

# Early Years Teachers and young children's rights: the need for critical dialogue

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## ABSTRACT

The absence of knowledge about children's rights is frequently associated with ineffective implementation of the United Nations Convention on the Rights of the Child (UNCRC); this directly impacts on children's lives and the ways they are viewed by adults (Freeman 1998; Pugh 2015). Recent research (Jerome et al. 2015) has highlighted the lack of focus on children's rights in the initial training of teachers and other education practitioners. In this paper I analyse the status of children's rights in the standards for Early Years Teachers (EYTs) introduced in 2013 in England. Informed by the findings from research in sites of early years practice, I suggest possibilities for a critical dialogue that repositions the UNCRC as a visible and explicit framework of reference for EYTs' work with young children.

## KEYWORDS

CHILDREN'S RIGHTS

EARLY YEARS PRACTITIONERS

PROFESSIONALISM

## INTRODUCTION

In this paper I critically analyse the status of children's rights in the current standards for Early Years Teachers (EYTs); introduced in 2013 in England, the Teachers' Standards (Early Years) (NCTL 2013) (hereafter, the TSEYs) define the expectations placed on EYTs as a key policy measure to improve quality in early years settings. While the evolution, initial training and professional standing of early years practitioners has rightly been the subject of academic debate (e.g. Miller 2008; Lloyd & Hallet 2010; Moss 2014) there has been limited opportunity to explore the potential of practitioners

holding EYT status to become children's rights educators, given their role as leaders of teaching and learning. The UK became a signatory of the United Nations Convention on the Rights of the Child (UNCRC; United Nations 1989) in 1991; this places an expectation on governments that children's rights are addressed through policy (Baldock et al. 2013). The absence of knowledge about children's rights is frequently associated with ineffective implementation of the UNCRC; this directly impacts on children's lives and the ways they are viewed by adults (Freeman 1998; Pugh 2015). As a 'critical proponent' (Reynaert et al. 2009) of the UNCRC,

I accept its fundamental principles but explore how a critical approach to this Convention may lead to new possibilities for the realisation of rights for young children in England. Quennerstedt (2013) suggests that researchers (and others) need to adopt a critical perspective on the status of the UNCRC as a formal text, recognising that it is the product of a certain time and context and, therefore, its relevance to children's lives needs to be subject to ongoing analysis. By critically analysing the TSEYs I consider their relationship to children's rights; this analysis is supported by learning from literature theorising professionalism within the

early years workforce and reflections on recent academic debate about children's rights. There follows a consideration of research exploring early years practitioners' responses to young children whose families are seeking asylum in the UK. Within this study (Robson 2012) findings demonstrate how practitioners in the early years worked with an implicit and often hidden understanding of children's rights. I conclude with possibilities for a critical dialogue about EYTs and their role in realising children's rights.

### UNCRC: THE EFFICACY OF A TOP-DOWN APPROACH

The UNCRC, as an extant legal framework, could be considered as a norm or standard for policy-making in early years education that requires a 'top-down' implementation (Reynaert et al. 2012) where rights are goals to be reached. Reynaert et al. (2012) suggest that approaching the UNCRC in this way leads it to be considered as instructive for policy and practice, rather than a frame of reference for understanding children's lives and shaping actions to realise children's rights in different contexts. They argue that this means a shift in focus from the Convention as a formal text to linking it with children's experiences within the contexts in which they live. Previous studies have found that any implementation of children's rights requires an understanding of the social conditions of childhood (Mayall 2000). Ife (2010) describes this as considering children's rights from below. In the following discussion I reflect on the systemic and inherent difficulties in a top-down implementation of the UNCRC.

The efficacy of the UNCRC as a tool to realise children's rights has been the subject of critique. Reynaert et al. (2009), in a review of children's rights literature, suggest that the implementation of the UNCRC through a triptych process of 'standard setting – implementation – monitoring' has constrained discussions

to a technical debate about structures and plans. Furthermore they suggest that this focus on technical implementation by governments leads to a decontextualised discourse, removed from the complexity of the contexts in which children live. They advocate a repositioning of the discussion of implementation of children's rights to the 'grassroots level where children's rights have to be realized in their actual context' (p. 528), although it needs to be recognised that the process of monitoring the implementation of children's rights could be a catalyst for debate leading to policy change (Woll 2000).

In 2005 the United Nations Committee of the Rights of the Child (hereafter UNComRC) published General Comment No. 7, Implementing child rights in early childhood (General Comment No. 7; hereafter GC7) to 'encourage recognition that young children are holders of all rights enshrined in the Convention and that early childhood is a critical period for realisation of these rights' (UNComRC 2005: 1). The lack of impact of the UNCRC on early childhood programmes and curricula at this moment is well argued in academic research (e.g. Mayall 2006; MacNaughton et al. 2007). While reflecting on multiple aspects of early childhood, GC7 emphasised the importance of a children's workforce having 'sound, up-to-date theoretical and practical understanding about children's rights' and encouraged governments to undertake systematic child rights training for children, parents and all those working with children; such recommendations were made in the knowledge of the challenges of implementing children's rights and the dynamic developments in knowledge of early childhood emerging from theory and research. Given this encouragement from the UNComRC, there could be an expectation of a visibility of children's rights within the English policy development for the early years workforce.

Within the formal monitoring cycle,

the UK government submitted its Fifth Periodic Review (United Kingdom Government 2014) to the UNComRC, reporting actions and measures taken to support the implementation of the UNCRC. EYTs are cited as a measure to improve quality in the early years, but the Periodic Review omits any clarification of their purpose in realising children's rights or reference to the context of young children's lives. Within this Periodic Review EYTs are positioned within an instrumental pedagogy that supports children's 'progress through school and life' (para. 182); this suggests that children are 'becomings' rather than 'beings' (James et al. 1998; Prout 2011). The inclusion of EYTs by government within this Periodic Review could be considered an indication of the importance of their perceived status and function in realising children's rights.

A further critique of the UNCRC is that as a formal text it promotes a view of children's rights as abstract concepts; when rights are embedded within policy in this way, there is the risk that children's experiences as holders of rights are obscured (Reynaert et al. 2009). Recent guidance (UNICEF 2014) for states, educators and other organisations involved in early years education has sought to bridge the gap between rights as abstract principles and their realisation in practice. UNICEF proposes child rights education as a strategy for realising the UNCRC; this is defined as 'teaching and learning about the provisions and principles of the Convention on the Rights of the Child and the "child rights approach" in order to empower both adults and children to take action to advocate for these at family, school, community, national and global levels' (UNICEF 2014: 20). Child rights education is a strategy that embeds the UNCRC not only within the curricular and learning environments for children but also within the training of professionals working directly with children. It has the potential to build the capacity of children (as rights-holders)

and adults (as duty-bearers) within the everyday lives and in the practice of professionals (UNICEF 2014). If early years settings are shared spaces for young children and practitioners then children's rights are also shared metaphoric spaces where adults and children can engage in dialogue in order to arrive at actions that realise rights within the specific and particular contexts (Reynaert et al. 2012). In this way the UNCRC is positioned as a framework of reference to support an understanding of children's rights within a specific context and child rights education is a tool for realising rights. This allows children's rights to operate from above at a national policy level and below in the everyday spaces of young children.

### TEACHERS' STANDARDS (EARLY YEARS): THE STATUS OF CHILDREN'S RIGHTS

A recent study (Jerome et al. 2015) explored the factors affecting the implementation of child rights education (including within the early years). The most significant area for action identified by respondents (experts in countries within the sample) to a survey was teacher training. The study found that none of the state governments surveyed ensures that all teachers are trained in children's rights and are familiar with the UNCRC. It highlighted the fact that the devolution of education policy in the UK has led to different arrangements for teacher training and initial registration in England, Scotland, Wales and Northern Ireland. In Scotland the commitment to the UNCRC is a core requirement of new teachers (GTCS 2012); however, this is not the case in England. Such a position is not unusual as education policy at a national level is often characterised by ambivalence regarding children's rights in education and a lack of direction relating to children's rights (Alderson 1999; Lansdown 2001). Alderson (2012), in a sociological analysis of young children's human rights, argues that critical realism supports the study of the prevalent

theme of the absence of children's rights. She suggests that recognising absence (as a key idea within critical realism) supports us in moving from the fixed and static to considering the potential alternatives.

Within the TSEYs there is an absence of explicit reference to the UNCRC; this is surprising given the prominence of EYTs in the Periodic Review (United Kingdom Government 2014) of the implementation of the UNCRC submitted to the UNComRC. In Jerome et al.'s (2015) study most respondents were of the view that the regulatory frameworks for teacher training and qualification/registration were 'implicitly aligned' to the UNCRC. The UNComRC has singled out four articles of the UNCRC which contain rights considered as general principles underpinning the implementation of the UNCRC; they are Article 2 (non-discrimination), Article 3.1 (consideration of the best interests of the child), Article 6 (right to life, survival and development) and Article 12 (respect for the views of the child); furthermore the UNComRC identified two articles of high relevance to realisation of rights: Article 4 (developing the capacity of duty-bearers to meet their obligations to respect, protect and fulfil rights) and Article 5 (children have the right to be guided in the exercise of their rights by caregivers, parents and community members, in line with children's evolving capacities). While rights contained within the UNCRC are inseparable and interdependent (Donnelly 2003; Landmann 2006), the UNComRC suggests that the six articles are central to a child rights approach.

I now critically analyse the extent to which the TSEYs are implicitly aligned to the six articles identified as central to a child rights approach, and in doing so explore the implications for child rights education in the early years. Analysis was conducted using key words and phrases emerging from the six articles of the UNCRC and searching for these in the TSEYs. While it is explicit that EYTs should work in the best interests of babies and

children (as set out in UNCRC Article 3.1) this is potentially restricted by a view that this will be achieved by working with parents/carers and other professionals rather than from a starting point of work with the child which is explicit within a child rights approach. Within their wider professional responsibilities EYTs have to 'promote equality of opportunity and anti-discriminatory practice' and this reflects UNCRC Article 2 (non-discrimination) although there is an absence of explicit reference to implications for practice arising from this approach. EYTs are expected to understand children's physical, emotional, social and intellectual development and the different stages of development as well as knowing how to adapt education and care (and this supports the implementation of UNCRC Article 6). Knowledge of child development constitutes a large element of EYTs' professional expertise and is visible throughout the TSEYs; this reflects national education policy that is focused on raising standards and achievements in education (Osler & Starkey 2005) and places in the background any consideration of the role of children's rights in education. Quennerstedt (2011) argues that at international and national levels there are different aims for education in agreements, legislation and policy; she suggests that for government education is a means of developing the economy and may lead to a focus on curriculum and pedagogy that is instrumental for achieving economic growth. This is reflected within the TSEYs by the focus on technical skills (e.g. systematic synthetic phonics) in the development of young children's reading and the absence of focus on other skills (e.g. play).

While there is an expectation that EYTs 'listen' to children, this idea is not developed beyond an expectation of EYTs 'responding sensitively' to children and may not fully embrace the responsibilities for adults implicit with within UNCRC Article 12. Lundy (2007) in her conceptualisation of the implementation

of Article 12 in policy and practice suggests a consideration of four distinct factors: the space given to children to express a view; the voice of children, in that children may need facilitation to express a voice; the need for the audience to be prepared to listen; and that children must be given influence and their views acted upon. Analysis of the implications of the UNCRC for practitioners in the early years suggests the importance of understanding children as social actors who can make valid meanings of their world and whose views should be sought and acted on in practice (MacNaughton et al. 2007). Furthermore the TSEYs omit any explicit reference to EYTs as 'duty bearers' within the children's rights framework beyond what might be considered a technical focus on the legal requirements of health and safety and safeguarding. Similarly the guidance that EYTs are expected to give children is focused on 'widening children's experience and rais[ing] their expectations' and falls short of exploring the extent to which children can be informed of and guided in the exercise of their rights (Article 5) in

ways that reflect their evolving capacities (Lansdown 2005).

The low visibility of children's rights in the TSEYs has implications for EYTs as they work with children; in this sense the TSEYs could be considered an incomplete tool that provides limited guidance to EYTs in fulfilling their role in implementing the UNCRC. Central to this argument is the absence of proper consideration within the TSEYs of the capacities of the child or the status of young children as social actors or young citizens. Emphasis is placed on the instructional role of EYTs, positioning them as adults within the hierarchical power structures controlling the space occupied by children (Alderson 1999). EYTs are situated within a transmission model of learning that prioritises adults' ideas without a full and respectful consideration of children's views of their own education (Lansdown 2001). Jerome et al. (ibid) suggest that one potential way forward to address the absence of knowledge of the UNCRC in teacher education would be for governments to consider relatively minor amendments to

their professional standards frameworks (with a view to more explicit connections to the UNCRC). However, the above analysis would suggest that the TSEYs for England would need substantial revision to embed the UNCRC.

## NEGOTIATING POLICY IMPLEMENTATION

Previous research leads us to consider that practitioners working in the early years may not be unquestioning consumers of government policy. Prior to the introduction of the EYTs in 2013, governments had sought to reform the early years workforce through its professionalisation (Pugh 2006); subsequently, research theorised issues of professionalism and status in the early years workforce. Reflecting on the learning emerging from this body of research may lead us to potential ways in which EYTs may address the explicit absence of the UNCRC within the top-down professional standards framework. Miller (2008) draws on activist theory in her analysis by exploring the human



*Syrian Refugee Children. Image c/o Wikipedia*

action practitioners can take in defining their roles and contributing to wider society. Within a process of professional formation, Miller questions whether formal professional standards help or inhibit professional autonomy when their goal is to create a model of technical practice. She suggests that practitioners are not passive recipients of policy but can negotiate their own position. Osgood (2006: 5) provides an alternative perspective: she argues that early years practitioners are the subjects of statutory frameworks and guidance that have a 'technologising' discourse. She suggests that practitioners can resist the regulatory government discourse by repositioning themselves within new or existing counter-discourses. Similarly MacNaughton et al. (2007), in their analysis of early childhood professionals and children's rights, argue that professionals can reaffirm and reposition their expertise in working with young children, informed by new understandings of children's rights and a view of children as social actors. They suggest that this can lead to professionals becoming equitable collaborators with children. Such findings lead us to consider that EYTs have the potential to critically engage with the TSEYs and draw on wider frameworks of knowledge not confined to or limited by this policy text.

My own study was rooted in practice (Robson 2012) and explored the responses of a diverse group of early years practitioners working with young children in families seeking asylum. Discourse analysis revealed a powerful hegemonic and negative narrative about children and families seeking asylum operating in the national policy. This discourse focused on the efficiency of the asylum system and degraded children and families into 'units' to be processed; children and children's rights were obscured through a focus on the performance of the system for processing asylum applications. Relationships of power between children, families, early years practitioners, non-government agencies and government agencies were created and consolidated

by the circulation and permeation of this discourse in the research setting (Foucault 1980). I found that some early years practitioners did not approach issues for children seeking asylum as issues of children's rights. They presented as unaware of children's rights; in this sense they did not conceptualise children as either 'bearers of rights' (Landmann 2006) or 'right holders' (Donnelly 2003). Such practitioners were unaware that their responses to children could be constructed and better understood as 'obligations' to children as holders of rights (Donnelly 2003). However, some practitioners recognised and understood the experiences of young children as breaches of their rights; for example, they described the loss of freedoms, the absence of personal space and possessions for children. Although they did not refer explicitly to 'rights', practitioners described the experiences of children as they happened in reality and not as abstract or theoretical positions, confirming Osgood's (2006) findings of practitioners repositioning their work within a counter-discourse. Within my study, I found that practitioners operated a counter-discourse that gave visibility to children's rights without reference to the formal legal or policy frameworks supporting children's rights. In doing so they worked with an incomplete knowledge and theory of rights. My analysis suggests that practitioners could have been supported by having knowledge of the children's rights framework; they were inhibited in their individual and collective action by the absence of commonly understood principles, shared conceptual understanding or a common language (Furedi 2005).

### CONCLUDING DISCUSSION: THE NEED FOR A CRITICAL DIALOGUE

The inclusion of EYTs by the UK government, within the Periodic Review to the UNComRC, as a key policy measure to realise children's rights signifies the

importance of practitioners who have achieved this status. However, analysis of the explicit 'absence' of children's rights within the TSEYs leads us to consider the need for a critical dialogue between children, EYTs and government in order that those working in the early years are fully supported by policy and in practice to realise the UNCRC for children in early childhood education and care settings. Such a dialogue needs to be conducted simultaneously from 'above' through national policy and from 'below' in practice so that social, historical, economic and cultural contexts that dominate children's spaces can be understood. This will generate possibilities for understanding the TSEYs and practice shaped by the experiences of children and EYTs. In this way the UNCRC will shift from an abstract and distant policy to a framework enabling critical development of policy and informing the daily interaction with children in practice. Osgood (2006) and Robson (2012) argue that those working in the early years can resist the regulatory and hegemonic discourse prevalent in national policy by repositioning themselves within new or existing counter-discourses; in this way EYTs may move from being instruments of government policy to become critical proponents of children's rights by engaging with issues for children in their practice, and problematising such issues as concerns for children's rights. A critical dialogue that explores the ambiguity in the relationship between the TSEYs and the UNCRC has the potential to address the absence of children's rights; this shift may lead to a greater visibility of children's rights and the language of rights to enable EYTs to understand their role (as individuals and collectively) as 'duty bearers' for children's rights and as children's rights educators. ■

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