B	C	D
4	Dynamic power-relations			
5	Relational practice in the CfW		**Enacting Rights in Practice**	
6	Dynamic, responsive relationships between teacher-pupil		Rights in school are defined by UNRC	Going on a rights-journey
7	Teachers and pupils need to work in partnership to enact rights		Everyone in the school needs to understand rights	Start small
8	Rights approaches improve teacher-pupil relationships		You need someone in school to take the lead on rights	Drip, drip, drip
9	Creating a self-governing discourse		The four purposes embody children's rights	Rights-leadership
10	Pastoral technique		A whole-school approach is needed to embed rights in a school setting	Understanding shifting socio-cultural experiences of childho
11	Teacher agency		Rights-based discourses in the school	Extent of pedagogical changes needed to enact rights in the
12	Specific aim of pastoral technique		Rights may be viewed as an extra to teach in limited time available	At the moment there's so much
13	Specific aim of self-governing technique		Teachers benefit from training about children's rights	It's only when you put it into words that you unpick it yourse
14	Specific aim of discipline technique		Professional learning for rights is most powerful when it involves school-to-school sharing of practice	Ironing out the terminology
15	Teachers personal moral and values framework		Absence of rights-claiming and excercising	Teach the articles and that's it done.
16	Deliberative pedagogical choices		Rights awards signal a school is different to other schools who follow the 'system'	5 Ps of the rights-driven school - purpose, policy, process, pa
17	Unintended rights-learning		We can make our own resources	Maybe in another school...
18	Rights-learning is relational		Rights-knowledge needs to be contextual and experiential for teachers as well as for pupil learning	
19	**Purpose and Value of Rights in the CfW**		Curriculum for Wales is an opportunity to embed rights	
20	Children have rights and responsibilities		Learning should be child-centred	
21	It's important rights are protected by law		Children need to learn about rights linked to their own lives	
22	Legal-moral conflation		Children can learn through rights through charity projects	
23	Tough...it's the law		Children can learn for rights through understanding not all children have rights	
24	Teachers have a legal framework of rights in which they must fulfil the duty-bearer role for the fulfillment of the UNCRC		Right-based approaches in the CfW should be more experiential and contextual	
25	They still got rights whether you talk about them or not.		Children need to be aware of their rights	

Initial Coding Stage   Iterative Coding Stage   Collapsing Themes   Candidate Themes   Sheet6   Theme Collation 1   Theme Collation 2   +

Calculation Mode: Automatic   Workbook Statistics   Give Feedback to Microsoft   — 100% +

Reviewing candidate themes

ource	Theme 2: Sub-themes		
	The enabling teacher	**The agentic learner**	
G	It should recognise the individual learning needs and backgrounds of each learner and encourage a holistic view of each learner's development.	These expectations are expressed from the learner's perspective and are framed broadly so that they can sustain learning over a series of years.	It requires partners Accordingly, both p understanding of h(to learning, in orde commitment to the
G	Effective CWRE is comprised of age- and developmentally appropriate careers education embedded across the areas of learning and experience (Areas).	Where developmentally appropriate, learners should be able to set goals, make decisions and monitor interim results.	Schools should look These help create t learning, ask questi Practitioners shoulc and meaningfully.
G	Assessment should focus on identifying each individual learner's strengths, achievements, areas for improvement and, if relevant, any barriers to learning. This understanding should be used by the practitioner, in discussion with the learner, to ascertain the next steps required to move learning forward, including any additional challenge or support required	Human rights education empowers learners as rights-holders. This enables learners to critically examine their own attitudes and behaviours and to develop skills to be ethically-informed citizens of Wales and the world, who can be advocates for their rights and the rights of others.	It is also a process t professionals. It nee valuable learning e>
	Learners are at the heart of assessment and should be supported to become active participants in the learning process.	Learners are at the heart of assessment and should be supported to become active participants in the learning process.	The selection of cur should provide incr learning as they prc about what, how ar

Initial Coding Stage   Iterative Coding Stage   Collapsing Themes   Candidate Themes   Sheet6   Theme Collation 1   **Theme Collation 2**   Theme Coll: +

Example of collapsing themes

Source:	Coded Extracts
CG	It requires partnerships among all those involved, including the learner. Accordingly, both practitioner and learner should develop an understanding of how the learner learns and their attitude and approach to learning, in order to support them to continue to progress and to foster commitment to their learning.
CG	Schools should look to create safe and supportive learning environments. These help create trust and allow learners a safe space to consider learning, ask questions and express their thoughts and feelings. Practitioners should seek to present learning around RSE issues positively and meaningfully.
CG	It is also a process that supports a dialogue between learners and professionals. It needs to be safe, enabling and inclusive, and it is of itself a valuable learning experience, supporting inquiry and critical thinking.
CG	The selection of curriculum content should consider learners' input and should provide increasing opportunities for learners to help direct their learning as they progress. Learners' views about their experiences and about what, how and where they learn should be taken seriously when a curriculum is being designed. Participation is a key principle of the UNCRC and enabling participation will create an engaging curriculum that responds to learners' interests, needs and priorities.
CG	Effective pedagogy relies on an in-depth understanding of child and adolescent development. It involves exploring and reflecting on which teaching strategies will best support learning in a given context, and inquiring about the impact of this on learners.
CG	form positive and respectful relationships with learners and support good relationships between peers
CG	Effective, learner-centred pedagogy, underpinned by the twelve pedagogical principles, should be responsive, dynamic and embedded in strong relationships.
CG	Feeling connected, secure and safe is essential for positive well-being. Learners are influenced by the adults, experiences and environments they encounter.
CG	pathways are child-centred and are interdependent, having equal value in supporting overall development and progress. Development within and across the five pathways will be dependent upon the quality of the interactions between the practitioner and the learner, and the learning experiences and environments that are created.
Q7: P8	With societal changes children need to be and are entitled to be made aware of their rights and responsibilities if we are to equip children with the necessary awareness in life particularly in terms of being ethically informed citizens

Q7: P52	Pupils holistic learning in embedded in their ability to understand their place in society life and personal development a
Q18: P7	The wider world need to be now aware of children's rights and how it affects life outside of school
I2	**Definitely**. And I would say the way I do it and explain to other people is I will never insist that they like… this is so simple… But I think it's about them developing autonomy and decision making. So I never ever insist that they put their coats on. So other teachers will fuss, fuss, fuss and I went out yesterday with them. We always have a teacher outside and they wanted to come out to play and I was like like ohh yeah, that's absolutely fine.
I2	I mean yes, because I think again, it's quite a personal thing. I think some people will have different opinions on how much autonomy and how much children should be aware of their own rights, and I think you know some people…perhaps don't agree with everything that we would want to teach, and I think some parents as well would be surprised that by the amount of decision making we put on the…that we give to the children and things, but I… I don't think that insurmountable.
I2	And I think my fundamental belief is actually these children have a right to be 3 and they have a right to be four and five and six and seven. And to behave as children who are 3,4,5,6,7 should be behaving.
I2	Yeah. And people like to treat them like becoming. So you're 3 becoming four, becoming a, you know, an adult. Or as I'm like, no, you're 3 doing what, a 3 year old needs to do to thrive, to be 3. And you don't need to do any more than what a 3 year old needs to do.
I2	You know, and and the five year old doesn't need to do any more than a 5 year old needs to do. And **actually** you're all unique as well. So you know one three-year old's journey isn't the same.
I3	And taking time, I feel like I know the children really well.
I3	ery much so. I mean, erm, one of the things we've looked because we're a rights respecting school, we've also looked at restorative approaches. So it affects our behavior policy, it affects how we build positive relationships, you know, the things that we do before stepping in.
Q6: P52	It shapes our learning experiences in class and has helped build good relationships.
Q6: P33	Our journey to forming positive relationships- between staff, pupils and families.
Q6: P20	Credaf mae addysgu hawliau yn creu perthynas dda gyda phlant
Q6: P17	(p 16)It is the base on which I form my pedagogy, co-construct my curriculum and how I treat my learners - with respect.

I1	So for instance, one of the issues that we've seen is that pupils - and it's the effect of COVID - teachers have been teaching in boxes in the front of class.
I1	They haven't been approaching pupils.
I1	of the interaction that would normally happen and things like ensuring there's group work, compare work and and things like this, and particularly pupil participation so pupils able to choose how they work, pupils able to...erm...be more involved in asking for help and in and in talking to teachers individually and in lessons.
I2	Yes, yes, I'd say that they feel very seen. I'd like to think they feel very valued, very seen, and that they feel very important. And that they all…
I2	…feel that you know that they are known as individuals, that they all think they are important to me.Yeah.
I2	And I think that's what I advocate for in my practice. Actually, when I really think about it, yes, I think it's the child's right to be a child and not to be and to live in that moment of being a child of that age not to be being prepared for the next step. And I think, you know, I have to fight quite often… that, no, that's not suitable because they're muscles aren't developed because they are three. They're not ready to write. They're not ready to know numbers... So yeah. So I think my driving principle is the child's right to be a child.

Codes (List of codes to support development of theme)	Coding Stage	Candidate Theme*
Dynamic power-relations	Stage 1 (Latent)	Dynamic teacher-learner relationships
Rights-learning is relational	Stage 1 (Latent)	
Responsive relationships between teacher-pupil	Stage 1 (Semantic)	
Teachers and pupils need to work in partnership to enact rights	Stage 1 (Semantic)	
Rights approaches improve teacher-pupil relationships	Stage 1 (Semantic)	
Relational practice in the CfW	Stage 2 (Deductive)	
Power in action	Stage 2 (Deductive)	

*This candidate theme was later collapsed with two other candidate themes: enabling teacher and agentic child. This formed the final over-arching **Theme 2: The dynamic inter-relationship between the enabling teacher and the agentic child.**

Appendix F: Theme Definitions

	A	B	C
1	Teacher constructions of the subject-self as enactors of children's rights in the Curriculum for Wales	The dynamic inter-relationship between the enabling teacher and the agentic learner in the Curriculum for Wales	Making meaning of rights in the Curriculum for Wales
2	Unifying narrative	Voice and Choice	Rights as Process
3	Rights as continuum	Teacher-Pupil Partnership	Rights as Outcome
4	Rights-based pedagogy	Agentic child	Lever for Rights
5	Barrier	Enabling adults	Rights-Responsibilities
6	Enabler	Child-adult power dynamic	Legal-moral conflations
7	Embedding rights in school	Keeping children safe	UNCRC as context for rights
8	Shared language of rights	Promoting independence	Holistic development
9	Leading rights	Value of rights	Four purposes embody rights
10	Techniques for self-governance	Divergent discourse	Legal protection for rights
11	Rights journey	Tensions in discourse	
12	Readiness for future practice	Teacher as subject	
13	Teacher as subject		
14	Theme definition:		
15	This theme focuses on how teachers constructed a narrative of rights-discourse in their school, starting from their initial interest which led them to playing a part in embedding rights within the school context. The concept of the journey is often used by teachers in the study to describe a progressive approach to rights. This theme considers the examples of rights-based pedagogy described by teachers in the study, enablers for practice and barriers to embedding rights in their practice. Teachers' conceptualisations of their enactment of rights within the school setting within their current and future practice is explored.	This theme considers the role and responsibilities of the teacher and the learner in the CfW and their relationship, how teachers in the study positioned themselves in relation to the CfW purpose-led vision and the power influences which shape this.	This theme considers the frameworks for children's rights within the CfW and how rights are conceptualised and intended to be enacted. The construct of a rights-discourse in the guidance and the way it is interpreted by teachers in the study is also explored.
16	Key Foucauldian codes:		
17	Pastoral techniques	Subjectification	Neoliberal subjectification
18	Discipline techniques	Docile bodies	Masked discourses
19	Discourse	Power-knowledge	Power-knowledge

Appendix G: References to UNCRC throughout Curriculum for Wales Guidance

Human rights are the freedoms and protections to which all people are entitled. Learners have specific human rights enshrined by the United Nations Convention on the Rights of the Child (UNCRC) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), including optional protocols. In Wales children's rights are a fundamental entitlement, not an optional extra. These are enshrined in law through the Rights of the Children and Young Persons (Wales) Measure 2011.

The UNCRC is an international agreement that protects the human rights of children and young people up to the age of 18. It covers all aspects of a child's life and sets out the rights that all children everywhere are entitled to, including education provision.

UNCRC is one of the key principles of policy making with regards to children and young people in Wales.

Schools and settings should discuss RSE in the context of children's rights as protected by the United Nations Convention on the Rights of the Child (UNCRC). A rights-based approach supported by equity should be embedded in the learning.

…children and young people and disabled persons have specific human rights guaranteed under the United Nations Convention on the Rights of the Child (UNCRC) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). These two conventions also convey obligations on nation states.

Learning about human rights – incorporates understanding human rights and the sources of those rights, including the UNCRC and the UNCRPD.

The Children's Commissioner for Wales has free guidance and resources for schools and settings to help them embed a children's rights approach based on the principles of the UNCRC and UNCRPD; though other resources are also available, such as that produced by UNICEF.

Participation is a key principle of the UNCRC and enabling participation will create an engaging curriculum that responds to learners' interests, needs and priorities.