**Wales UNCRC Monitoring Group**



**Grŵp Monitro CCUHP Cymru**

THEMATIC BRIEFING PAPER

**Early Years (0-7year olds)**

An interim perspective of the extent to which law, policy and practice in Wales has progressed since the UN Committee on the Rights of the Child issued their Concluding Observations to the UK and devolved governments in 2016

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**Context**

In 2016, the United Nations Committee on the Rights of the Child issued their Concluding Observations in respect of the UK and devolved governments progress in achieving compliance with the principles and standards as set out in the UNCRC. Informed by the State Party report and the shadow report submitted by the Wales UNCRC Monitoring Group, the Concluding Observations provide a series of actions that governments should take to advance children’s rights in their country.

The Wales UNCRC Monitoring Group produced a document combining these recommendations which can be accessed here - [**MGs Combined Report**](http://www.childreninwales.org.uk/resource/wales-uncrc-monitoring-group-combined-report-recommendations-wales/)

In advance of the next reporting round, the Wales UNCRC Monitoring Group identified a number of thematic areas and considered the extent to which law, policy and practice in Wales has progressed since 2016 in line with the UNs recommendations.

This Thematic Briefing Paper provides this in respect of **Early Years**

**United Nations Convention on the Rights of the Child**

The United Nations Convention on the Rights of the Child (UNCRC) applies to all children and young people under 18. The aim of the UNCRC is to recognise children’s rights and ensure that children grow up in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

The UNCRC is the most widely ratified human rights treaty in the world and applies to every child and young person without exception.There are 54 articles that cover all aspects of a child’s life, setting out the civil, political, economic, social and cultural rights that all children in the world are entitled to.

In 2019, the UNCRC celebrated its 30th Anniversary. Since 1991, when the treaty came into force across the UK, every child has been entitled to a series of specific rights. These include:

* the right to life, survival and development
* the right to have a say in decisions and have their opinions taken into account
* the right to have their best interests considered at all times
* the right to receive information, to have privacy and a name and nationality
* the right to be properly cared for, and protected from violence and abuse
* the right to an education, play, leisure, culture and the arts
* the right to live in a family environment and properly cared for
* the right to good quality health care and be protected from harmful work
* special protection for refugee children, disabled children, children in the juvenile justice system, children deprived of their liberty and children suffering exploitation and harm.

The Welsh Governments seven core aims for children and young people summarise the UNCRC and form the basis for decisions on priorities and objectives nationally. They should also form the basis for decisions on strategy and service provision locally.

* + - Have a flying start in life (Articles 3, 29, 36)
		- Have a comprehensive range of education and learning opportunities (Articles 23, 28, 29, 32)
		- Enjoy the best possible health and are free from abuse, victimisation and exploitation (Articles 6, 18-20, 24, 26-29, 32-35, 37, 40)
		- Have access to play, leisure, sporting and cultural activities (Articles 15, 20, 29, 31)
		- Are listened to, treated with respect, and have their race and cultural identity recognised (Articles 2, 7, 8, 12-17, 20)
		- Have a safe home and a community which supports physical and emotional well-being (Articles 19, 20, 25, 27, 32-35, 37, 37, 40)
		- Are not disadvantaged by poverty (Articles 6, 26, 27, 28)

**Early Years**

‘Early Years’ incorporates a broad range of thematic policy areas e.g., health, education, poverty, family environment etc.; therefore many Articles of the UNCRC are of relevance for this thematic area. This report focuses on responding specifically to the Concluding Observation 2016 and will highlight other areas of Early Years which require recognition in today’s climate.

The Convention is an international treaty; it outlines children’s rights under the three main umbrellas: the right to provision (such as provision of health and educational services), protection (such as right for protection against violence) and participation (such as participation in decisions affecting the child).

Young children are closely linked to a family unit hence the Convention strongly recognizes and supports parents and families and their crucial role and responsibilities for protecting and caring for children and helping them acquire values and standards (Articles 5, 9, and 18)

How a society views children can have a strong relation to policy development. Are they ‘empty vessels’ at the start of life and are made ‘ready to learn’ and ‘ready for school’ during the early years or are they curious, capable and intelligent individuals, co-creators of knowledge with needs and wants for interaction with other children and adults.

In Wales, the ‘early years’ is one of the Welsh Government’s stated five cross-cutting priorities and is defined as the period of life from pre-birth to the end of the Foundation Phase or 0 to 7 years of age.  These years are a crucial time for children. Children grow rapidly and both their physical and mental development are affected by the environment in which they find themselves in. The first three years of life are particularly important for healthy development due to the fast rate of neurological growth that occurs during this period.  There is an abundance of research showing that investing in the first years of a child’s life improves outcomes for them throughout the rest of their lives.

Today, politicians and policy makers, along with researchers and academics are aware of the significance of the early years and Wales’s policies strongly recognise, acknowledge and invest in the Early Years as seen in Building a Brighter Future: Early Years and Childcare Plan; Flying Start; Healthy Child Wales Programme and First 1000 days.

While awareness of early experiences having a key role in health outcome in later life have increased, science has further explained that the quality of the environments around children greatly impacts on their early experiences and shapes their health outcomes.

In order to understand child development more broadly, and the development of any particular child, we need to keep in mind three aspects; the child as an individual, their environment, and the socioeconomic culture which surrounds the child and family. 1

Every child is unique and their needs will reflect this. Most of what children learn in the first few years, they often discover naturally for themselves and they do it in their own way and time. The environment children grow up in, both in terms of physical space and social environment, plays a vital role in their development. Hence the need for positive and nurturing interactions and care from primary caregivers.

However, development also happens within the socioeconomic culture surrounding the child. In Wales, 29% of children are living in poverty2. We need to be aware that children are affected by policy across a wide canvas. For example, the effect of policies relating to tax, benefits and incentives will have implications for many children. Many aspects of the UNCRC have direct and discrete impact on the first 7 years of a child’s live.

* 1. Siraj-Blatchford et al, 2012
	2. Welsh Government, Child Poverty Progress Report 2011

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| **Concluding Observations** **May 2016** | **Wales UNCRC Monitoring Group Recommendations March 2016** | **List of Issues report to UN Committee (UK)** **April 2016** |
| **Family Environment**The Committee acknowledges that there are good practices in the State party and the devolved administrations in providing childcare to those who need it. However, the Committee is concerned about the **negative effect of the high cost of childcare on children and their family environment**. The Committee recommends that the State party and the devolved governments **conduct a rigorous child rights impact assessment of the recent reduction of funding for childcare and family support and adjust the family support policy in order to make childcare services available to all those who need it.** | While recognising that employment is a key a route out of poverty, develop actions to address in-work poverty and promote activities to support engagement in work such as addressing sufficiency levels in childcare provision and promote a living wage |  The UK Government should exercise non-devolved powers so that Universal Credit support for childcare with a tax-free child care scheme is introduced to create a single and fair system.  |
| **Education**Taking note of Sustainable Development Goal 4, Target 4.2 on access to quality early childhood development services, **allocate sufficient human, technical and financial resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, with special attention to the children in the most vulnerable situations**.  | **Nothing noted** | The UK State Party and devolved governments should intensify efforts to reduce the effects of the social background of children on their achievement at school, **focusing on the early years, on parents' engagement and improving the home learning environment** (echoes Children’s Commissioners). In particular, the UK State Party and devolved governments should ensure that: * **The entitlement to early education is taken up among under-represented or disadvantaged groups;**
* **The professionalism of early years’ education is increased by, for example, requiring that each setting must have at least one member of staff who is a graduate;**
* Data collection, research and evaluation is improved to enable schools and local authorities to draw on to inform their approaches to tackle the attainment gap and inform professional development. This should include national mapping and scrutiny of specific services including speech and language therapy, classroom assistants and educational psychologists;
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| **Breastfeeding**(66c) Promote, protect and support breastfeeding in all policy areas where breastfeeding has an impact on child health, including obesity, certain non - communicable diseases, and mental health, and fully implement the International Code of Marketing of Breastmilk Substitutes. |  | The UK State Party and devolved governments should: * To enable progress to be measured, routinely collect comprehensive UK-wide national breastfeeding initiation and prevalence rates;
* Establish a national infant feeding strategy board in each nation, task the boards with developing a national infant feeding strategy and implementation plans;
* Enact the International Code of Marketing of Breast-Milk Substitutes and relevant resolutions of the World Health Organisation;
* Ensure all hospitals, maternity, neo-natal and health visiting services maintain baby friendly accreditation;
* Investigate the low increase or static incidence of breastfeeding and provide more targeted support.
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| **Respect for the Views of the Child****With reference to its** [**General comments NO.12 (2009)**](file:///C%3A%5CUsers%5Canna.westall%5CChildren%20In%20Wales%5CAreas%20of%20Work%20-%20Documents%5CEarly%20Years%20and%20Family%20Support%5CEarly%20years%20rights%5CUNCRC%20Monitoring%5CGeneral%20Comment%20NO.12.pdf) on the right of the child to be heard, the Committee recommends that the State party: **Establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national level**, including in relation to discrimination, violence, sexual exploitation and abuse, harmful practices, alternative care, sexual and reproductive education, leisure and play. **Particular attention should be paid to involving younger children** and children in vulnerable situations, such as children with disabilities; **Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children** | The UK State Party and devolved governments should: * **Ensure that children's rights to express their view, and to have these views given due weight according to their age and maturity, are enshrined in all laws relating to children and apply to all children**, including those in the armed forces;
* **Demonstrate how arrangements for children’s participation (of all ages) result in influence on its decision-making. Where children’s views are sought, mechanisms should be created to provide feedback regarding how their views and experiences have influenced decision-making.** This is of particular importance where a decision appears to directly contradict the views expressed by children (echoes Children’s Commissioners);
* **Develop a comprehensive national strategic approach to children and young people’s participation, informed by the views of children, including provision of clear, measurable objectives to encourage consistency. This should ensure that their voices are considered and taken into account.**
 | Demonstrate how its arrangements for young people’s participation result in influence on its decision-making  Develop a comprehensive national strategic approach to children and young people’s participation including the provision of clear measurable objectives to encourage consistency |

**TO WHAT EXTENT HAVE THE VARIOUS RECOMMENDATIONS BEEN ADDRESSED?**

The following section with focus on four areas:

# Early Childhood Education and Care

# Home Learning Environment

# Breastfeeding

# Respect for the Views of the Child

# Early Childhood Education and Care (ECEC)

Wales currently has a split system of ECEC with childcare focused on parental employment support (with a range of demand and supply-side subsidies) and a supply-side funded universal early education (Foundation Phase) offer for children aged 3 and 4 years of age.

The majority of children living in relative income poverty live in a household where at least one person is working. Childcare is often cited as the reason why some parents work where they do, work the hours they do, or don’t work at all. The Childcare Offer is available across the whole of Wales and over 15,000 children are now accessing the funded childcare. The policy rationale for the Offer is primarily to support working parents. The [Evaluation](https://gov.wales/evaluation-childcare-offer-wales-year-2) 1finds that the Offer has helped low-income families most, but that there is still much confusion around eligibility, funding during holidays, before and after schools. The availability of childcare is also highly inconsistent across the country.

The Foundation Phase provides developmentally appropriate practice explained as providing school readiness, but with an emphasis on individually paced development, also resonates with a child-led rights approach. Take-up of the Foundation Phase by 4 year olds is near universal, and amongst over 90% of 3 year olds. However, despite the Childcare Offer combining Foundation Phase with childcare, providing a coherent package for working families can be difficult. While most children receive Foundation Phase in maintained schools, they can choose to attend non-maintained settings with integrated childcare and early education. However, funding, regulation and availability of such settings is inconsistent across Wales.

Since 2016, more children are receiving Flying Start services. Flying Start is a compensatory programme of early interventions. Around 25% of two year olds living in the most deprived areas of Wales receive supply-side funded part-time childcare through Flying Start as part of a wider package of parenting and developmental support. However, Flying Start is an area-based initiative, and not all of the children receiving the service will be living in poverty. Similarly, this also means that many children experiencing poverty in Wales will not be reached because they do not live in a Flying Start area. It’s also well-intentioned targeted provision inadvertently resulting in grouping children from similar socio-economic backgrounds. Evidence proves that enabling children to mix across socio-economic groups has a significant positive impact on attainment. Furthermore, later in education, children in receipt of free school meals (a proxy indicator of poverty) self-report that they prefer to be in mixed groups and not provided for as a group on their own.

In 2019, the Welsh Government made a commitment to integrate childcare and early education and has started to use the language of ECEC. Nonetheless, policies to facilitate integration have yet to be published. Work within Wales to move to an ECEC model, implementing a Quality Framework and developing the knowledge base for staff in non-maintained sectors is imperative. There is no doubt that, a professional, qualified and supported sector is required to transform the childcare sector from the traditions from which it grew, into a robust and uniformly quality experience for all children.

1. Evaluation of the Childcare Offer for Wales: Year 2

# Home Learning environment

No amount of investment in childcare aimed at giving children the best start in life can fully succeed in achieving its developmental outcomes without increased investment and recognition of the importance of creating a stable home environment.

The recent pandemic crisis has shone an unwelcomed light on challenges we face as a society in that so many children live in less than optimal home conditions. This needs to be addressed and we should not solely rely on schools/childcare settings as a solution to wider family issues.

Children thrive in a happy, healthy home environment with strong adult-child relationships and attachments.1 It is a vital element in enabling children to then access and thrive in other care and education settings and to achieve developmental milestones2

In Wales, families have access to a range of family support services ranging from universal to more specialist services. Also the ‘Parenting Give it Time’ website2 provides parenting advice and support, promoting the many benefits of positive parenting and resources which is expanding to cover 0-19 years old.

We welcome the emphasis on early intervention, prevention, and providing strength based support, building and creating resilience and self-reliance for families. These services offer a vital link between the home environment and statutory care and education. However more needs to be done to build the connections to ensure children are receiving a full range of support in accordance with Articles 3 and 5.

In Wales we have a fantastic array of services; individually they support families but we need to see more collective approaches to support where the child and their rights are truly at the centre and departments work together. We need to shift from a patchy, fragmented family support landscape to a more nurturing society that aims to enhance the caregiving capacity of parents so that all children can have a flying start in life. Support services should wrap around the needs of families and communities.

We need to harness the voice of parents of all backgrounds to find new solutions, innovate and build systems and services that deliver to their needs and the needs of their children in the 2020’s and beyond.

1. Young Children Develop in an Environment of Relationships, Centre for Developing Child, Harvard University.
2. https://gov.wales/parenting-give-it-time

# Breastfeeding

The All Wales breastfeeding five-year action plan recommends that clear systems and processes are put in place to collect, analyse and disseminate infant feeding data. Routine data on breastfeeding imitation and prevalence is collected by each Health Board at birth and 10 – 14 days. However, later data at 6 – 8 weeks and 6 months is patchy and often incomplete1. The UK Infant Feeding Survey, which collected comprehensive UK wide infant feeding data every five years was discontinued in 2013, although discussions, disrupted by COVID-19, are in place to consider its reinstatement2.

The Welsh Infant Feeding Network (WIFN), consisting of infant feeding leads and specialists from each health board in Wales was established in 2015. The Network feeds into the National Infant Feeding Network which is UK wide. In 2019, the ‘All Wales breastfeeding five-year action plan’ was launched. It included recommendations to develop an All Wales strategic steering group and to appoint a strategic Infant Feeding Lead in every health board, and to support the work of WIFN in providing operational leadership to increase breastfeeding rates. No appointments have been made to the strategic steering group or infant feeding lead positions at present1.

The UK has partially adopted the International Code of Marketing of Breast-Milk Substitutes and relevant resolutions of the World Health Organisation. The UK has also acted to prevent marketing of infant formula and infant milks marketed as foods for special medical purposes. However, there are no regulations to prevent marketing related to follow-on formula, milks marketed for children over one year, foods marketed under six months or bottles and teats3.

In terms of Baby Friendly Accreditation in hospitals, maternity, neo-natal and health visiting services, current statistics show that 78% of babies are born in baby friendly accredited units in Wales. Wales has accredited some maternity, neo-natal and health visiting services with others having a certificate of commitment to engage. However, some services do not hold accreditation or a commitment to engage4. There is encouragement but no government mandate for all units to gain accreditation5. Public Health Wales has commissioned research into barriers and facilitators to breastfeeding in low income communities in Wales. The work was conducted by academics at Cardiff and Swansea University in collaboration with the NCT and produced a logic model evidencing best practice to target support1. In 2018 Public Health Wales and Welsh Government, alongside infant feeding specialists and academics, participated in the international ‘Becoming breastfeeding friendly’ project led by Yale University. This benchmarking exercise examines how far a country meets known facilitators of breastfeeding and provides recommendations for improvement6.

1. All Wales Breastfeeding Five Year Action Plan <https://gov.wales/sites/default/files/publications/2019-06/all-wales-breastfeeding-five-year-action-plan-july-2019_0.pdf>
2. UK Infant feeding survey <https://digital.nhs.uk/data-and-information/publications/statistical/infant-feeding-survey/infant-feeding-survey-uk-2010>
3. Guide to UK formula marketing rules <http://www.babymilkaction.org/ukrules-pt1>
4. Baby Friendly Accreditation statistics for Wales <https://unicefbfi.secure.force.com/Events/Awards>
5. World Breastfeeding Trends Initiative UK Report (2016) <https://ukbreastfeeding.org/wbtiuk2016/>
6. Becoming Breastfeeding Friendly in Wales: context, findings and recommendations <https://kar.kent.ac.uk/78271/>

# Respect for the Views of the Child

There were several Concluding Observations referring to Participation and voice of the child, however only one element highlighted the need to focus on younger children.

‘Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities.’ (page 15 [**MGs Combined Report**](http://www.childreninwales.org.uk/resource/wales-uncrc-monitoring-group-combined-report-recommendations-wales/))

Reflecting on [**GENERAL COMMENT No. 7 (2005)**](file:///C%3A%5CUsers%5Canna.westall%5CChildren%20In%20Wales%5CAreas%20of%20Work%20-%20Documents%5CEarly%20Years%20and%20Family%20Support%5CEarly%20years%20rights%5CUNCRC%20Monitoring%5CGeneralComment7Rev1.pdf) **which** is a comprehensive document that explains how the Convention on the Rights of the Child should be interpreted when it comes to young children, we can begin to consider why younger children’s voice is either undervalued; misunderstood or hidden within wider policy.

Although the UNCRC provides a framework for a right-based approach to early child development and realisation of rights for children, it is not clear how child rights should apply to children younger than 8 years of age. General Comment 7 provides a road map of how to implement UNCRC during these crucially important years. Securing rights articulated in UNCRC is an effective approach to improving the quality of early experiences.

UNCRC Article 12 states: “the child who is capable of forming his or her own views [has] the right to express those views freely in all matters affecting them, the views of the child being given due weight in accordance with the age and maturity of the child.”

Babies are developed and “mature” enough to form and express views about when they are hungry, tired, content or afraid. Adults can care well for them only when they listen to babies’ views, clearly expressed through their cries and body language. 1

If babies and young children can express themselves, they have the right to express their views, feelings and thoughts on things that matter to them and for these to be considered and weighed by their adult caretakers and other stakeholders in decisions that affect their lives. We have a responsibility to find creative ways to facilitate this.

There is clear Welsh Government support for Participation and the embedding on The Rights of Children and Young Persons (Wales) Measure 2011, and the implementation process around this demonstrates a desire to support children rights. However all policy and legislation at this level does not distinguish the age of the child and should be applied for all 0-18 year-olds. In terms of implementation, it appears more is aimed at children 7 plus and methods are based around verbal communication, limiting both younger children and children with additional needs (in some cases).

There are an array of national programmes, initiatives and structures in place for children and young people aged 7 plus to communicate their views: Young Wales, Youth Councils, school councils, Little Voice etc, whereas national programmes and pathways for participation for under 8’s are patchier; more ad hoc and locality based. There may be a number of reasons for this; a lack of national guidance, funding, understanding and awareness on how to communicate and involve young children or a need for a more individualist approach due to the uniqueness of early childhood.

Children’s rights and participation is well established within legislation and education policy in Wales. Young children’s participation has been specifically foregrounded as a pedagogical element within education policy in Wales. It is recognised as one of 12 pedagogical elements in the Foundation Phase, the curriculum framework for all children aged 3–7 years.2 However, there is currently little evidence that this policy concerned with participation has been enacted.3 Recent research has questioned how this participatory rhetoric is enacted within schools.4 A number of research studies have investigated why this might be. A recent evaluation of the Foundation Phase5 identified children’s participation as their ability to ‘spontaneously direct their learning’, e.g. making mud cakes for the café or their ability to ‘choose which activity to engage with’. However, these participatory practices are framed by spaces that already have predetermined ways of being and overpower the intentionality of the child. 6

Lewis et al (2017)7 summaries some of the reasons for this

 “To further exemplify the gap between rhetoric and enactment, we might consider the evidence relating to children’s participative rights and decisions that affect them”. These rights are embedded within a Welsh, UK and an international context and in Wales is seen increasingly in relation to children having opportunities to contribute to the design of their learning experiences, albeit in limited capacity. Nevertheless, processes such as school councils do not necessarily support the voice or contribution of the young child in a manner that is appropriate for their interests and development. Perhaps this is a consequence of a national perspective in which young children are regarded as incapable in some capacities; or alternatively, perhaps we are not sufficiently imaginative to consider how best to support young children in their enactment of this right. It could of course, be a combination of the two. A further explanation is suggested by Bae (2009)8 who claims that there may be a tendency for practitioners to act quickly to meet policy demands, without critically reflecting on the underlying concepts associated with enacting children’s rights.

As Wales embarks on developing the Early Childhood Education and Care (ECEC) approach and a new curriculum there is an opportunity to focus on the Pedagogy we want for younger children and how we embed participation into this, building a culture of understanding and awareness of its importance.

Any participation needs to be meaningful and sensitive to the needs and requirements of each child Listening happens best when adults have good relationships with the child. Hence this requires those caring for and educating children to be able and willing to understand and offer opportunities to listen and support them to share their views.

The primary caregiver in a child’s first years of live is often the parents. Most parents enjoy listening to babies. They love the reaction from babies when they engage with them, a gurgle, smile or laugh can bring great joy. Parent continue to listen to their children as they develop and in most cases, a mutual understanding and way of communicating is nurtured.

We need to support parents and caregivers to understand their vital role, and support and upskill them to help promote the voice of young children in all matters relating to them. Creating an environment of respect and services, focused on ‘doing with’ not ‘doing too’.

What we need now is a clear national strategy and explicit policy toolkits that details statutory duties around Early Years rights and in particular how to support the eliciting of young children’s voices. This is needed alongside workforce development to educate and upskills our Early Years practitioners into competent advocates for Rights and Participation.

1. (BABIES’ RIGHTS Priscilla Alderson (2020) in The Sage Encyclopaedia of Children and Childhood Studies, Cook, D. (ed) London and New York: Sage. ISBN. 978147394292)
2. Curriculum for Wales: Foundation Phase Framework Welsh Government 2015 and Evaluating the Foundation Phase: Technical Report, Taylor et al. 2015
3. Spatially Democratic Pedagogy: Children’s Design and Co‑Creation of Classroom Space Jennifer Clement; Published online: 30 October 2019 © The Author(s) 2019
4. Croke, R., & Williams, J. (2015). *Wales UNCRC monitoring group report to the United Nations Committee on the Rights of the Child*. Cardiff: UNCRC Monitoring Group.; Exploring the Extent of Enactment of Young Children’s Rights in the Education System in Wales, Lewis et al 2017
5. Evaluating the Foundation Phase: Technical Report, Taylor et al. 2015
6. Goouch, K. (2010). *Towards excellence in early years education, exploring narratives of experience*. London: Routledge.
7. Exploring the Extent of Enactment of Young Children’s Rights in the Education System in Wales, Lewis et al 2017
8. Bae, B. (2009). Children’s right to participate—Challenges in everyday interactions. *European Early Childhood Education Research Journal,17*(3), 391–406.