





**Children's Rights in Early Childhood:  
An exploration of *child rights pedagogy*  
in England and Finland**

**Volume I**

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# ABSTRACT

The *UN Convention on the Rights of the Child* (UNCRC) is one of the most widely-ratified international human rights treaties in history, with all but one country in the world having ratified it (UNTC, 2019), yet few adults working in educational settings use the UNCRC as a frame of reference to guide practice (Reynaert et al., 2012). The main reason offered by Reynaert et al. being the lack of knowledge and understanding of how this legal document relates to pedagogical practice. This research therefore set out to explore the concept of *child rights pedagogy* with a particular focus on children under three years, as children's rights research to date has mainly focused on verbal children (Bae, 2010; Covell and Howe, 2008; 2011; Quennerstedt, 2016; Sebba and Robinson, 2010; UNICEF, 2019c). Considering the growing number of children under the age of three in some form of out-of-home care across Europe today (DfE 2018; OECD, 2017), this stands out as an under researched area.

My central research question in this qualitative case study was therefore: '*What does child rights pedagogy entail in Early Childhood Education and Care?*' in relation to two-year-old children in particular. To answer this question, a 5-level theoretical framework was developed in the desk-based stage as the foundation for this interpretivist, multi-site case study. Primary data were collected in England and Finland through participant observations, focus group discussions, semi-structured interviews and informal conversations. The analysis process was inspired by Braun and Clarke's (2006) approach to qualitative data analysis and Gremler's (2004) guidelines for analysing critical incidents. When searching for meaning in children's experiences, the in-depth interpretation was inspired by phenomenology as defined by van Manen (1997; 2014) as well as Kraus' epistemological (2015) understanding of *lifeworld* and *life conditions*, that was expanded on with the concept of *life interactions*. Common ethical criteria were considered in line with university guidelines, but in addition a 4-stage rights-based framework, linking ethical considerations to Articles of the UNCRC, was also developed and followed in this study.

The observational data, collected with an innovative observational method developed for this study, the *Significant Events Approach to Children's Rights*, revealed issues, priorities and concerns two-year-old children have, suggesting there are some rights that are more relevant than others in early childhood. Just as the UNCRC as a whole has four *General Principles* for children 0-18, this study suggests there are *Guiding Articles* for Early

Childhood Education and Care. Drawing on Frezzo's (2015) notion of *rights bundling*, new conceptualisations of existing Articles are suggested based on these *Guiding Articles*.

This research makes several contributions to knowledge from revealing how the concept of *rights bundling*, derived from property law, was used to create new conceptualisations of Articles of the UNCRC, to detailing an ethical rights-based process for research and work with children, and suggesting how Kraus' (2013; 2015: 2) reformulation of the term "lifeworld" (Lebenswelt) and "life conditions" (Lebenslage) together with my notion of *life interactions* (Lebensinteraktion) can frame interpretations of observations in order to get a deeper more nuanced and relational understanding of children's lived experiences in relation to children's rights (Cole-Albäck, 2019). Most importantly, this thesis illustrates how the UNCRC is relevant to and can be used more actively as a frame of reference to guide pedagogical practice in order to make a difference to young children's everyday experiences in early childhood settings providing education and care for children under the age of three. By using the *Significant Events Approach to Children's Rights* developed for this study researchers and educators can capture what is important to young children, for understanding their rights as expressed through their interests, priorities and concerns without having to rely on language. Overall, this research presents a definition and articulation of *child rights pedagogy*, based on a 5-level theoretical framework, and what it may entail in early childhood education, bringing to life the relationship between children's rights and young children's everyday experiences.



# **T**ANKA POEM FROM A CHILD RIGHTS PERSPECTIVE

do see me, hear me  
educate me playfully  
together today  
with care and kind protection  
so I can be, become me



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# DEFINITION OF TERMS AND ABBREVIATIONS

**Article** – A statement or rule of a formal declaration, covenant or convention

*General Principle* – four Articles that guide the interpretation and implementation of the UNCRC as a whole (Article 2, 3, 6 and 12)

*Guiding Article* – five Articles specifically relevant for informing research and work from a rights-based perspective in ECEC (Article 3.2, 3.3, 13, 29.1 (a) and 31P)

*Significant Article* – Articles that are of local significance or interest, in addition to the more universal *Guiding Articles* in ECEC

**Childcare** – all arrangements providing care and education for children under compulsory school age, see *Early Childhood Education and Care* (ECEC)

**Children's Rights Education** (CRE) – Teaching and learning *about* the UNCRC, learning *through* the UNCRC (using rights to transform learning), learning *for* rights (taking action to realise rights) within an overall context of learning *as a* right, in order to empower adults and children (UNICEF, 2014).

**Child Rights Pedagogy** (CRP) – A value-based pedagogy informed by the UNCRC in interplay with purposes, theories, and processes that inform care, upbringing, and educational work with children.

**Committee on the Rights of the Child** (the Committee) – Body of eighteen independent experts monitoring the implementation of the UNCRC and its Optional Protocols, and author of publications known as *General Comments* (interpretations of the content of rights)

**Daghem** – Setting in Finland for children up to the age of six

**Dagvård** (dagis) – Childcare provision in Finland for children up to the age of six when they enter the compulsory pre-school year (förskola).

**Early Childhood Education and Care** (ECEC) – all arrangements providing care and education for children under compulsory school age, regardless of setting, funding, opening hours, or programme content (OECD, 2001)

**Early Learning Goals** (ELG) – Goals of the EYFS a child is expected to achieve in the seven areas of learning and development by the end of the Reception year

**Early Years Foundation Stage** (EYFS) – Framework created under the *Childcare Act 2006* for the learning, development and care of children from birth to five years old in England

**Educator** – Any staff employed working with children, graduate and non-graduate

**Ethics** – Merriam-Webster definition – The discipline dealing with what is good and bad and with moral duty and obligation The three common approaches are:

1. Deontological ethics
2. Virtue ethics

### 3. Consequentialist ethics

**Ethical Practice** – Standards of conduct expected from a professional e.g. educator

**Event** – A noteworthy happening

Significant Event (SE) – An unplanned and unanticipated event that has strong emotional involvement (positive or negative) and in retrospect has an impact on understanding an issue or social phenomenon in a community.

Like Event (LE) – Similar event to a significant event (SE) but experienced by other people in the community, that addresses the issue(s) under investigation.

Other Event (OE) – Anecdotal and incidental information that informs the issue(s) under investigation.

**Experiential Anecdote** – a written up participant observation of an everyday experience (van Manen's, 1997)

*Key experiential anecdote* – a written up participant observation of a pre-defined *significant* everyday experience using van Manen's (2014) five *lifeworld existentials*, or universal themes, to guide reflections

**Lifeworld** – Merriam-Webster definition – The sum total of physical surroundings and everyday experiences that make up an individual's world

*Lifeworld* (Lebenswelt) – a person's subjective construction of reality, which he or she forms under the condition of his or her life circumstances (Kraus, 2015)

*Life Conditions* (Lebenslage) – a person's material or external circumstances

*Life Interactions* (Lebensinteraktion) – a person's immaterial, or social and relational circumstances

**Optional Protocol** – Additional legal instrument added a treaty. The UNCRC has three:

1. Optional Protocol on the involvement of children in armed conflict
2. Optional Protocol on the sale of children, child prostitution and child pornography
3. Optional Protocol on a communications procedure

**Pedagogy** – The interplay between values, purposes, theories, and processes that inform care, upbringing, and educational work with children.

**Praxeology** – The theory and study of 'praxis' (Pascal and Bertram, 2012: 481)

Praxis – The reflection and action upon the world in order to transform it (Freire, 2005: 51)

**Reception Year (YR)** – The final compulsory part of the EYFS in England for a child in the year in which they reach five.

**Right(s)** – A legal advantage, a claim, or entitlement that derives from moral and/or legal rules (Hart, 1982; Freeman 2011: 7)

**Rights Bundle** – Parcels of interconnected rights (Frezzo, 2015: 4)

**Setting** – Place providing ECEC

**States Parties** – Countries that have ratified and adhere to a Convention

**Transnational Research** – Research that is non-comparative, transcending national borders, where the unit of analysis is part of a larger phenomenon outside of the national context

**Trygghet** – State of being physically safe, feeling emotionally secure and settled

**UN Convention on the Rights of the Child (UNCRC)** – A human rights treaty that sets out children's civil, political, economic, social, health and cultural rights

**Well-being (WB)** – As defined and measured by the Leuven scale (Laeyens et al., 2012)







# 1 INTRODUCTION

## Why we still need to fight for children's rights

Those who espouse children's rights have a vision of a better world for children  
and through this a better world for all  
(Freeman, 2012: 37)

The quote above is by one of the most eminent scholars in the field of children's rights. However, not everyone would agree with Freeman. Baroness O'Neill, an equally eminent scholar and philosopher suggested in her seminal 1988 paper that although children should be protected and nurtured, since children are only temporarily vulnerable, less permanently powerless than other historically oppressed social groups such as colonial peoples, religious and racial minorities or women, children should only have limited rights because "their main remedy is to grow up" (O'Neill, 1988: 463). Could it be that simple?

Few adults, including O'Neill, suggest children should have no rights (Pavlovic and Leban, 2009); however, research and academic discussions show there are still mixed feelings about, and some resistance to children having rights as set out in the *UN Convention on the Rights of the Child* (Alderson, 2008; Cowden, 2012; Ferguson, 2013; Quennerstedt, 2016). Since the adoption of the *UN Convention on the Rights of the Child* (hereafter the UNCRC) (UN, 1989) much research into children's rights has been conducted; however, interestingly with quite a limited focus around three main themes: *children's autonomy and participation rights*; *children's rights versus parental rights*; and more global debates in relation to *monitoring and legal implementation* of children's rights (Reynaert et al., 2009). Rights-based research in education more specifically has mainly been around children's right to participation in line with Article 12 of the UNCRC; the right to have a say and be taken seriously (Quennerstedt, 2011; Reynaert et al., 2009). This has also been the case in early childhood settings, with few studies exploring other themes, let alone research on children's rights with children under the age of three (Quennerstedt, 2016), the age of interest to this study.

In fact, the lack of research into children's rights in everyday practice with children under three makes me wonder if children in this age group, because of their biological (im)maturity, are still seen as *becoming* (Hanson, 2017)? With that I do not mean the customary understanding of *becoming*, as in an "adult in the making" (Uprichard, 2008: 304) but *becoming* an older child? In other words, are children under three within the rights discourse seen as *becomings*, rather than *beings* with the same rights as older children

who have the capacity to verbally articulate which rights, interests and concerns are important to them? Is it the fate of young children to be waiting, as Qvortrup stated in 2004? The concept of *being* and *becoming* is discussed further in **Chapter 2** as it is highly relevant to children's rights and the education discourse (Quennerstedt and Quennerstedt, 2014). It is particularly relevant to young children, as their rights, interests, priorities and concerns need to be researched and understood differently, so as not to impose only adult perspectives.

Another concern at the outset of the study was that both Reynaert and et al. (2009), and Quennerstedt (2013) are also critical of past research and argue in their thorough reviews of twenty years of children's rights research literature that there has been a lack of criticality and limited theorisation, in addition to discussions having been too decontextualised (Quennerstedt, 2016). Bearing above points in mind, I set out to understand theory to inform the concept of *child rights pedagogy* and to explore two-year-old children's experiences of rights in their daily lives in childcare with various stakeholders: children; parents; and educators, in order to develop an understanding of how the UNCRC can be used as a frame of reference to inform pedagogical practice in early childhood education and care.

I approached my search for understanding from a *praxeological* perspective (Formosinho and Oliveira Formosinho, 2012; Pascal and Bertram, 2012). The *praxeological* paradigm is an emerging worldview in early childhood research, concerned with the study of theory and praxis development (Formosinho and Oliveira Formosinho, 2012). It is a contextualised worldview with at its core the principles of reflection (phronesis), action (praxis), power (politics) and values (ethics) as presented by Pascal and Bertram (2012), discussed further as part of the research design in **Section 3.1**.

My central research question in this case study is: What does *child rights pedagogy* entail in early childhood education? Additional sub-questions are:

1. Do adults (managers, graduate and non-graduate educators) working with two-year-old children know about the UNCRC and children's rights?
2. How does the UNCRC guide practice?
3. What evidence is there of rights-based practice in a setting?
4. How do young children experience their rights in a setting?
5. What do parents know about the UNCRC and children's rights?

The central research question or what Stake (1995) calls *Issue Question* is important for developing an understanding of the theoretical foundation of rights-based pedagogical practice. The sub-questions address questions in relation to those in direct contact with early childhood settings: children, parents, and educators (any adult employed working with children, graduate or non-graduate). To try to gain the various perspectives necessitated a multi-method approach which is common in *praxeological* research, to transform what is often implicit knowledge into explicit knowledge (Formosinho and Oliveira Formosinho, 2012; Pascal and Bertram, 2012). Data collated was organised in four data sets: child data, parent data, educator data, and researcher data. The questions and data sets are referred to throughout the thesis and in **Section 4.3** in particular.

## 1.1 Personal Motivation

The children in my research being only two years old, will not remember the events I identified as significant in their everyday lives in childcare, but I believe these *significant events*, as discussed in **Chapter 5**, have potentially shaped who they were at two, who they are now, and who they will become. Looking back, I have many vivid memories from my early childhood that have shaped who I am today. I recall my brother being born, moving country, and starting Kindergarten. I recall enjoying the activities we did in Kindergarten and the company of the other children, some of whom I am still friends with today. A *significant event* I recall from my Kindergarten years is one from when I was six years old, living in Helsinki. We had been introduced to cross stitching and most of my friends had made a small 4x4 inch doily and when done, happily gone back to our typical free-flow play, while I was still stitching away. I had chosen to make a 10x10 inch cushion cover for my favourite doll Karolin. I remember being really pleased with how the front had turned out with my initials 'AA' in the top right corner, and the way the red and white stitching stood out against the blue material. I had just started the back when I was told that I had that morning to complete the cover, as on the following Monday we would be moving on to another activity. I recall saying I was not done yet, but I was told: "your cover is pretty enough as it is" ... "there is no need for stitching on the back" ... "who sees the back anyway?" I remember trying to explain and reason with my teacher. I remember begging and pleading to be allowed to finish my cover, but to no avail. The feelings of utter despair, helplessness, and powerlessness were so overwhelming, I remember bursting into tears. With fists clenched on my hips, leaning forward, I can still hear myself shouting at my favourite teacher: "Why, why can't I finish my cover? You are the worst teacher ever!"

I took the unfinished cushion cover home that Friday. My Mum and I stuffed it, and my favourite doll Karolin slept on it for many years. Two decades later my daughters' dolls, Sandy and Nina, slept on it too, in different doll's prams wherever we happened to be living in the world, and recently, when a friend came visiting with her three-year-old, I went up in the attic, found Sandy and the old doll's pram. I dusted it off, and there it was, in the pram, nearly fifty years on, my precious, unfinished business ... Who could have foreseen that this event would have such an impact on six-year-old Aline, an event that had remained dormant in my memory for decades, until I was encouraged by my supervisor Chris to reflect on my motivations for doing this research? Interestingly, I had tried hard to discover a significant event or catalyst for my personal motivation, and had identified some events of importance in relation to my children; however, it was in an unexpected moment that I was able to link it to myself. The sight of my cushion triggered a vivid childhood memory, and being open to the experience of that moment, and the insights that came with it, I was able to recognise how having felt powerless, invalidated and dismissed, quite possibly had brought me to the appreciation of the UNCRC as a tool for promoting greater respect for children. This *significant event* I now see as the motivation for some of the challenging decisions and choices made throughout my life, such as speaking up for friends as a pre-teen; standing up for my children in various education systems as a young parent; protecting vulnerable children from an abusive teacher as a teaching assistant; and introducing children's rights to my centre as the children's centre teacher. When I told my story to my friend, as her daughter was propping Sandy up with my cushion, her immediate reaction was that I now need to finish the back of my cushion, to which I replied: "I am, metaphorically speaking, through my study." By using the UNCRC as a tool to stimulate conversations about children as rights holders, and by promoting rights-respecting practice, I hope to improve respect for children's rights and young children's status in early childhood settings. For reference, the UNCRC is available in full in Appendix 1.

## **1.2 Professional Motivations**

As an early years teacher and researcher, I believe this research is important for several reasons. As mentioned above, the volume of research into children's rights has been growing since the adoption of the UNCRC, but not only has it been limited in scope, according to Reynaert et al. (2009) and Quennerstedt (2013), they have also expressed concern that research around children's rights often involves what Stammers (2009: 8) calls "uncritical proponents" on one side of the debate and "uncritical critics" on the other. Authors like Quennerstedt (2013), Tobin (2013) and Reynaert therefore argue for

approaches that involve “critical proponents” (Reynaert et al., 2012: 156-157) for furthering children’s rights. Through this research I seek to add a critical voice to the discourse, grounded in a theoretical understanding as detailed in **Chapter 2**.

Secondly, although the UNCRC and rights language is evident in policy documents and early years curricula in many European countries such as England and Finland (Children Act 2004; DfE, 2017; Early Education, 2012; Lapsiasia, 2017; Opetus- ja kulttuuriministeriö, 2012; Utbildningsstyrelsen, 2017a), there is a gap between policy and practice. Authors such as Reynaert et al. (2012), Tobin (2013) and NGOs such as the *Children’s Rights Alliance for England* (CRAE) (2017; 2018) therefore recommend using the UNCRC as a frame of reference to actively inform and guide day-to-day practice, rather than just seeing the UNCRC as a legal tool. The problem is however that many adults working with young children know about the UNCRC but do not know how it is relevant to pedagogy and how to relate it to their daily work with children (CRAE, 2009; Folkhälsan, 2014). Knowledge building about what children’s rights mean in pedagogical practice has however been almost absent in today’s scholarly debate as the focus has been on jurisprudence and the legal implementation of the UNCRC as previously mentioned (Reynaert et al., 2009). There is therefore a need to move on from rhetoric to explore what *child rights pedagogy* looks like in practice. In other words, to contextualise children’s rights. By developing an observation-based approach to children’s rights that I call the *Significant Events Approach to Children’s Rights*, I seek to bridge this gap in theory and practice. This approach is introduced in **Chapter 4**. I believe that by engaging more actively with children’s rights as proposed in this study there is the potential for developing the UNCRC from what may be consider an ideological tool to a “social political frame of reference” (Reynaert et al., 2012: 166) in order to inform practice and make a difference to young children’s everyday experiences in childcare.

Thirdly, there is a growing understanding of what *Children’s Rights Education* looks like in primary schools through programmes such as UNICEF’s *Rights Respecting Schools Award* (UNICEF UK, 2019a) and Hampshire’s *Rights Respecting Education* (HCC, 2018); however, the same is not the case in education and care for children under three. This research fills this gap by developing and understanding of what *child rights pedagogy* could mean in relation to *Children’s Rights Education* for this age group.

Furthermore, it is not only a personal but also a professional motivation to promote the UNCRC to improve respect for children’s rights and children’s status. I hope this research will help raise the status of very young children by promoting a view of even the youngest

in our societies as worthy of respect and entitled to rights, promoting a social construction of children and childhood where age is not a guiding factor of worth, but children are seen as members of society of equal worth. My democratic perspective to working, and researching with young children is evident in the 4-stage rights-based ethics framework developed for this research as described in **Chapter 3**. I do recognise that my view of children as equal members of society, in line with the contemporary sociological construction of children and childhood (Mayall, 2013), entitled to actively take part in shaping their experiences in childcare, is but one vision of what early childhood education is for, and that there are various often conflicting social, pedagogical, economic and political visions. Early childhood education and care is as such a contested space (Moss, 2014). Since children typically have been seen as “citizens of the future” (Lister, 2007: 696), suggesting children under three should be seen as equal members of society may not be common practice, especially in a field where the view of childhood as a time of innocence, and the caring aspect of provision, has long predominated. I will return to early childhood education and care (hereafter ECEC) as a contested space or interface of often conflicting visions in the final chapter.

## 1.3 The Literature

The literature studied and main criteria for being included in this thesis is based on its relevance to children’s rights since the adoption of the UNCRC in 1989, and the concept of rights as we understand them today. A simple definition of ‘rights’ is that rights are a legal advantage (Hart, 1982) or in line with Freeman’s (2011: 7) definition, “*just claims or entitlements* that derive from moral and/or legal rules”. With ‘today’ I refer to the understanding of rights as laid out by Wesley Hohfeld in 1913. Hohfeld made a great contribution to the modern understanding of the nature of rights – what rights are – by mapping eight fundamental legal concepts to clarify the internal structures of rights and legal thinking. All rights as we know them can still be grouped according to Hohfeld’s eight basic elements: rights linked to duties, privilege linked to no-right, power linked to liability, and immunity linked to disability (Hohfeld, 1913; Wenar, 2005). Just as Hohfeld (2013) recognised in his day, there is still a broad and generally indiscriminate use of the word ‘right’. The word right is often confused with the term privilege (the freedom to do, or not to do something). According to Hohfeld (1913) rights should however be limited to being used when in relation to correlative duties. This is important so as not to perpetuate misconceptions. In other words, when we talk about children’s rights, it is *rights* or entitlements with corresponding *duties* or legal obligations imposed on others, that we

should be referring to, to be correct. This is discussed in the literature review, as well as the function of rights (Wenar, 2008: 253) – “what rights do for those who hold them” – in line with the two most prominent theories; the *Will theory* and the *Interest theory*.

The literature review follows an original structure, as explained in the next chapter, inspired by my 5-level theoretical framework developed from my concept analysis of *rights based pedagogy* (Appendix 5). I define in **Chapter 2** the distinct theory at each level, and the inclusion criteria for the literature reviewed, but listed here in brief are the defining characteristics of the five theory levels:

1. The *Meta theory* focuses on broad theoretical issues and philosophical questions.
2. The *Grand theory* defines global conceptual frameworks and explains world views.
3. The *Middle range theory* identifies context specific issues that guide practice.
4. The *Practice theory* reflects on practice and specifics to effect outcomes.
5. The *Experiential theory* focuses on experiences for potential development.

An important point to bear in mind regarding the literature reviewed is that the review was about exposing and understanding theory that informs rights-based practice. In other words, developing knowledge that has “operational significance for [that] practice” (Candy, 2006: 3). The focus of the review is as such on giving a theoretical foundation for the practical application of children’s rights in ECEC.

Before returning to O’Neill’s seminal paper to structure my arguments for children’s rights, a brief overview of the evolution of children’s rights is in place. Children’s rights as we know them is a relatively new concept, although the idea that children needed special protection, especially in the workplace, started to emerge in the middle of the 19<sup>th</sup> century (Humanium, 2019a). The history of children being accorded their *own* set of rights dates back to 1924 and the *Declaration of the Rights of the Child*, also known as the *Geneva Declaration* that contained five provision rights, based on the work by Janusz Korczak. The 1959 *Declaration of the Rights of the Child* was adopted after the horrors of World War II, according children protection rights. In 1989 participation rights were added to the existing provision and protection rights when the UNCRC was adopted (Humanium, 2019a; Wall, 2008). Children have as such all of the rights enshrined in eight other international human rights treaties, as well as the additional rights in the UNCRC, which are considered particular to children (CRAE, 2015a). Over the 20<sup>th</sup> century there has, as such, been a gradual shift in the West from seeing children as passive objects of concern,

to subjects with their own interests, priorities and concerns as expressed through the rights in the UNCRC and its Optional Protocols. I will in the rest of this section turn to O'Neill again and use five of her critical arguments to frame my defence of children's rights and as a way of introducing the five theory levels running through this thesis, challenging O'Neill's (1988) brazen statement that the main remedy for children is to grow up.

### **1.3.1 Meta Theory Literature**

At a *Meta theory* level, O'Neill (1988: 445-446) claims "children's fundamental rights are best grounded by embedding them in a wider account of fundamental obligations". If we focus on our moral obligations to children, O'Neill believes that we serve them better as we owe children more than the minimum standard that rights protect. This is correct but as Archard (2004) points out, one should not necessarily preclude the other. O'Neill's argument is in line with the "caretaker thesis" that states the "caretaker must choose what the child would choose if competent to make choices, and choose with regard to the interests of the adult the child will become" (Archard, 2004: 78). In other words, "the adult caretaker might be described as the trustee of the child's interests who acts to promote them until such time as the child is able to do so for herself" (ibid.: 79). This is presuming the adult caretaker will act in the child's best interest, which may not always be the case. I do not believe we can simply rely on the benevolence and personal morality of people; we also need to have rational codes in place like human rights and children's rights to protect people. This and other matters such as the unresolved issue between *Will theorists* and *Interest theorists* (Wenar, 2008) as to the legitimacy of children's rights will be examined under this theory level in **Chapter 2**, drawing on our current legal system and understanding of rights (Hohfeld, 1913) as well as Frezzo's (2015) more sociological interpretation of rights.

### **1.3.2 Grand Theory Literature**

At a *Grand theory* level, O'Neill (1988) claims because childhood is a limited period of time, children do not qualify for the same regard as other vulnerable groups even though she does recognise children as vulnerable and in need of special protection. O'Neill in other words recognises protection rights against abuse for instance, and provision rights such as access to healthcare and education, but not participation rights, as she claims these rights do not empower children, or build confidence and autonomy because of children's ultimate dependency. The two issues I have with O'Neill's reasoning at this level is her lack of recognition of the importance of childhood and how adverse experiences in childhood may have lifelong consequences (Shonkoff and Garner, 2012). Eekelaar (1992: 234), co-director of the *Oxford Centre for Family Law and Policy* stresses:



It would be a grievous mistake to see the Convention as applying to childhood alone. Childhood is not an end in itself, but part of the process of forming the adults of the next generation. The Convention is for all people. It could influence their entire lives.

Secondly, despite young children's biological (im)maturity and dependency, even very young children are capable of expressing what is important, of interest or concern to them and capable of making informed decisions with guidance. Children's evolving capacity should be a criterion not the mere fact a person is under eighteen, and should 'grow up', before they have a right to have their opinions respected. Children's rights, coupled with a sociological perspective, can shift the view of children from being seen as dependent objects of social concern to subjects of equal worth. This is examined under this theory level in **Chapter 2**.

### **1.3.3 Middle Range Theory Literature**

At a Middle range theory level, O'Neill (1988: 446-447) does recognise that, "rights-based approaches sometimes have political advantages which obligation-based approaches do not". This is one important point in favour of a rights-based approach to children and childhood over an obligations-based approach, the fact that the state and duty bearers can be held accountable for (in)actions. Fundamental to this position and thinking at this level are underlying ethical values and reasons for choosing one way of framing children and childhood over an other. O'Neill's position can be said to be driven by paternalistic values. The current ideology in England on the other hand can be said to be focused on economic benefits for investing in children and childhood, for future outcomes or as human capital (Heckman, 2004), whereas a Nordic ideology can be said to be driven by social democratic values (Einarsdottir and Wagner, 2006). A rights-based ideology can be said to be more agentic and humanistic (Jerome, 2016). Ideological differences are examined under this theory level in **Chapter 2** in greater detail, referring to work by Eade (2016) and Dahlberg and Moss (2005) in particular.

### **1.3.4 Practice Theory Literature**

At a *Practice* theory level, O'Neill (1988: 448) states: "the specific acts required to fulfil the obligations that teachers or parents may have to children in their charge depend on the specific definitions of these roles in a given society". Although this is true, and O'Neill with this statement tries to give value to cultural diversity, it is because of some culturally specific roles and practices that standards in human rights treaties such as the UNCRC are important, to protect children from harmful practices, such as FGM and child marriage, so children can develop to their fullest potential. For sure, we have to recognise that one

of the criticisms against the UNCRC is that it reflects a traditional Western liberal conception of childhood. However, I believe that this is an oversimplification. Archard (2004) quite frankly states that even if some non-Western cultures do not share some of the ideals in the UNCRC, that does not mean that they are wrong and should not be universally implemented. I deem that children's rights, as identified in the UNCRC and its three Optional Protocols that have been added to the UNCRC since its adoption in 1989, are defensible and desirable (Freeman, 1997a; Verhellen, 2006).

Another point O'Neill (1988: 449) makes at this theory level worth mentioning is that she accuses "those [teachers and parents] who do only what the children they interact with have a (universal or special) right to will do less than they ought ... [they] would fail as parents and teachers". In this O'Neill is absolutely right, but I am not aware of anyone claiming to be a proponent of children's rights who would only live by the UNCRC. The UNCRC sets the *minimum* necessary standard children are entitled to, often classified as the 3 P's, right to *provision*, *protection* and *participation* (Franklin, 2002). This, and what it means in practice, such as the distinction between taking a *child perspective* or *children's perspective* (Sommer et al., 2010; 2013); how to define *rights-based* research and *rights-based* education, drawing on Lundy and McEvoy's (2012) definition; and what I call *child rights pedagogy* is discussed under this theory level in **Chapter 2**.

### 1.3.5 Experiential Theory Literature

At an *Experiential theory* level, O'Neill (1988: 461) states because "the dependence of children is very different from the dependence of oppressed social groups" ... "the rhetoric of rights can rarely empower children" (ibid., 463). This, I believe has now been refuted with growing evidence from UNICEF's *Rights Respecting Schools* (UNICEF UK, 2019c). Unfortunately, UNICEF has not got an equivalent programme for pre-primary children, but I believe *experiential education* as described by Laevers (2000; 2002), with its focus on well-being and involvement (Laevers et al., 1997; 2005; 2012) is a good foundation for empowering, rights-based practice in early childhood. The Leuven scales as they are also called, measure these two dimensions along a 5-point Likert like scale, and form the basis for pedagogical assessment. In **Chapter 2** I illustrate with anecdotes from this research how, by combining the UNCRC and the Leuven well-being scale, rights-based practice and research can empower children. Practice and research that tries to understand the lived experiences of children under three children by listening to, and observing them is in line with what Sumsion and Goodfellow (2012: 318) call "looking and listening-in". This, and in particular relational aspects of practice and research, is examined under this theory level in **Chapter 2**.

My literature review in **Chapter 2** is as such set up differently to traditional literature reviews in that I have structured it around the five theory levels introduced above. To avoid repetition, the reviewed literature and theory construction is explored together. Because the focus of this study is on children's rights as expressed in the UNCRC, the literature reviewed is mainly from 1989 onwards, when the UNCRC was adopted, with a specific focus on sources directly linked to the children's rights discourse and their relevance to ECEC. The structure of the review sets the boundary of the study to establish a theoretical framework and conceptual understanding for working with children's rights in ECEC. Making clear the theoretical foundation for working with the UNCRC and children's rights in early childhood was central to my research as there are so many misconceptions around this and what can be understood as rights-based practice as well as rights-based research with children (Lund and McEvoy, 2012). Examining theory was an important part of this study. My 5-level theoretical framework is the first of the original contributions to arise from this study. Each of the five theory levels in turn generated original contributions to knowledge as detailed in the summary of **Chapter 2** (pages 67-72).

## 1.4 Research Design and Outline of Thesis

This qualitative study was conducted in five stages (see Flowchart, page 96). An initial aspect of *Stage 1* was the design phase. I drew up a detailed *Research Protocol* (Appendix 2) but had to make amendments as the study progressed, as discussed in **Section 3.5**, as research in naturalistic settings, involving people, always includes some unpredictability and requires a degree of flexibility. In my case change in educator routines or employment, child sickness or change in attendance, and the right to choose not to participate on any given day, were such unpredictable moments. The stages in the research process however remained the same, see Appendix 3, and the changes did not impact ethical aspects previously approved by the *Wolverhampton University Ethics Committee* where I started my studies, and from whom I got approval for the fieldwork (Appendix 4). Drawing up the study in this first phase also involved looking closely at my philosophical beliefs and my positionality. In this study I position myself openly in the text, writing in first person, recognising I am both the primary instrument of data collection and analysis (Patton, 2015). The case study process is detailed in **Section 3.2**, and the reason for choosing England and Finland as study sites, as well as the reason behind carrying out a two-country-study, are given in **Subsection 3.2.3**.

In **Subsection 2.6.6**, in relation to the *Practice theory* literature and in **Subsection 3.1.1** the influence on this study by the Dutch-Canadian phenomenologist Max van Manen (1997; 2014; 2015; 2017a; 2017b) is recognised and an explanation given as to why this study is ‘simply’ inspired by, as opposed to a phenomenological study per se (van Manen, 2017a). My inspiration comes from what van Manen (2015: 212-213) calls a “phenomenology of practice” concerned with “professional practices in professional fields” such as for instance education, psychology and medicine. However, although I tend to have a “phenomenological attitude” (van Manen, 2014: 220) or mindset, in that I try to be open, in a state of wonder, and suspending assumptions (*epochè*), attentive to events and the ensuing reflections on insights into the meaning of children’s lived experiences (*reduction*), only one of my research questions is in line with a phenomenological perspective, question 4. Although question 4 seeks an answer to how young children experience their rights by asking the phenomenological question “what is this experience like?” (van Manen, 2017b: 811), my reflections are only partially phenomenological in that after reflecting on insights into the meaning of an event, I do what van Manen (2014: 44) calls: “interpretive sense making”, that he says falls within the domain of psychology, as I interpret children’s experiences and analyse the data with the UNCRC as an *a priori* framework in mind. Here I digress from phenomenology as I am interested in exploring the expression of rights, rather than focusing on the *essence* of an experience (van Manen, 2014).

The same can be said for how I came to understand my personal motivation for carrying out this study. My insight into the meaning of the experience in the attic can be understood as a phenomenological insight, but my reflections and interpretation of the lifelong impact that lived experience has had, can best be understood as interpretive sensemaking. I believe van Manen (2014: 34) is however right in recognising that prereflective “lived experiences that we never revisit may nevertheless leave latent and powerful consequences on our present and future being and becoming.” This has ethical implications for adults working and researching with children, as discussed in **Subsection 3.3.1** because our interactions impact children’s *lifeworlds*. Reflecting on our actions, taking this ethical nature of researcher-child and educator-child interactions into consideration is central to the *praxeological* paradigm. The concepts of “lifeworld, life conditions” (Kraus, 2015: 2) and my notion of *life interactions* are defined in **Chapter 3** and how they are used to frame interpretations of observations in order to get a deeper more nuanced and relational understanding of children’s lived experiences as evident in the reflections on children’s experiences throughout **Chapter 5**.

The research problem and rationale for the study are also discussed in **Chapter 3**. In essence I am asserting that if we recognise that children have rights, then in all countries that have ratified the UNCRC, the UNCRC ought to inform research (Bell, 2008) and work with and for children, as children have according to Article 12 the right to have a say and be taken seriously in all matters affecting them. Much of the academic debate to date has however focused on jurisprudence and arguments such as those raised above, which are important and necessary debates to have, but there has been limited discussions on how children's rights are relevant outside of the legal and political sphere, and how the UNCRC can be used as a frame of reference in for instance educational contexts (Quennerstedt, 2016; Reynaert et al., 2009; 2012; Sargeant, 2018). The purpose of this case study is therefore to develop a greater theoretical understanding of the concept of *child rights pedagogy* and to explore how children's rights are experienced and engaged with in early childhood in particular. This research is important for bridging theory and practice, for 'translating' the UNCRC, making explicit the meanings of individual Articles and how they interrelate, thus showing how this international instrument is relevant to my particular field and audience in ECEC.

In **Chapter 4**, the different tools used in *Stage II* to collect the data and the four data sets compiled from the data; the child data, parent data, educator data, and researcher data sets are discussed. Although I have listed data collection as a distinct phase, and transcribing and analysing data as *Stage III*, in reality there was an overlap between the stages. However, the deeper analysis and interpretation occurred in *Stage IV*. A unique aspect of *Stage IV* was the synthesis phase that was a distinct phase in the final year of this study, where I made Article specific links between the data sets revealing five particularly important Articles to the focus children in this study. These Articles are introduced in **Chapter 5** in the form of five *key experiential anecdotes* inspired by van Manen's (2014) approach to reflecting on experiences. In the final chapter, I take stock by looking back, looking at where I am at the present moment, and looking ahead. The final stage, *Stage V*, and the thesis closes on a personal note and with a Tanka poem that emerged from the data.

The premise of this study is as such that the UNCRC, and the image it conveys of the child as an active agent, and children as a distinct social group with their own universal needs as expressed in rights is something desirable (Freeman, 1997a; Verhellen, 2006) as it challenges power relations and traditional views of children and childhood, recognising children and childhood as equal in worth to adults and adulthood.



## 2 LITERATURE REVIEW

### In search of a theoretical model for *child rights pedagogy*

Bearing the sobering critique in mind by Reynaert et al. (2009) and Quennerstedt (2013; 2016) referred to above, it became imperative that my own research would be judged theoretically sound and trustworthy. I therefore devoted a great deal of time at the initial desk-based stage exploring theory and originally adopted a narrative approach to reviewing the literature, starting with exploring the *nature* and *function* of rights in order to better understand how children's rights fit in the bigger picture of international human rights legislation. This was carried out in parallel with a concept analysis on *rights-based pedagogy* (see Appendix 5). As Walker and Avant's (1983) approach to concept analysis is still the most frequently used method (Nuopponen, 2010), their approach was the starting point, but later also influenced by Rodgers' (1989) evolutionary view and her seven steps to concept analysis. It was Walker and Avant's definitions of theory levels, and how they relate to each other, that greatly influenced how my theoretical framework emerged from the literature I reviewed, and the subsequent data analysis and interpretation. This is discussed further in **Section 2.1**. This chapter starts by introducing my five-level theoretical framework, and how the reviewed literature fits within each level (**2.1**), followed by a brief explanation for the methodical nature of the review (**2.2**). Each of the five theory levels is given their own chapter section (**2.3 – 2.7**) and in the chapter summary (**2.8**) I explain how the literature in the various theory levels informed my study and the resulting original contributions to knowledge.

### 2.1 Theoretical Framework

There are several ways in which I could have conducted my review of the literature. I could have taken a *chronological approach*, building up a picture of how the children's rights discourse has evolved over time since 1989, and how it is increasingly becoming part of early childhood conversations, and where my research fits within this growing body of literature; or taken a *thematic approach* using for instance the three types of rights, the 3 P's classifications as the main themes (provision, protection, participation) (Franklin 2002; Hammarberg, 1990); or I could have taken a *argumentative approach*, arguing for a rights-based approach to ECEC, and how my research supports this position. However, I adopted a traditional or *narrative approach*, focusing on reviewing literature related to each of the theory levels individually because my theoretical framework emerged very early on, and this seemed the most efficient way of handling a large amount of literature

methodically. As it is generally held that the process in a narrative review tends to be subject to bias in favour of the researcher's own work, I chose to add aspects of a systematic review, that tends to be better defined than narrative reviews, to be methodical and for rigour and transparency, as described in **Section 2.2**.

Building on the concept analysis (Appendix 5), Walker and Avant's (1983) four theory levels were used as the initial structure for the literature review: *Meta theory*, *Grand theory*, *Middle range theory*, and *Practice theory*. This structure was useful for connecting my study to existing knowledge and in connecting theory to children's experiences, in light of the claim that there is limited theorising in the field of children's rights as a whole (Reynaert et al., 2009; Quennerstedt, 2013), and in children's rights research in education in particular (Quennerstedt, 2011). I could have considered using a conceptual framework to organise the literature but felt that because a conceptual framework is generally used to simply define attributes or characteristics of relevant concepts (Walker and Avant, 1983), this was too descriptive, whereas a theoretical framework helped set up the literature to explain the relationship between different concepts and theories (ibid.). I also considered using Bronfenbrenner's (1979; 1994) nested systems theory to structure the review; however, this is a framework for discussing various individual and contextual factors along a time continuum and would have been more applicable if my research focus was on children's rights and how the various systems may impact child development. As my focus is however not on child development per se but on the actual experience of children's rights, which admittedly does impact development, and factors supporting the children's rights discourse, I believe a theoretical framing is more fitting. In addition, I deemed a theoretical framing logical, taking into account that Quennerstedt (2011) and other child rights scholars such as Reynaert et al. (2012) have criticized proponents of children's rights for not understanding theoretical foundations to children's rights. Walker and Avant's (1983) four levels of theory that informed my theory levels comprise:

- Meta theory – addresses broad theoretical issues and philosophical questions
- Grand theory – defines global conceptual frameworks and explains world views
- Middle range theory – identifies context specific issues that guide practice
- Practice theory – reflects on practice and specifics to effect outcomes

However, for the purpose of this research it became apparent early on that there was a need for a fifth literature level that I call *Experiential theory*, to include issues in relation to



children's experiences, as an individual's experiences are not accounted for in Walker and Avant's theory structure. The literature was organised as follows. The *Meta theory* level identifies children's rights from a broad human rights perspective. Based on Hohfeld's (1913) framework of the *nature of rights* that Western legal systems are based on, children's rights are seen as more than aspirational statements, but as legal entitlements within a progressively developing international human rights framework (OHCHR, 2014). The *Grand theory* literature is from a sociological perspective in line with childhood sociology, as it has evolved in the past few decades, that recognises children as a social group with their own set of interests and rights (Freeman, 2012; Mayall, 2013). *Middle range theory* literature is more contextual. This literature pinpoints philosophical positions, such as moral or ethical values and motivations that guide practice, in the case of this research, rights-based practice in settings in early childhood. At this level, the political aspect of practice is also explored. The literature at *Practice theory* level identifies and exemplifies professional practices or pedagogy. Finally, the literature at *Experiential theory* level engages with sources regarding children's lived experiences, bridging the identified gap in the literature between rhetoric and practice, revealing how children's rights are engaged with in early childhood (Bae, 2010; Reynaert et al., 2009). This fifth level of theorising brings an original contribution to the current debate. The theoretical statements that emerged from the concept analysis became as such the theoretical foundation of this thesis as illustrated in **Table 1** on the next page.

Overall, the three more theoretical levels, the *Meta*, *Grand*, and *Middle range theory* levels can be seen as the theoretical foundations for the *Practice* and *Experiential* theory levels. They are metaphorically speaking the part of the iceberg that is beneath the surface, and the *Practice* and *Experiential theory* what is visible above the surface in day-to-day practices and experiences. Understanding rights theories and structures below the surface is essential, because if the theoretical below-surface knowledge or understanding about the distinction between *rights* and *needs* is not there, children's rights may seem like little more than a random wish list, see Dell (2010) or Osler (2016), as opposed to the result of the long deliberation and drafting process it was.

## 2.2 Methodical Structure

The concept analysis on *rights-based pedagogy* was carried out to clarify defining attributes, and to propose provisional understandings of concepts under investigation in

**Table 1:** Theoretical statements for engaging with children's rights in early childhood

Level	Focus	Theoretical statements for rights-based pedagogy
Meta theory		
Legal reasons for rights	Rights Respecting Paradigm	Children's rights are founded on the modern understanding of rights, based on Hohfeld's (1913) framework of the nature of rights that Western legal systems are based on. The UNCRC is one of nine core international human rights instruments and as such part of the larger human rights discourse.
	To impact legal proceedings	
Grand theory		
Conceptual reasons for rights	Rights Respecting Structures	Rights-based practice is aligned with childhood sociology (James and Prout, 1997; Mayall, 2013; Spyrou, 2017), recognising children as a social group with their own set of needs, interests, and rights, as well as the importance of structures and relational aspects of experiences (Mayall, 2015).
	To define discourse	
Middle range theory		
Moral reasons for rights	Rights Respecting Philosophies	The philosophical and moral value of democracy and participation are guiding principles for professionals working with children. Professionals recognise there are ethical and political aspects to early childhood education and care (Freeman, 2007).
	To direct practice	
Practice theory		
Substantive reasons for rights	Rights Respecting Practice	The UNCRC is used as a guiding document to inform and reflect on all aspects of practice and provision. Practice is based on a participative framework with four guiding principles: respectful relationships, opportunity to participate, support to develop and express views, and opportunity to influence outcomes (Lundy, 2007).
	To effect outcomes	
Experiential theory		
Instrumental reasons for rights	Rights Respecting Experiences	Children's own priorities, interests and concerns inform practice. Experiences are fundamentally relational (Alanen, 2011) and children's evolving capacity is valued, enabling children and adults to learn to be, to know, to do, and to live together (Delors, 1996) in sites of education and care.
	To develop to fullest potential	

this study (Appendix 5). It was carried out in 2015 yielding seventy-one references and drew my attention to research, issues and scholars to explore further. To be comprehensive yet focused, and for rigour and transparency, an approach similar to a systematic review (Booth et al., 2012) was adopted, establishing timeframes and base criteria, as well as specific keywords for each theory level. The quality of the individual studies were not evaluated per se, as is commonly done in systematic reviews, but included depending on relevance to children's rights. This is an important criteria to keep in mind as it explains the scarcity of literature in some of the theory levels. The sources were in 2015 initially divided in four categories:

1. ERIC and BEI database, keyword searches
2. Book searches
3. Snowballing and scanning reference lists for new sources of relevance
4. Personal encounters

In 2019, at the start of the write up phase, one more category was added, to account for more recently published papers on children's rights in ECEC:

## 5. Updating the literature review

For the ERIC and BEI database searches, the following base criteria were used: **full text**, **peer reviewed**, **academic journals**, from **OECD countries**, from **1989** when the UNCRC was adopted **to 2015**, in relation to **typically developing children in early childhood**. At each theory level, specific keywords were selected and entered in various combinations to generate sources. All abstracts were screened for content, and cross analysed to account for papers identified in both databases. The same approach was used when snowballing and scanning reference lists. The book searches were carried out at my local university library, Oxford Brookes. I screened the first twenty books of each theory level, using theory level specific keywords. I have also included a section categorised *personal encounters*, as these spontaneous opportunities to speak with scholars all contributed to my developing knowledge. A summary of the initial literature search and screening results is illustrated in **Table 2**. In the following five chapter **Sections (2.3 – 2.7)** the literature is presented in the five theory levels, with a short introduction to each theory level based on my interpretation of Walker and Avant's (1983) work.

**Table 2:** Initial literature search and screening results

Level	Database Keyword Search	Book Search University Library	Snowballing or Reference Scanning	Personal Encounters	New Sources
<b>Meta Theory</b>					
Texts screened	131	20	95		
Texts excluded	129	11	45		
Full text review	7	9	50		70
Relevant	2	9	50	9	
<b>Grand theory</b>					
Texts screened	72	15	52		
Texts excluded	69	13	45		
Full text review	11	3	52		15
Relevant	3	2	7	3	
<b>Middle Theory</b>					
Texts screened	71	7	9		
Texts excluded	69	6	2		
Full text review	6	1	9		12
Relevant	2	1	7	2	
<b>Practice Theory</b>					
Texts screened	77	20	62		
Texts excluded	74	20	2		
Full text review	3	0	60		65
Relevant	3	0	60	2	
<b>Experiential Theory</b>					
Texts screened	16	6	50		
Texts excluded	13	6	6		
Full text review	3	0	44		42
Relevant	3	0	37	2	
Sources screened	Articles	Books	Additional sources	Personal encounters	Total
Total sources	367	68	268	18	721

## 2.3 Meta Theory Literature

The *Meta theory* relates to broad underpinning structures of a theory, in the case of this research, the nature and function of rights. I purposefully decided to go to some lengths to understand the literature at this level as the legitimacy of the UNCRC, and the concept of children as rights holders, has been much debated and challenged in family law over the past decades (Dwyer, 2006; Eekelaar, 1986; Ferguson, 2013; Freeman, 1997b). There has however not been the same debate or challenge to the UNCRC in the field of education according to Quennerstedt (2011), despite children's rights being increasingly mentioned and used in educational research across Europe. Quennerstedt and other children's rights scholars such as Reynaert et al. (2012) have criticized proponents of children's rights for not understanding theoretical foundations and as a consequence lacking credibility (Quennerstedt, 2010; Reynaert et al., 2012). They urge for a greater legal understanding and criticality; for educational research promoting children's rights to be more trustworthy, a concept I discuss in depth in **Section 3.4**. I therefore felt compelled to develop a greater understanding of the nature and function of rights, and the competing legal theories, not to be judged as an "uncritical proponent" (Stammers, 2015: 71) but "critical proponent" (Reynaert et al., 2012: 156-157).

### 2.3.1 Protocol Driven Database Search

The initial *Meta theory* level electronic ERIC and BEI database searches in 2015 yielded few relevant results. The base criteria were used and the following keywords were grouped in various combinations: children's rights, theory, jurisprudence, under three, two-year olds, UNCRC, UN Convention on the Rights of the Child. This resulted in 131 results. Of the 131 abstracts screened for content by reading the abstracts, and after cross analysis to account for papers identified in both databases, seven papers remained for further reading and possibly relevant to informing theory and research at this level.

The first paper by Osler (1994), although an old source, gives a good succinct historical account of the process leading up to the adoption of the UNCRC in 1989 and how the discourse on children's rights has evolved. Osler (1994: 142) quotes Freeman on how:

The liberationist movement challenged those who claimed the status of children should be advanced exclusively by conferring on children increased protection. The emphasis shifted from protection to autonomy, from nurturance to self-determination, from welfare to justice Freeman (Freeman, 1992: 3).

This is a hugely important point. Arguments for supporting this shift from protection to autonomy, from nurturance to self-determination, from welfare to justice, and also advocacy for a less dichotomous and more balanced stance, is in line with Freeman's (1983: 57) notion of "liberal paternalism", that combines protection and autonomy, in other words, limits paternalism but without totally eliminating it, protecting children *and* their rights (Freeman, 1992). I believe that children should not as previously just be seen as *objects of care*, in line with a protectionist view, but as *subjects of rights* that are entitled to *provision, protection, and participation* in line with their evolving capacity (Archard, 2004).

Osler further goes on to point out that it is through teachers and the education system that children's knowledge about international human right legislation can be developed and how teachers and teacher educators have a vital role to play in developing this knowledge. This is as true today as twenty-six years ago when Osler wrote this paper. This I discuss further in **Subsection 2.5.5**. I will be returning to work by Osler, as she is an expert in the field of *Human Rights Education*. She has published extensively, on her own and with her colleague Starkey (Osler and Starkey, 2003; 2005; 2010). However, as Osler and Starkey's work is more relevant to theory at *Practice* and *Experiential* theory level, it is discussed further in relation to those levels.

The review by Reynaert et al. (2009), already referred to, is a very important review to any theoretical discussion on children's rights. They retrieved papers from the *Social Science Citation Index* published between 1989 until 2007 to identify themes in academic literature on children's rights. The three main themes they identified are:

- autonomy and participation rights as the new norm in children's rights practice and policy
- children's rights versus parental rights
- the global children's rights industry

These themes are equally relevant to sociology at *Grand theory* level. Reynaert et al. (2009) propose the disciplines of children's rights and sociology support each other well because both see children as active, social actors. What the review also shows is how relevant it is to expand on these common topics with more context relevant research as Quennerstedt (2016) suggests in the third paper. It was immediately interesting to note the choice of words in Quennerstedt's title: Young children's enactment of *human rights* ... as opposed to *children's rights*. She has discussed her reservations to the UNCRC and

stated her preference of seeing children within the broader *human rights* discourse in other publications (Quennerstedt, 2010; 2013) and is not alone in this respect (Ferguson, 2013). Reynaert et al. (2015) have more recently also suggested we should question the value of the UNCRC as a framework in favour of a more general human rights based approach to children's rights. I do not agree. As it stands, looking at current core human rights treaties, of which the UNCRC is one, the number of Articles mentioning children in the other eight is as illustrated in **Table 3**:

**Table 3:** Number of Articles mentioning children in existing UN Treaties

Number of Articles	Articles mentioning children	UN Treaty	Abbreviations
25	0	International Convention on the Elimination of All Forms of Racial Discrimination	ICERD
53	4	Covenant on Civil and Political Rights	ICCPR
31	1	Covenant on Economic, Social and Cultural Rights	ICESCR
30	4	Convention on the Elimination of All Forms of Discrimination Against Women	CEDAW
33	0	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	CAT
93	7	Convention on the Protection of the Rights of all Migrant Workers and Members of their Families	ICMRW
44	1	Convention for the Protection of all Persons from Enforced Disappearance	CPED
50	11	Convention on the Rights of Persons with Disabilities	CRPD

What is striking in the above table is that there is no reference to children in the ICERD and CAT and only one reference in the CPED, yet children are also victims of racial discrimination, torture and enforced disappearance. The above authors would arguably say children are protected anyway as these treaties are human rights treaties and children are as such included. However, I believe it needs to be recognised that children have different needs to adults and hence the need for a separate treaty such as the UNCRC. I do not agree with taking a human rights perspective alone precisely for the reason also recognised by Reynaert et al. (2015: 6) that, "the human rights movement does not engage very strongly with children's rights perspectives".

Returning to Quennerstedt's 2016 paper, another point in this paper relevant to my research, and also at *Grand theory* level, is Quennerstedt's discussion on the link between childhood sociology and rights theory. She proposes that situating children and childhood sociologically in a social, political, historical and moral context, sets the scene for researching *rights for children*, (not children's rights). I would argue it equally sets the scene for contextualising children's rights research. Looking beyond semantics, the methodology in Quennerstedt's study is very much in line with my own in that she also looks at how very young children's everyday experiences can be understood in relation to [children's] rights. Quennerstedt (2016: 9), as I do, maintains: "meaning emerges in people's encounters with each other and with the environment and that meaning-making is observable". In addition she states: "children's actions provide first-hand information about their experiences in preschool" (ibid.). I address this in greater detail in relation to my observational approach develop for this study in **Subsection 4.2.1**. Despite my theoretical reservations, Quennerstedt's work is interesting as her research also aims to develop an understanding of what rights for children under three can be about. As such this paper is also relevant to my *Experiential theory* level.

The database search only generated a handful of papers, and although relevant to this theory level, did not further my understanding of the *nature* and *function* of rights as the theoretical foundation or justification for children's rights that I set out to find out at this level. To explore the broader underpinning structures of rights theory I therefore turned to exploring books.

### **2.3.2 Protocol Driven Hand Search**

As part of the protocol driven search strategy, I carried out a hand search at my local university library (Oxford Brookes). I entered the search terms *children's rights* in the library search engine and explored the first twenty books on the shelf with the barcode 323.352. The first book was by Archard (2004) that turned out to be an excellent philosophical examination of children's rights, pointing me in the right direction and leading me to a number of relevant scholars to explore further, in line with the snowball method, or reference tracking.

### **2.3.3 Snowballing**

Leading on from the book by Archard, ninety-four scholarly sources were studied, some in greater detail, and others only superficially. Combined, they gave me the foundational understanding I was looking for, that is summarised below in **Subsection 2.3.6**.

### 2.3.4 Personal Knowledge

Doing my PhD part-time allowed me to attend seminars and conferences I would otherwise not have had the time to attend. I took every opportunity to speak with legal scholars in the field to develop my knowledge further. At a 3-day seminar at Queens University Belfast I met Professor Dave Archard (1.6.2016) as well as other prominent scholars such as Professor Laura Lundy, and Dr Gerison Lansdown (1.6.2016) who is not only the founder of the Children's Rights Alliance for England, and a prolific author on children's rights, but was also actively involved in the drafting of the *Convention on the Rights of Persons with Disabilities* (IICRD, 2016). Other prominent scholars, whose seminars I attended and had conversations with are: Professor Michael Freeman (18.11.2015; 12.6.2017), Professor Ann Quennerstedt (12.4.2016), Associate Professor Lucinda Ferguson (15.5.2016), and Emeritus Fellow John Eekelaar (12.10.2016), all academics who have made great contributions to scholarly work on children's rights and furthered my understanding of rights concepts relevant to this theory level.

### 2.3.5 Updating the Meta Theory Literature

To bring the literature up to date, an electronic ERIC and BEI database search was carried out in February 2019, using the same base criteria and key words as the original search. This resulted in fifteen hits, with four papers potentially relevant to other theory levels and one new paper relevant to this theory level. Sargeant (2018), in his paper, very pragmatically argues that we need to recognise that the UNCRC is routinely ignored in policy and provision. This may be, as discussed in **Subsection 5.4.6** (pages 204- 205), because children's rights research has tended to be more qualitative in nature (Lundy, 2014; Tisdall, 2015a) which is, according to Tisdall (2015a), considered a drawback in today's evidence-based climate and partiality for impact data. The legal language of rights can also be perceived as confrontational and hence avoided (ibid.). Sargeant (2018) also suggests a reason the UNCRC is ignored in educational policies is because child protection is still the dominant discourse. He further acknowledges the lack of knowledge or superficial understanding and misconceptions about children's rights, undermine the rights discourse. It is not uncommon that rights, wants, and needs are conflated (UNICEF UK, 2015; 2017a) or the UNCRC reduced to Article 12, the child's right to have a say and be taken seriously (Alderson, 2015) and this in turn confused with believing it gives children the power to make final decisions, which is not the case (Sargeant, 2018). Article 12 states the child's views should be given due weight in accordance with the age and maturity of the child, not that they have the right to make final decisions. Sargeant (2018: 315) urges us to move away from promoting children's rights, one Article at a time, and engage more with the UNCRC as a whole "to reveal its [full] relevance to contemporary



childhood”. In view of the pervasive lack of knowledge, misconceptions and superficial understandings of the UNCRC, I agree with Sargeant that this requires that proponents of the UNCRC must *translate* the UNCRC, must make explicit the meaning of individual Articles and how they interrelate, and are relevant to a particular field.

### 2.3.6 Meta Theory Synthesis

My combined searches for understanding this level took me back to 1913, and Wesley Hohfeld’s systematic arrangement of rights. All rights as we know them today can be classified according to Hohfeld’s four types of rights (Wenar, 2005). These four types form the basis of the logical structure of our legal systems, and explain the *nature of rights*. The understanding of these four basic components, and their correlatives as mentioned on page 6 of **Chapter 1**, is the foundation for understanding the *function of rights*, in other words, what rights do, or should do, for those who hold them (Wenar, 2008). There are two main competing theories on the *function* of rights; the *Will Theory* and the *Interest Theory* (ibid.). The debate between *Will* and *Interest* theorists, on who is, or can be, a legitimate rights holder has been going on since the time of Immanuel Kant (1724-1804) and remains unresolved despite attempts at modifying each or also combining the two (Tobin, 2013). I did not expect this and it caused me great cognitive conflict, but it explained why some legal scholars question the validity of the UNCRC, which I briefly address next.

In short, under the *Will theory* only those combinations of incidents that give their holders certain kinds of *choices* are properly regarded as rights, according to Hart (1982), the most prominent *Will* theorist of the last century. In addition, the rights-holder needs to have the *capacity* to exercise a choice, to be able to claim a right. In its purest interpretation, children are therefore excluded as a group from holding rights on the grounds that they do not have the capacity to make rational choices. But even Hart (ibid.) himself eventually questioned his own theory and modified it by stating that children can be rights-holders through *representatives* acting in their best interest. Despite modifications, this theory remains difficult to reconcile with children as full rights holders, as in general “the interests of the child as she or he is will be subordinated to the interests of the adult she or he will become” (Herring, 2003: 157).

Under the *Interest theory*, the function of rights is to further the right-holder’s interests and well-being according to MacCormick, (1982), who was a legal philosopher and Regius Professor of Public Law at the University of Edinburgh. In other words, a person has rights regardless of capacity as it is a person’s interest and well-being that are protected by

rights. Children are therefore included as a group to hold rights. “Children’s rights theorists have therefore, by and large, endorsed the interest theory of rights” (Hannan, 2012: 18). An interesting modified theory is Tobin’s (2013) *Social Interest Theory* that uses the UNCRC as the frame of reference rather than human rights; however, the difficulty with both the *Will* and *Interest theory* is that, “the weakness of each theory is the strength of the other”, according to Wenar (2005: 17; 2008). Under the *Will theory*, children will always be vulnerable to the adult trustee’s possible conflict of interest and private morality, and under the *Interest theory* there are interests that are not rights, and some rights that some consider should not be rights. I return to Tobin in **Subsection 2.7.6**.

Because of a lack of consensus Ferguson argues that the validity of the children’s rights discourse should be questioned in favor of a virtue-inspired understanding of how to improve outcomes for children (Ferguson, 2015). However, being a critical proponent of children’s rights is not just about improving individual outcomes but also about child participation, and through social engineering increase children’s status in society. In other words, there are moral and political reasons for choosing the rights discourse over virtue ethics or a welfare-based approach to childhood. Dwyer (2006) argues quite pragmatically that this long-standing debate that mainly hinges on the *function* of rights and the ability of an individual to make autonomous choices, may be considered moot, and does not need to be resolved, as theory and practice have been disaggregated in most Western countries, or as Bobbi (1996: 47) states: “theory and practice travel along two different tracks and at very different speeds”, as evident in the ratification of the UNCRC and changes in national law. Most Western nations for instance already explicitly attribute rights to children, for moral reasons. *European Union* legislations demonstrate a firm commitment to children’s rights as evident in Article 2 of the *Lisbon Treaty* (EU, 2007a; EU, 2012) and Article 24 of the *Charter of Fundamental Rights of the European Union* that stipulate that children are to be seen as independent and autonomous holders of rights (EU, 2007b; EU, 2010). This is relevant to both countries included in my study.

Apart from the rights-based deontological perspective I also studied literature relating to the other main alternative normative frameworks such as the aforementioned virtue ethics and the welfare approach. However, as welfare rights ‘only’ involve rights to health, education, housing, and work (Archard, 2004), this approach has its limitations. As to virtue ethics, this is more about a philosophical position in relation to moral reasoning and better explored at the *Middle range* theory level. Just briefly, interesting scholars in this field are for instance O’Neill (1988) referred to in the introduction, Arneil (2002) and Eade (2015), scholars I return to in the *Middle range* theory literature review. Although Arneil (2002: 91)

is a “care theorist” she does recognise that if the aim is to increase the status of children in society, a rights-based approach as opposed to for instance a welfare-based approach, may be necessary (ibid.: 86):

If you want to take children’s needs and interests seriously, and make claims on their behalf that will compete with any other moral claims, it is necessary to make such claims in the language of rights. It is clear that any non-rights moral claim simply does not carry the same weight in contemporary moral or political debate.

The UNCRC is as such a standard setting document that sets out the “minimum necessary rights for children: rights to provision, protection and participation” (Franklin, 2002: 6). The UNCRC defines a comprehensive set of rights, set out using the same categories of rights (civil, political, economic, social and cultural) as those used to classify human rights for adults. Research suggests that it is the periodic (top-down) monitoring by the *UN Committee on the Right of the Child*, commonly referred to as the *Committee*, that is beginning to bring about change for children as evident in changing legislation and national policies (Lundy, 2012). The UK’s past *states party reports* to the *Committee* for instance, show a gradual but definite positive shift in beliefs and behaviour towards children as evident in reported actions taken by the Government, based on recommendations by the *Committee* (ibid.).

At the end of this section, what I wish to point out is that I am in this thesis not interrogating the legitimacy of the UNCRC as a treaty. Authors such as Reynaert et al., Quennerstedt and Ferguson referred to above, have done so. I am, as stated in my introduction, starting with the premise that the UNCRC and seeing children as rights holders is something desirable (Freeman, 1997a; Verhellen, 2006) for the reasons given above.

## 2.4 Grand Theory Literature

The literature at the *Grand theory* level defines conceptual aspects of a discourse or worldview on a societal level and structures that are in place to support a particular discourse, in this case, children’s rights. A normative ethical approach to work and research with children fits in with the childhood sociology that has emerged in the last few decades (Freeman, 2012; James and Prout, 1997; Mayall, 2015), as it recognises children as a social group with their own set of needs, interests and rights. I return to the notion of normative ethics in **Section 2.5**

#### 2.4.1 Protocol Driven Database Search

The initial ERIC and BEI electronic database searches yielded few results. I used similar base criteria as for the *Meta theory* search: full text, peer reviewed, academic journals, from OECD countries, in relation to typically developing children in early childhood, but from 1980, the decade when childhood sociology began to emerge. The following keywords were grouped in various combinations: children's rights, sociology, childhood, new sociology, UN Convention on the Rights of the Child, UNCRC. Of the seventy-two abstracts screened for content by reading the abstracts, and after cross analysis to account for papers identified in both databases, eleven papers remained for further reading and possibly relevant to informing theory and research at this level. Three papers met the criteria to be included here, and three were more relevant to other theory levels that are included for analysis at those levels.

Vandenbroeck (2006: 17), like Reynaert et al. (2009) above, links the two fields, children's rights and sociology, and sees the 'new' sociology of childhood and the children's rights movement as catalysts for the paradigm shift in how we now view and interact with children, "giving voices and visibility to a group in society that for centuries has been silenced". He rightly points out how viewing children as competent and autonomous should be regarded as constructs inextricably linked to a specific economical, socio-cultural, and political context, with all its implications. Vandenbroeck for instance highlights that the participation discourse is not inevitably positive for all and how uncritically promoting Article 12 of the UNCRC, the right to be listened to, can in effect also inadvertently, if decontextualised, be discriminatory. This is what Komulainen (2007: 23) also suggests when she argues that the metaphor of 'voice' in the participation discourse "may involve the risk of limiting articulation to that which is verbal, textual or linguistic" at the exclusion of other equally valid forms of communication. This is something very relevant to my research as many of the children taking part were early verbal, and in two of my research settings there were children who for yet undiagnosed reasons did not use language as their main mode of communication.

We find Quennerstedt again at this theory level, in a co-authored paper (Quennerstedt and Quennerstedt, 2014), where they try to unpick what rights mean in relation to education specifically, which actually is more relevant to my *Experiential theory* level; however, what is relevant here is that they mention in this paper how they, as Vandenbroeck, see a firm connection between the fields of children's rights and sociology, as the foundation for research into what rights mean in educational settings. They also refer to the paper by Reynaert et al. (2009) included above, and concur that there has been a lack of criticality

and low level of theorising in much of past research on children's rights in educational settings. Drawing on Dewey, they suggest research into children's rights in educational settings should combine sociological (*Grand theory*) and educational theory (*Practice theory*) to develop a more critical and theoretically sound approach to researching children in educational settings. I could not agree more. However, what they did not address in this paper is that research into children's rights in education also needs situated rights theorising (*Meta theory*) since we are engaging with a legal concept. In this thesis I propose that using the UNCRC as a frame of reference in research and practice as Reynaert et al. (2009) suggest, is a way of combining sociological, legal, and educational theory to give research in educational settings a stronger theoretical foundation.

The paper, by King (2007), is a challenging paper as he comes from a very different theoretical perspective. He is the only author I have encountered to date who, coming from a systems perspective, would like to keep the fields of sociology and children's rights separate. He does therefore not seem to approve of how sociology has developed to include childhood sociology and thereby connecting sociology and the rights discourse. King takes quite a purist stance that I acknowledge, but did not engage with further as I believe a multidisciplinary approach has much to offer in child rights research. I return to this later in this chapter.

Although only 4% of the papers screened were relevant, these three papers give an interesting account of some issues relevant at *Grand theory* level.

#### **2.4.2 Protocol Driven Hand Search**

At my local university library (Oxford Brookes) I entered the search terms *childhood sociology*, *children's rights*, *education* in the library search engine that resulted in fifteen hits, with three identified as potentially relevant; authors already familiar to me. After full text reviews, bearing in mind that I was specifically looking for a sociological perspective to children's rights, Lee (2005) and Mayall (2013) were identified as the most relevant authors at this level.

Lee (2005) gives an interesting account of his understanding of the origin of our human values system and how the UNCRC "provides a framework that challenges traditional views of children and childhood when looking to distribute human value and dignity to children" (Cole-Albaeck, 2012: 24). His account is very much relational at a philosophical level, recognising the UNCRC as an important document in this inter-generational process of change.

Mayall (2013), referred to again later, has written extensively on children and childhood. She states that the sociology of childhood is essentially a political enterprise to give due recognition to children as important members of society, and in the process raise the status of childhood. In this book Mayall positions herself more clearly than in the past, as a proponent of children's rights as she remarks on the potential of the UNCRC in promoting the status of children.

Out of curiosity as to what is written in general textbooks, I entered the search terms *childhood sociology* in the Oxford Brookes University search engine and explored the nineteen books that came up. Seven were identified as possibly relevant, some authors already familiar to me such as Jenks, Mayall and Corsaro. Interestingly, Alanen, James, Prout and Qvortup did not come up. The books were as expected about childhood sociology in general, with limited reference to children's rights and therefore not meeting the selection criteria. It is as such not straight forward for researchers and educators turning to journal papers and books at university libraries to find sources specifically linking children's rights and childhood sociology. This could be because of the two fields establishing their status at about the same time, at the turn of the century, and the commonality between the two fields only beginning to emerge.

#### **2.4.3 Snowballing**

The two authors I came across that explicitly and in more detail discussed or linked childhood sociology and children's rights are Mayall and Freeman. Although much of Mayall's research identified dated back to the 1980s and 1990s, her work is important in the corpus of the sociology of childhood literature, or childhood studies, in establishing a conceptual foundation for linking the two discourses. Despite some early reservations to the rights discourse, Mayall (2000: 243) recognised in her earlier work: "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". In another early publication Mayall (2002: 110) stated: "respecting children's moral reasoning and agency is the gateway to respecting their participation rights". The focus from Mayall's sociological perspective seems to have been on the child's right to participate as an active agent in society. Mayall seemed to acknowledge how the concept of rights and sociology can support each other but it was not clear in her work from the 2000s if it was from a general human rights perspective or valuing the UNCRC as a framework. Mayall's (2013: 32) more recent work however clarifies her position as a proponent of the UNCRC as she states it can be seen as a tool for "prompting discussion, policies, and research on children's social and political status". It is only since 2015 she specifically explores in more detail how the

two discourses can be seen as complementary. Mayall identifies two key ideas in childhood sociology for understanding why we need the UNCRC; the notion of *structure* and *generation*. By structures she refers to large-scale health, welfare and education policies and how these policies are influenced by theoretical approaches to childhood that in turn have an impact on children's experiences. Mayall (2015: 79) states policy-making, and practice, is still dominated by developmental psychology that positions the child as developing towards adulthood, children as "not (yet) fully human", to be protected and provided for in this process. In addition, this process of *becoming*, is commonly seen as a-political, located in the private sphere of the family (see Habermas et al., 1964) for the distinction between private and public sphere). This view of children and childhood does not recognise children as members of society, as social agents who "take part in family relationships from the word go" (Mayall, 2002: 21) and through that contribute to processes in society. Mayall (2015) states that from a sociological perspective childhood should no longer be seen as a-political, as political large-scale health, welfare and educational policies impact childhood and children's experiences. The consequence is that it makes childhood a contested political concept because if children are seen as active agents, members of society, they should be better represented in policies and resource allocations according to Mayall. However, because children are not seen to be directly contributing to the economy (in the minority-world), and are dependent on adults to grow up, childhood is according to Mayall (still) commonly seen as subordinate to adulthood. Because of this there is a need for a convention like the UNCRC that challenges this positioning of children and childhood according to Mayall (ibid.). Related to this is the notion of generation, a concept that is inherently relational (Alanen, 2011). Mayall (2015: 83) states that to better understand structures that influence relational processes "we can go beyond chronological age as marker of these two groups, and instead think about social structures, norms and practices that influence how people called children or adults are expected to live their lives".

Alanen (2001) identifies two aspects of relational conceptualisations of childhood; that of *external* and *internal* relations. By *external relations* she means how children are defined as a category by some observable similarity, most commonly age, and by *internal relations* she means children's relationships. This relational understanding is about processes or practices; about connections, interactions and interdependence. Therefore, "what each of them is (a child, an adult) is dependent on its relationship to the other" (Alanen, 2001: 21). By bringing in a relational perspective Mayall (2015: 83) states: "relational sociology offers a conceptual space for consideration of children's own experiential knowledge".

In sum, Mayall's notion of *structure* addresses concepts such as traditions, policies and institutional norms at a macro-level, and *generation* addresses relational aspects such as the relationship between children, parents and teachers, at a micro-level, drawing on children's own experiential knowledge, to better understand children and childhood. This is in line with the UNCRC, Article 12 in particular, and the child's right to express their views freely and being given due weight in accordance with the age and maturity of the child. Children's agency is as such an aspect of both childhood sociology and children's rights. Mayall (2015: 79) concludes by suggesting the three main reasons for why we need a separate convention for children are: to challenge the power balance between adults and children; to challenge the notion of competence, the notion of children as "not (yet) fully human"; and to challenge the notion of childhood as a stage of preparation for adulthood, a stage of *becoming*. Mayall (2015: 85) states the UNCRC is required "in order to encourage adults to respect children as human":

The [UN]CRC has fulfilled this need, in the sense that it recognises that in all societies young children do require adults to protect them and provide for them, alongside the recognition that children must be enabled to take part in decision-making in matters that affect them (ibid.).

Freeman would most likely concur, yet he recognises that despite the two fields of children's rights and childhood studies having much in common, there has been little dialogue between the fields. Possibly because, as Freeman (2012: 30) states: "there is an overlap of interests, to some extent a congruence of visions, but aims and perspectives, even world views, diverge". What sociology and the rights discourse share, according to Freeman, is the notion that childhood is a social construct, the importance of children's agency, seeing children as subject not objects of social concern, and that childhood is as important as adulthood, positions I very much endorse. The child's equal worth is particularly relevant if we consider that both children and adults are in a permanent state of both *being* and *becoming* as discussed next.

The above discussion briefly introduced how childhood sociology provides an alternative view to the developmental psychology discourse of the *becoming* child, to a more present focused view of the *being* child. Although they are often seen as conflicting views of what it means to be a child, Uprichard (2008) suggests the two discourses should in effect be considered as complementary. Uprichard (2008: 303), suggests that, "children and childhood are *always* and *necessarily* 'being and becoming'" with the *being* child centring on the present and the *becoming* child centring on the future, both interacting in the course of everyday life. This is in line with Lee's (2001) thinking, who provides a well-articulated



discussion on the *being-becoming* dichotomy, unpicking and challenging both concepts and offering an historical account of how and why the division of humans into ‘adult human beings’ and ‘child human becomings’ arose. It is outside the scope of this thesis to go into greater detail but Lee (2001: 78) also acknowledges children have the dual status of *beings* and *becomings* but elaborates that we should see children as in a state of “becoming without end, a form of changing and learning that has no final destination” and that in effect, so are adults. Lee further suggests that where we previously saw there were two types of humans, the ‘superior’ adult and the ‘inferior’ child, we should now see children alongside adults, and recognise all human beings simply as social agents. In fact, as Archard (2004: 45) states: “when adulthood is viewed as a becoming there can be no obvious line of division between it and childhood” and, as such, I suggest by extension age should not be seen as a guiding factor of worth, because “if adulthood is a never-realised goal towards which one is forever maturing, childhood is not obviously an inferior stage which is left behind”.

To this I would also add the perspective that is recognised in many early childhood curricula, including England’s and Finland’s, in the way educators work with children and families, that is, that children (and adults) also have a past; the *been* child (Cross, 2011; Hanson, 2017; Kingdon, 2018):

To understand children, individually and collectively, and childhood as a social category, I feel that we should give due consideration not only to how present and future are balanced but also to more explicitly embrace children’s and childhood’s past (Hanson, 2017: 281).

From an educational perspective I think this is of particular relevance as children come to settings from all walks of life and with different life experiences that need to be recognised if we are to provide for meaningful learning experiences so that they can develop to their fullest potential (UNCRC Article 29.1 (a)). As Kingdon (2018: 356) states: “It would seem reasonable to argue that any interaction in the present will be influenced by what has occurred in the past”. Framing children and childhood in this “trialectical way” (Hanson, 2017: 281) allows for a more holistic view of the child. A trilectical lens is equally applicable to educators and researchers. Educators and researchers need to recognise their own past histories and biases, as the past directs us in how we engage with children in the present (Malaguzzi, 1994) which impacts children’s *lifeworlds*, as I discuss in **Subsection 5.2.4.**

#### 2.4.4 Personal Knowledge

Although it may not be common to include what I call personal encounters in a literature review, these were very important in furthering my knowledge. A paper I was recommended in 2016, after meeting Virginia Morrow, Visiting Professor at University College London, was one Morrow wrote with Kirrily Pells (2012) on children's human rights in relation to children living in poverty. Although the focus of the paper is on poverty, many of the issues they discuss are of interest and relevance to the wider children's rights discourse. They suggest that to understand local contexts we have to move away from a narrow legal perspective or top-down approach, and move towards a broader sociological approach to rights, for rights to become more relevant to children's lived experiences. Morrow and Pells correctly caution that rights language can undermine the spirit of the UNCRC if it is used to prescribe a narrow range of solutions that do not engage with the structures and relationships in which children live. In other words, we need to contextualize the UNCRC for it to gain relevance. I completely agree with Morrow and Pells, that a sociological perspective is a valuable contribution to moving the children's rights discourse on from simply legal implementation and monitoring, to a contextualized engagement.

It is, as such, no coincidence that the discourse on children as rights holders, and childhood sociology promoting children's agency, have developed in parallel. The American sociologist Mark Frezzo has greatly influenced how I link the two discourses, relevant as such to both the *Meta theory* and *Grand theory*. Frezzo's (2015) sociological, human rights perspective is based around the concept of *rights bundling*. Rights bundles, "parcels of interconnected rights" (ibid.: 4), have long been used to explain the complexity of property law; however, his sociological interpretation is quite novel. Rights bundling, according to Frezzo is a way of translating international declarations and conventions or treaties to specific circumstances and in the process possibly influence policy and law. I have adapted his interpretation of *rights bundling* in relation to the UNCRC and ECEC, discussed further in relation to my data synthesis in **Section 5.6**.

In 2016 I also met Professor Kirsten Sandberg at an *Oxford Children's Rights Network* seminar. Her presentation was on work carried out by the *UN Committee on the Rights of the Child* during her time as *Committee* chairperson and *Rapporteur* (Sandberg, 2016); about challenges and progress that has been made. The *Committee*, made up of eighteen international independent experts, supports and monitors the implementation of the UNCRC. They meet in Geneva three times a year and respond to periodic reports with concluding observations and recommendations on how to further improve the condition of children and childhood in a particular country (OHCHR, 2019a). England has been through

five reporting cycles to date and Finland four. A study by Lundy et al. (2012) suggests effective monitoring may be an important mechanism for protecting children's rights. The *Committee* also publishes what is called *General Comments*, which are analyses and interpretations of themes or Articles of the UNCRC (OHCHR, 2018). I examine these in relation to specific Articles in **Chapter 5**.

Relevant to this theory level is that NGOs also play an important role in supporting and developing the children's rights discourse. The same organisation may however have slightly different remits in different countries. UNICEF Finland for instance has only recently got involved with the *Rights Respecting Schools* (RRS) programme according to Mia Malama (2017), the UNICEF Finland's child rights school advisor. I met with Malama in Helsinki early in 2017 to discuss the current situation in Finland. Although there are to date no RRS in Finland in comparison to England where 1.6 million children attend rights respecting schools (UNICEF UK, 2019a), it has to be recognised that children's rights are embedded in the revised Finnish curriculum guidance for basic education (7-16 year-olds) (FNAE, 2016) and for ECEC (FNAE, 2017), which I return to in **Subsection 4.2.3**. Frances Bestley, the RRS programme director for UNICEF UK confirmed during a conversation in London, in November 2016, that despite the growing number of schools joining the programme, there is a gap in their programmes. They support young mothers through their antenatal and postnatal programme (UNICEF UK, 2019b) and work with schools from the foundation stage upwards; however, Bestley (2016) recognised that there is a gap in engagement with children 1-3 years of age, my age of interest.

Other well-known NGOs involved in the child rights discourse are *Children's Rights Alliance for England* (CRAE), previously referred to, *Child Rights Information Network* and *Save the Children* amongst others. CRAE (2017; 2018) for instance produces an annual report, informed by NGOs and university contributions, on the state of children's rights in England. These organisations are important contributors in the reporting process to the *Committee*, complementing Government reports.

The *Committee* has long recommended that states parties should have national structures in place supporting a rights discourse such as an independent children's champion, which both England and Finland have (UN CRC, 2003). The posts of Children's Commissioner in England and *Barnombudsmannen* in Finland were created in 2004. The two offices promote and protect children's rights at central and local Government level (DfE, 2010; Dunford, 2010; Lapsiasia, 2017; Office of the Children's Commissioner, 2018). The Commissioner and *Barnombudsmannen* also have a duty to promote the views and

interests of children. The duty to promote was introduced in England through the *Children and Families Act 2014*, whereas this was always the remit of *Barnombudsmannen* in Finland.

#### **2.4.5 Updating the Grand Theory Literature**

To bring the literature up to date, an electronic ERIC and BEI database search was carried out in February 2019, using the same base criteria and key words as in the original search. This resulted in twenty-eight hits, identifying one new paper relevant to this theory level. Byrne and Lundy's (2015) paper explores some of the challenges for securing children's rights through policy processes. A recurring theme was that in spite of the UK having ratified the UNCRC, it is not regularly used as a framework, and if it is used, it is very much down to the commitment of individuals, due to a lack of knowledge and understanding of the UNCRC. This is what the *Children's Rights Alliance for England* also identified in 2009 (CRAE, 2009), and I would be inclined to say this is still the case, both in policy processes and educational practice (Sargeant, 2018). Apart from political will, Byrne and Lundy suggest that what is needed is investment in awareness-raising and training, to build up a culture of children's rights, so that children's rights can be realised.

#### **2.4.6 Grand Theory Synthesis**

On a societal level, the process of reconceptualising children and childhood can be seen to have started in the 1980s with work by Jenks (1982), Alanen (1988), James and Prout (1990) and Qvortup (1994) amongst others. Important to childhood sociology, and also the children's rights discourse, is that we view children as a social group rather than within the family, to understand that problems and their solutions are located at socio-economic rather than at individual case level (Mayall, 2000).

My reading leads me to conclude that a top-down implementation and monitoring approach was how children's rights through the UNCRC were initially engaged with. Scholars tried to defend their position, for or against children having rights, mainly based on a legal perspective. However, the debate is now gradually shifting towards a more contextual understanding of children's rights, bringing in a valuable sociological perspective or a socio-political angle, as evident in the *Young Lives* research referred to above that Morrow and Pells are involved with. Morrow and Pells (2012: 15) state that, "a sociological approach to rights enables a focus on children and childhood in the present, not just the future". There is also now a growing interest in what children's rights actually mean to professionals working with children and what they mean to children themselves (Lundy et al., 2015).

The debate is as such gradually shifting towards a more contextual understanding of children's rights, through a sociological perspective or socio-political angle. I see the two fields as complementary and necessary, to develop the UNCRC from what may have been considered an ideological tool, to a "social political frame of reference" (Reynaert et al., 2012: 166). As previously mentioned, what sociology and the rights discourse share is the notion that childhood is a social construct, the importance of children's agency, seeing children as subject not objects of social concern, and that childhood is as important as adulthood (Freeman, 2012).

As the UNCRC and its reporting process have been universally ratified, the UNCRC can be seen as a "geopolitical social contract" (Verhellen, 2006: 147) to stimulate deeper, fundamental and lasting changes to how we view children and childhood that a more general human rights-based approach to children lacks. Seeing children's rights within the framework of the UNCRC therefore seems to me to be the logical starting point to rights-based research and practice in ECEC.

## 2.5 Middle Range Theory Literature

The literature at this theory level is contextual, or linked to a particular field. It clarifies philosophical positions, such as moral or ethical reasons and motives that guide practice, in this case, practice in settings with two-year-old children. In their book *Ethics and politics in early childhood education* Dahlberg and Moss (2005) argue in their chapter *What ethics?* that ethics should be the basis for preschool practice, but what do we understand by ethics? The dictionary definition is: "moral principles that govern a person's behaviour or the conducting of an activity" (Oxford Dictionaries, 2018). *Early Education* (2011) has in England published a set of Principles and a *Code of Ethics* for professionals working with children in early childhood. Similarly, educational researchers are guided by national guidelines such as those published by *BERA* (2018) and organisational guidelines such as those published by *EECERA* (Bertram et al., 2015). In reality what it comes down to is *normative ethics*. Gomm (2009: 117) defines normative ethics as follows:

the branch of moral philosophy dealing with the criteria by which behavior should be judged as morally good or bad, and the standards by which behavior ought to be regulated.

Of the three types of normative ethical theory: virtue ethics, deontological ethics and consequentialist ethics, a research ethics framework or ethical practice informed by the

UNCRC is in line with a deontological perspective. Virtue ethics and deontology are frequently pitted against each other as if they are mutually exclusive. However, I believe we need both, but that deontology needs to be the foundation upon which virtue ethics can flourish. On its own, I think, virtue ethics risks being too relativistic to be of value in today's interconnected world. And, on its own, deontology may seem too decontextualised. I argue elsewhere (Cole-Albäck, 2019) that an ethics framework informed by the UNCRC is of great value in research with young children as it offers a more comprehensive approach to good practice than currently referred to ethics guidelines mentioned above, as research informed by the UNCRC has as its starting point an image of the child as a subject (not object) of equal worth to adults, *entitled* to respect at every stage of the research process (ibid.). In the course of this study, I developed an ethics framework, relevant to research and work with children, discussed in greater detail in **Subsection 3.3.1**.

#### **2.5.1 Protocol Driven Database Search**

The initial ERIC and BEI electronic database search used the same base criteria as the *Meta theory*, and the following keywords were grouped in various combinations: children's rights, educational philosophy, deontology, Kant, virtue ethics, consequentialism, moral philosophy, legal philosophy, jurisprudence, morality, normative, normative ethics, duty ethics, ethic of care.

Of the seventy-one abstracts screened for content by reading the abstracts, and after cross analysis to account for papers identified in both databases, six papers remained for further reading and possibly relevant to informing theory and research at this level. The two most relevant papers were by Lyle and Roose and Bouverne-De Bie (co-authors of the paper by Reynaert et al. mentioned above).

In Lyle's (2014) excellent paper, she identifies barriers to engaging with children as rights holders in Wales, the only country in the UK to have incorporated the UNCRC. Teachers in Lyle's study suggested that what is needed is guidance for schools on how to engage with children in a different way to improve outcomes for all children. Lyle suggests one such approach could be *Philosophy 4 Children*, an enquiry and participatory-based approach to learning. Interestingly, Lyle also refers to the grip developmental psychology still has, in this case on how teachers view children. She sees it as a fundamental barrier to working with children's rights in educational settings.

Roose and Bouverne-De Bie (2007: 431) correctly start by acknowledging that the UNCRC “embodies a specific perception of the child, childhood and citizenship”, but they strongly object to the notion that the UNCRC is anti-parent or anti-family as some scholars like Purdy (1994) and Pupavac (2001) maintain. On closer examination, I identify thirteen Articles in the UNCRC referring to the importance of parents and the family. Roose and Bouverne-De Bie endorse a social-political interpretation of the UNCRC. This interpretation is seen as a relational learning process rather than just a legal interpretation. This is in line with Morrow and Pells’ (2012) sociological understanding. Roose and Bouverne-De Bie conclude by stating the focus should not be on which rights the child has, but on how rights can be realised, a central focus of this thesis.

### **2.5.2 Protocol Driven Hand Search**

At my local university library (Oxford Brookes) I entered the search terms *childhood* and *moral philosophy* in the library search engine, with no relevant results. *Rights respecting philosophy(ies)* equally did not return results. *Children* and *moral philosophy* resulted in seven hits with one relevant book by Archard from 2003, *Children, family and the state*. It is similar to Archard’s 2004 book referred to above and complements it with insights from a family perspective. He argues that parents do not have rights over their children but have responsibilities to *care* for their children.

### **2.5.3 Snowballing**

I keep returning to Freeman, both in person at various events (20.11.2012; 1.7.2013; 18.11.2015; 12.6.2017) and to his many publications, as his lifelong work for children’s rights is arguably the most influential in the English-speaking world. His moral argument for supporting the child rights discourse is that all non-rights approaches leave children vulnerable to adult agendas and the individual adult’s personal morality. In addition, the alternative approaches, the *caretaker thesis*, *obligation-based approaches*, and *virtue ethics*, can be accused of seeing children as objects of concern rather than subjects or participants (Freeman, 2007).

Other important leading international scholars to recognise are Dahlberg and Moss and their corpus of work over the past decades. An important book to recognise at this theory level is their 2005 book, *Ethics and politics in early childhood education*, referred to above. I will however be pointing out a major incongruity in their argument for promoting virtue ethics over deontology, in conflating consequentialism and deontology, and in addition not recognising that virtue ethics is no less normative or universalistic than children’s rights,

the argument they, and other virtue-ethicists like Eaude (2015; 2016), hold against the child rights discourse. I unpick their reservations in **Subsection 2.5.6**.

#### **2.5.4 Personal Knowledge**

At a seminar at Oxford University, Dr Tony Eaude (2016) presented the case for looking at children's well-being from what he calls a values perspective, or virtue ethics, drawing on amongst others Noddings' (1984) work and an ethics of care. Discussing issues from his recent book *New perspectives on young children's education*, Eaude (2015) argues policy has lost touch with the fundamentally moral nature of education. In his book, in line with Dahlberg and Moss (2005), Eaude (2015: 15) states: "all adults who work with children should see their role in some respects as moral educators", which I agree with. I also agree with his point that "ethical action lie in reciprocal relationships" (ibid.: 23); however, when Eaude goes on to suggest this is incompatible with individual, rational choice, commonly associated with deontology, I disagree. In much of his arguments he takes a binary position (virtue ethics versus deontology). Eaude does briefly mentions *Values-based Education* as a compatible application of a values perspective or virtue ethics. However, he does not elaborate on what those values are or could be.

At a *Values-based Education* event in High Wycombe in 2014, I had a personal conversation with Dr Neil Hawkes, the founder of *International Values Education* and promoter of *Values-based Education* (VbE) (Hawkes, 2013). I asked him what he felt about children's rights and he stated that in his opinion rights-language is too confrontational and that he therefore prefers the language of positive human values such as respect, compassion, responsibility, justice, happiness, and honesty, in line with Eaude's thinking. But who defines what these 'positive' values are? They do not exist in a vacuum. This is where I see deontology as the foundation for virtue ethics as there are some minimum standards such as those in human rights treaties (Franklin, 2002) that can be seen as universally applicable across all cultures, just as some actions can be seen as universally wrong, such as honour killings, acid attacks, child marriage, female genital mutilation, female infanticide, sex-selective abortion and using child soldiers amongst other culturally specific practices. *Values-based Education* cannot alone protect the girl child and human rights alone is equally not enough to change values but a combination of both is needed, to try to create change.

#### **2.5.5 Updating the Middle Range Theory Literature**

To bring the literature up to date, an electronic ERIC and BEI database search was carried out in February 2019, using the same base criteria and key words as in the original search.



This resulted in twenty-three hits, identifying three new, potentially relevant papers to this theory level.

The paper by Juutinen and Viljamaa (2016) is interesting from a methodological perspective in that it revealed how their three-stage research design facilitated the development of dialogue on everyday practices, and in the process made the practitioners more aware of their own values and ethical aspects of their work. This could be an interesting design for a future research project.

In Taggart's (2016) theoretical piece he argues that there are two competing approaches to early childhood education today, a discourse of care, and a discourse of rights. Up to now, he suggests, they have been presented as mutually exclusive. To overcome this, Taggart (2016: 174) suggests what is needed is a *psycho-social* model, drawing on both discourses but grounded in the notion of compassion, "compassionate pedagogy". I agree that compassion is key to ethical practice, as Taggart states, but I see the two approaches, as they are, already steeped in compassion, and wonder if a focus on compassion, with its emotive language, may obscure and not do justice to the fact that early childhood education is also fundamentally political in nature.

By far the most important new paper to come out at this theory level, also relevant to *Grand- and Practice theory*, is the excellent paper by Jerome (2016) on *Children's Rights Education* (CRE). Jerome logically starts by defining CRE and presenting three perspectives, or worldviews, recognising the political nature of the children's rights discourse and drawing on the sociology of education. The definition given for CRE is taken from a UNICEF (2014: 20) report:

Teaching and learning about the provisions and principles of the Convention on the Rights of the Child (CRC) and the 'child rights approach' in order to empower both adults and children to take action to advocate for and apply these at the family, school, community, national and global levels.

Jerome remarks that *Human Rights Education* (HRE) is a well-established concept but not so CRE. Many authors seem to be using the terminology of HRE and CRE interchangeably, even though they are not entirely synonymous, according to Jerome. Jerome (2016: 145) then defines three main perspectives:

1. *The legalistic worldview*: CRE is seen as part of a legal framework and tends to perceive as a relatively uncontested area for implementation of already agreed standards.
2. *The reformist worldview*: CRE standards are acknowledged, but do not represent the whole picture and a slightly more creative hermeneutical process of interpretation of a range of relevant documents is adopted.
3. *The radical worldview*: CRE is placed more firmly in a contested ideological terrain and adopts a more radical perspective.

Each of the perspectives is well defined, but in reality, I think there is an overlap of perspectives. However, awareness of the classifications and one's positionality is a very important starting point when engaging with CRE, in effect, the expression of *child rights pedagogy* explored in this thesis.

Jerome then goes on to identify how teachers may be positioned or act in the three perspectives (as an implementer, collaborator or change agent) and the instrumental role they play in any form of CRE. Forms of CRE mentioned are:

- Osler and Starkey's (2005; 2010) education for cosmopolitan citizenship and social justice (although I think this is more in line with HRE).
- *Philosophy 4 Children*, also mentioned by Lyle (2014).
- Specific strategies to promote children's rights such as through school councils.
- UNICEF's *Rights Respecting Schools* (Sebba and Robinson, 2010; UNICEF UK, 2019a) that I also refer to in the next *Practice theory* level.

The concept of CRE came to my attention for the first time in 2016, in the report commissioned by UNICEF and written by Jerome et al. (2015); this paper was however new to me. One of the most important points made in this paper is that the worldview or perspective adopted by proponents of children's rights working directly with children will greatly influence the form of education they promote and ultimately the experiences the children will have in settings and classrooms. This is in line with what Juutinen and Viljamaa (2016) above also suggest and the importance of *recalling*, *reliving* and *reflecting* on everyday practice, as part of an ongoing professional reflection.

### **2.5.6 Middle Range Theory Synthesis**

Eaude recognises that, "virtue ethics does run the risk of individualism and relativism"

(2015: 35) but does not elaborate on this. As mentioned above, I argue that deontology and virtue ethics complement each other. In fact, I think you cannot really, in our present-day societies, have one without the other. Deontology and human rights conventions, of which the UNCRC is one, set a necessary minimum universal standard (Franklin, 2002) and can as such be seen as the foundation for values frameworks. Dahlberg and Moss (2005) however seem critical of any form of rights approach in early childhood, describing it as purely technical, not requiring an active engagement with ethical practice. They are highly critical of what they call *universal ethics*; however, I suggest they are conflating consequentialism and deontology. I do agree that today's curricula, targets, standards, quality measures of assessment and so forth could be seen as a consequentialist or a utilitarian approach to ECEC. I however disagree with Dahlberg and Moss's interpretation of a rights-based perspective, or deontological ethics, as purely technical. Suggesting that taking a deontological ethical approach to practice and research does not require an active engagement with ethical practice is tenuous, as I reason below.

Dahlberg and Moss (2005: 66) suggest universal ethics "offers a categorical definition between right and wrong applicable to and by everyone irrespective of social or historical context or circumstances". This is partially correct in that statements or Articles in universal treaties and conventions are categorical statements; however, if we link them to a deontological perspective and Kant's *Categorical Imperative* in particular, then we can see that to qualify as a universal standard by which we should act, we automatically have to take *social* and *historical context* into account, as the statements we as a society elect to be universal codes should only be so if they can be applied across all contexts and to everyone. In other words, a universal ethics can be relative to historical time and circumstances. And if statements or Articles do not live up to the *Categorical Imperative*, then they need to be questioned and amended accordingly. Conventions are not static instruments as is evident in Optional Protocols that have been added to a number of conventions since the *Universal Declaration of Human Rights*. It is true that Articles are irrespective of *individual* or *personal* inclinations and preferences, but *not* irrespective of social or historical context.

Dahlberg and Moss (2005: 69) suggest alternative ethical approaches such as Bauman's (1993) postmodern ethics; Tronto's (1993) ethics of care; and Levinas' (1987) ethics of an encounter "foreground wisdom, which involves an active practice to decide what is best in a concrete situation". However, proponents of alternative ethical approaches cannot lay sole claim to *wisdom* and an *active practice*, as normative ethical practice per se is no less *active* or lacking in *wisdom* as is evident in the writings of Immanuel Kant, the dominant

proponent of deontology. Kant's (1785: xviii) second formulation of the *Categorical Imperative* states:

Act so that you treat humanity, whether in your own person or in that of any another, always as an end and never as a means only.

This is a fundamental concept in deontology or the universal ethics Dahlberg and Moss are so critical of. This normative ethic requires just as much active engagement in a particular context as the alternative ethics Dahlberg and Moss promote, as the individual has to consider intentions, duty and moral law when engaging with an ethical problem or solving a moral dilemma. I question in what way this is more passive than any of the alternative approaches? The fact that early childhood professionals may generally not have engaged more actively with ethical issues to date is actually a completely separate issue of training, professionalism and governance, but not due to the underlying philosophy per se. Dahlberg and Moss (2005: 70) suggest we should re-personalise ethics by encouraging individuals in "facing and making choices, rather than follow universal codes of law". *Facing and making choices* is in effect relevant to any moral decisions irrespective of which of the three common normative moral philosophical positions one subscribes to.

Dahlberg and Moss (2005: 71) reiterate their position when they state: "we have to make choices between good and bad without seeking shelter in a universal code. We must take responsibility for the choices we make". That we must take responsibility for moral decisions is absolutely correct, but are universal codes a hindrance as they suggest? As previously suggested, I believe that relying only on character and personal or private morality is not enough (Raz, 2007). As Sullivan (1994: 10) points out, history shows that humans can and do act in reprehensible ways, therefore, because of human nature we [still] need "civilizing political structures" or universal codes such as human rights, children's rights, women's rights, disability rights and so forth. To reduce Kantian ethics or deontology to "delineating general moral rules" (Dahlberg and Moss, 2005: 74) is to do Immanuel Kant and the whole concept of deontology great injustice. Encouraging a person to ask "could anyone in my particular situation find it reasonable to act this way?" (Sullivan, 1994: 39) is the ethical question a deontologist would ask, which in effect is not incompatible with Dahlberg and Moss's position.

Of the three alternatives, Dahlberg and Moss (2005: 76) promote Levinas' "ethics of an encounter" that emphasises an unconditional responsibility towards the other as the most

interesting and compelling approach to ethics in early childhood. What virtue ethicists often do not recognise is that deontology also emphasises an unconditional responsibility towards the other and that our moral obligations extend to everyone, without exception. Or as Sullivan (1994: 27) states: “our motivation plays a critical role in how we act and in determining our moral worth”, but our moral *obligations* (positive duties) are however not dependent on worth, they extend to everyone. There is a fundamental respect for the dignity of persons in deontology that Dahlberg and Moss do not acknowledge in their insistence that we have to choose one or the other, deontology or virtue ethics, suggesting universal codes or rules are incompatible with contextualised ethical decisions.

Eaude (2015: 23) also states that, “ethical action [should] lie in reciprocal relationships, rather than individual, rational choice”. I however do not see relationships and rational actions as incompatible. Is it not about both; rules and relationships within a community? I see deontology very much as a relational ethic with reciprocity as a criterion of its universality; what is forbidden to one is forbidden to all, or what is permissible to one is permissible to all. In other words, our pursuit of happiness and well-being, or care and education, is done with a duty to promote the same for others. In other words, the *Categorical Imperative* encourages us to make choices and act in such a way that others may enjoy the same opportunities and freedoms as we do (Sullivan, 1994). As stated earlier, we have to rationally recognise that there are certain actions that are categorically wrong and that we therefore need some universal codes or rules as minimum standards. Eaude (2015: 27) states: “ethics involves actions based on thinking of others rather than just oneself”. This is however not unique to virtue ethics. In fact, Kant’s second formulation of the Categorical Imperative emphasises the dignity of persons as mentioned above. In deontology “we have an unconditional duty to recognize the dignity of every other person” (Sullivan, 1994: 70) which is why I have to disagree with Eaude (2015: 31) when he states: “the binary nature of duty ethics [deontology] – that an action is either right or wrong – risks taking too little account of context and the impact on other people”.

Although I could not agree more when Dahlberg and Moss (2005) argue that ethics not only can be, but *should* be the basis for preschool practice and by extension, research in early childhood, they and authors such as Eaude (2015) and Hawkes (2013) who call for virtue ethics in education, make what I consider a fundamental error in not recognising the incongruity in their argument that their preferred approach, *the ethic of an encounter* in actuality also is normative and universalistic. The *ethic of an encounter* approach is a form of virtue ethics as it relies on, and appeals to, individual morality and a person’s character.

In other words, it can as such be seen as part of the branch of moral philosophy that falls under normative ethics and is therefore by default a universalistic approach.

From the above discussion I therefore do not see that there needs to be a conflict between a universal ethic and virtue ethics as Dahlberg and Moss (2005) suggest, and the rejection of rational thinking in ethical practice because morality should be seen as fundamentally non-rational. Deontology and virtue ethics can in fact complement each other. Both fundamentally encourage responsibility and respect for others; the way consequentialism or utilitarian ethics does not, in that only the outcome counts. A consequentialist can do the wrong thing for the right or wrong reason yet still achieve a wished for outcome and feel they have acted morally right. But both a deontologist and virtue ethicist would not agree to this. The end does not justify the means. I would suggest that the emphasis on the law in deontology is a necessary foundation for a well-functioning society and virtue ethics complements it by looking more in depth at the development of a person's character. They can I believe work together to promote well-functioning education systems and societies in general.

Although Kant believed that everyone is originally morally good by nature (Sullivan, 1994), 200 years on, I believe Kant is also right in that we cannot simply rely on the benevolence and personal morality of people as history unfortunately keeps demonstrating. We also need to have rational codes in place, like human rights, to protect people, children in particular, so that they are not as Freeman states (2007) left to the individual adult's agenda or personal morality. I believe that insisting that morality has to be non-rational, as suggested by Dahlberg and Moss, is actually irrational.

In sum, the *Meta*, *Grand*, and *Middle range theory* levels form the theoretical foundations for the *Practice* and *Experiential theory* levels. They are as previously mentioned metaphorically speaking the part of the iceberg that is beneath the surface, and the *Practice* and *Experiential theory* what is visible above the surface in day-to-day practice, that I turn to next.

## 2.6 Practice Theory Literature

The literature at *Practice theory* level identifies and exemplifies professional practices or pedagogy that impacts outcomes in a given discourse. Dahlberg and Moss (2005) point out that professionals working with children in early childhood need to recognise the

political nature of their work and ethical responsibilities and implications that come with this recognition. The same applies to researchers who need to grapple with ethical issues mentioned in the above codes of conduct such as participation, power dynamics, the role they adopt as researchers, the choice of methods used, the recognition of their own values that they bring with them and so forth. All these moral issues guide practice and interactions, consciously or subconsciously.

### **2.6.1 Protocol Driven Database Search**

In the initial electronic database search in 2015, the base criteria for the searches remained the same and the following keywords were grouped in various combinations: rights, rights-based, pedagogy. Of the seventy-seven abstracts screened for content by reading the abstracts, and after cross analysis to account for papers identified in both databases, three papers remained for further reading and possibly relevant to informing theory and research at this level.

In the first paper we find Sommer, Pramling Samuelsson and Hundeide making a distinction between a “child perspective” and “children’s perspective” in ECEC (Sommer et al., 2013: 463). This paper draws on their excellent book from 2010 called *Child perspectives and children’s perspectives in theory and in practice*, a book previously known to me. They suggest the UNCRC sets the scene for spreading a child-centred early childhood paradigm. They further suggest using both a *child perspectives* and *children’s perspectives* to ECEC, and by doing this see the child as both *being* and in the process of *becoming*. This is compatible with the view of the child in the UNCRC; a social actor engaged in the process of both experiencing the here and now as well as developing towards the future person they will become, as discussed above. In the book Sommer also gives an interesting account of the early writings of childhood sociologists, and the limitations of using *classical sociology* to understand children’s experiences and perspectives. Sommer points out that *classical sociology*, including eminent childhood sociologists like Qvortup (1994; 1999) often address macro-perspectives of historical, demographic, and socio-economic aspects of childhood that sometimes objectify children when describing and interpreting children’s position in society. They also suggest that even Corsaro (2005), who does take more of a child perspective with older children, does however not seem to recognise infants as social agents but “emergent members, on their way to full participation” according to Sommer (2010: 38). This assessment is based on Corsaro’s (2018: 19) “as-if assumption”. Corsaro, even in the latest edition of his seminal book (5<sup>th</sup> edition), proposes we should engage with young children ‘as-if’ they are socially competent until they become full, participant members of society. This seems to suggest

that Corsaro views young children as *becoming*, rather than active *beings*, here and now. Corsaro's sociological perspective therefore requires some form of "interdisciplinary integration" according to Sommer (2013: 39) or theorisation, to create a more situated, meaningful interpretation and understanding of young children's experiences. I return to this in the next chapters, drawing on the distinction between a *child perspective* and *children's perspective*, on pages 109 and 166.

In the paper by McEvoy (Emerson) and Lundy (2007) a pilot study in primary schools, involving Lundy's (2007) influential child participation model, is discussed. Although McEvoy and Lundy's research was with primary school children, the principles behind Lundy's 2007 model also hold for research with younger children, even though the approach would have to be adapted to a more observation-based approach with children under three, as in the next research paper reviewed. Lundy's 2007 interpretation of Article 12 can in effect be seen as a novel way of conceptualising children's rights that I return to in **Section 5.6** in relation to Frezzo's (2015) notion of *rights bundling*.

The paper by Mesquita-Pires (2012) reports on a Portuguese context-based staff development project, that could be seen as an example of how pedagogical transformation can take place in a relatively short period of time, with the correct support from a mediator and the right research tools. Child observations, adult observations, and interviews were the starting point for the transformation. Interestingly, the research instruments from the *Effective Early Learning* programme (Bertram and Pascal, 2004; 2006) were seen to give educators a shared language that facilitated debate and the process of change. Work by Oliveira-Formosinho and Formosinho (2012) was also referred to (*pedagogy-in-participation*) that I discuss under **Snowballing**.

### **2.6.2 Protocol Driven Hand Search**

At my local university library (Oxford Brookes) I entered the search terms *rights-based pedagogy* in the library search engine, with no relevant results. *Child rights pedagogy* equally did not return results. *Pedagogy* alone of course returned several hundred hits. It was interesting to note that within the first twenty, eight were in reference to critical pedagogy and only two in relation to early childhood pedagogy, so too general to meet the selection criteria for being relevant.

### **2.6.3 Snowballing**

Much of the additional literature explored at this theory level was identified through the



concept analysis (Appendix 5) as well as the previous theory levels. Many of the authors are ‘recurring’ scholars that cross over one or more of the theory levels, most notably Lundy and Oliveira-Formosinho and Formosinho. I return to Lundy in the synthesis of this theory level in **Subsection 2.6.6** and focus here on Oliveira-Formosinho and Formosinho (2012), who have since the 1990s been researching and developing a socio-constructive participatory early years framework in Portugal. Democracy is at the core of this framework called *Pedagogy-in-Participation*. This framework breaks away from the traditional transmissive pedagogy as it promotes a different view of the child, educators, and the learning process, that is congruent with a rights-informed approach to ECEC. The core principles, as depicted through the four *pedagogical axes*, are transferrable across cultures, especially democratic cultures that share similar values and beliefs. I met with Professor Júlia Oliveira-Formosinho at the 2017 EECERA Conference in Bologna where I showed her an illustration of how I see their learning areas could link to various Articles of the UNCRC. I suggested their democratic approach implicitly incorporate Articles 2, 3, 5, 12, 19, and 29 in particular. At the time I was wondering if these Articles would correspond with my emerging *Guiding Articles*. Two of the Articles do, Article 3 and Article 29, but overall this approach is as they state more of a democratic, rights-informed rather than a rights-based approach, as it only meets some of Lundy and McEvoy’s (2012) suggested five criteria or principles as defined in **Subsection 2.6.6** below.

In the Oliveira-Formosinho and Araújo (2011) paper they discuss the *Pedagogy-in-Participation* framework and emphasise how important it is to adopt a democratic, participatory approach to ECEC, as attitudes, and by extension values and beliefs, begin to develop from birth, something I have also argued elsewhere (Cole-Albaeck, 2012). Pramling Samuelsson and Kaga (2008: 9) also assert that, “values, attitudes, behaviours and skills acquired in this period may have long-lasting impact in later life”. There is a growing body of research, since Derman-Sparkes and the ABC Task Force published the anti-bias curriculum in 1989, promoting the importance of a democratic, inclusive approach to ECEC (Connolly, 2011; Connolly et al., 2002; Mac Naughton, 2006; Myers, 1992; Ochaita and Espinosa, 1997; Pascal and Bertram, 1999; Siraj-Blatchford, 2008). Integral to democratic approaches are certain human rights such as the freedom of speech, or in the case of young children, the right to be heard and freedom of speech as defined in Article 12 and Article 13 in particular. However, democratic approaches such as the *pedagogy-in-participation* framework do not seem to use the UNCRC as a frame of reference as some other approaches do, such as UNICEF’s (2019a) approach, discussed next. From a rights-based perspective democratic approaches are therefore participatory, but not necessarily as comprehensive as rights-based approaches (**Subsection 2.6.6**).

The *Rights Respecting Schools Award* (RRSA), a UNICEF UK initiative that started in 2006 (Sebba and Robinson, 2010), is now a well-established *rights-based* programme in England. Primary schools, secondary schools, nursery schools, further education, schools for children with special needs and pupil referral units can register for the award. According to the UNICEF UK (2019a) website, the award recognises achievement in putting the UNCRC at the centre of all its activities from policies to planning, practice and ethos. Rights and respect are taught and modeled in all relationships, between pupils and adults, between adults, and between pupils. An analysis of 2017 data by UNICEF UK (2019c) revealed the positive impact the programme has had on children's attitude towards diversity; children helping others; children feeling respected by adults; children's behaviour and the quality of relationships. Initially early years settings and children's centres were also able to register for the award, and related support, it is however unfortunately no longer possible for early years settings outside of primary schools to register, due to lack of capacity according to UNICEF UK (Bestley, 2016).

In my search for rights respecting practices I also came across Hampshire's *Rights Respect Education*, an initiative that started in 2003 (HCC, 2018). Interestingly it started as the *Rights, Respect, Responsibility* programme, based on UNICEF UK's approach but as the programme evolved, Hampshire dropped *Responsibility*, in favour of *Education* for pedagogical reasons as discussed by Howe and Covell in their 2010 paper. Other interesting papers by the Canadian research team are: the final report on the Hampshire Rights Education Initiative (Covell and Howe, 2008); a most interesting paper on *miseducating* children about their rights (Howe and Covell, 2010); and the last report by the team on the *Rights, Respect and Responsibility* Hampshire programme (Covell and Howe, 2011). As with UNICEF UK's RRSA, the RRE programme also only involves schools.

Another aspect at this theory level is the curriculum. Although the *Children Act 2004* is informed by the UNCRC (discussed further in **Subsection 4.2.3**), the English early years curriculum, the EYFS, does not explicitly make reference to the UNCRC or children's rights. Although the child is described as strong, a skillful communicator and competent in the framework (DfE, 2014a), congruent with a rights-based view of children, early childhood education is promoted as a preparatory phase with a firm focus on *school readiness* and cognitive goals, in other words, the *becoming* child. If a rights-based approach is part of a setting's approach is therefore down to individual settings. In the Finnish curriculum reference is made to children's rights and the UNCRC, and twelve of the Articles form an integral part of identified core values (FNAE, 2017). This of course

gives professionals in ECEC a very different starting point in that educators all have a basic common awareness of rights and the UNCRC. The curriculum is in addition focused more on broader developmental goals rather than specific cognitive goals such as in the English curriculum.

In sum, from a professional perspective, Lundy's framework (2007), *Pedagogy-in-Participation* (Oliveira-Formosinho, 2012), UNICEF's RRSA (2019a) and Hampshire's RRE (HCC, 2018) are examples of how children's rights can implicitly or explicitly inform pedagogical practice.

#### **2.6.4 Personal knowledge**

In a conversation with Professor Lundy (2016), I suggested that in my reading, rights-based seemed to be conflated with 'giving children a voice' and to rely on children's ability to communicate using language. I therefore questioned if this was the right terminology for my research as two-year-old children are still developing their use of language to communicate and therefore, relying on verbal communication alone is not enough to understand young children's experiences. Professor Lundy suggested that maybe using *child rights* rather than *rights-base pedagogy* would possibly therefore be more appropriate for my research. Following up on this suggestion, I carried out another database search, entering the keywords *child rights pedagogy*, which resulted in forty-eight abstracts across the ERIC and BEI databases. After cross analysis to account for papers identified in both databases and previous theory levels, one paper by Frantzi (2004) remained for further reading, and possibly relevant to informing theory and research at this level, and one paper by Pinazza (2012) relevant for the next, *Experiential* level. Frantzi's (2004: 8) paper on *Human Rights Education* (HRE), although from a primary perspective, had a recommendation in the conclusion also relevant to early childhood, in that HRE needs to draw on "experiences from their [children's] lives at home, school, or with friends" as young children are very much concrete thinkers. In other words, HRE and *Children's Rights Education* (CRE) need to be situated. I will return to the notion of children needing to learn *about*, *through* and *for* rights, for *child rights pedagogy* and CRE to be meaningful (Mihir, 2012).

Two well-known scholars in the field of HRE in England that are influential to CRE are Professor Audrey Osler and Professor Hugh Starkey, mentioned above, that I met at the 9<sup>th</sup> *International Conference for Education and Democratic Citizenship*, in June 2015. They have published widely on HRE (2003; 2005; 2010) and draw on the broader human rights, as well as children's rights discourse. Their approach is well articulated and motivated by

social justice, similar to my motivation to promote respect for children's rights and the status of children and childhood. Much in line with my own experience, Osler and Starkey (2005: 138) acknowledge that drawing on human rights treaties is a challenge, especially in educational settings in less social-democratic political systems:

The application of democracy to schools, which are institutions that have evolved from authoritarian rather than democratic principles, is challenging and is therefore likely to give rise to political struggle and debate.

### **2.6.5 Updating the Practice Theory Literature**

To bring the literature up to date, an electronic ERIC and BEI database search was carried out in February 2019, using the same base criteria and key words as the original search. This resulted in fifteen hits, with no new relevant papers to this theory level.

### **2.6.6 Practice Theory Synthesis**

For my research, the main issues of importance at this level are our interpretation of rights-based and our understanding of *pedagogy*. A short synopsis follows, but for a more detailed analysis, see my concept analysis in Appendix 5.

In the growing corpus of literature on children's rights, childhood researchers have often used the term rights-based quite broadly "to describe activities which have a connection to international human rights-standards" (Lundy and McEvoy, 2012: 76). However, as we are talking about a legal concept that is part of the wider human rights discourse, Lundy and McEvoy suggest a distinction needs to be made between rights-based and rights-informed research. They draw on the UN definition of 'rights-based approach to development cooperation' as stated in the *UN Statement of Common Understanding* (OHCHR, 2006) and have transferred this definition to research with children. For research, and I suggest by extension early childhood practice, to be rights-based Lundy and McEvoy (2012: 78) suggest it needs to meet five criteria or principles. The word educational in square brackets has been inserted to show how these five principles are equally relevant to practice in ECEC. The five rights-based principles are:

1. Research [educational] aims should be informed by the UNCRC
2. Research [educational] process should comply with the UNCRC
3. Research [educational] outcomes should build the capacity of children
4. Research [educational] outcomes should build the capacity of duty-bearers to fulfil obligations
5. Research [educational] process should further the realisation of children's rights

Both rights-based and rights-informed research and practice have value. However, only research and settings meeting all the five criteria can legitimately call their research or practice rights-based. Much research and practice will most likely fall in the category rights-informed, as they meet some but not all of the five principles. This distinction is important as it makes it clear to what degree the UNCRC informs practice, and thereby whether an approach or pedagogy is primarily rights-informed or genuinely rights-based. For a more in-depth discussion, see my concept analysis in Appendix 5. Drawing on Lundy and McEvoy's (2012) discussion and the above five principles, I propose an understanding of what *rights-based pedagogy* may encompass in ECEC could be formulated as follows:

All policies, curricula, and practices in early childhood education and care should further the realization of children's rights as laid down in the UNCRC and other international human rights instruments. Rights should guide all activities at every level of an early childhood organisation. Early childhood education and care should contribute to the development of the capacities of professionals to meet their obligations, and of children to claim their rights.

In this thesis the term pedagogy is understood to mean more than just the 'how' of pedagogy, more than just "instructional techniques and strategies which enable learning to take place" (Siraj-Blatchford et al., 2002: 28). Pedagogy is understood more in line with the social pedagogic approach, that has a shared focus on care, upbringing and education (Petrie et al., 2009), but in addition, in line with Nordic pedagogy, makes visible underpinning values (OECD 2006; Wagner 2006). This is also in line with what Moss and Petrie (2002: 97) propose, that pedagogy should be defined by "the principles and processes that inform work with children, and address the whole child". Drawing on the above sources, I define pedagogy in this thesis as follows:

Pedagogy is the interplay between values, purposes, theories, and processes that inform care, upbringing, and educational work with children.

Pedagogical work can then be seen to fall under three main categories according to Miller (2010): *transmissive* or traditional; *transactional* or participatory; and *transformational* or intra-personal. Formosinho and Formosinho (2016) also discuss the distinction between transmissive and participatory pedagogies, specifically from an early childhood perspective. They suggest pedagogy can be understood along a continuum, in line with the OECD (2006) understanding, from transmissive to participative, and state they feel a

transmissive approach is inappropriate in early childhood as the emphasis should be on learning by doing rather than transmission of knowledge at this age.

The diagram in **Figure 1** on the next page illustrates how I view pedagogy and how rights-based values sit within a wider notion of pedagogy. The suggestion that young children need to learn *about rights*, *through rights* and *for rights*, for rights-based pedagogy and CRE to be meaningful (Mihir, 2012) is congruent with the concept of *child rights pedagogy* being explored in this thesis. In order for adults to support children in their learning about, through and for rights, they themselves however need a thorough understanding of pedagogy and the broader rights discourse of which children's rights are part. *Child rights*, *rights-informed* and *rights-based pedagogy* as discussed here, is as such values driven, theoretically founded, participative, taking local and national curricula and contexts into account, with the potential of being transformative. Taking all of the above into consideration, I define *child rights pedagogy* as follows:

*Child rights pedagogy* is a value-based pedagogy informed by the UNCRC in interplay with purposes, theories, and processes that inform care, upbringing, and educational work with children.

In the final chapter, each of the four aspects: the UNCRC, purposes, theories, and processes are exemplified.

Pedagogy as outlined here is very much about a relational and ethical process of education and care, as proficiently discussed by van Manen. What guides me as an educator and researcher is the sober point van Manen (2015: 15) makes, mentioned in the introduction, that “the latency of pedagogical moments can affect us for the rest of our lives, whether we are consciously aware of it or not”. This is the ethical nature of pedagogical processes or the values aspect of the *praxeological* paradigm introduced in **Chapter 1**, one of the four aspects of early childhood *praxeology* (reflection, action, power and values) (Pascal and Bertram, 2012). The *praxeological* paradigm recognises that practice is “infused with beliefs and values, based on educational theories and situated in specific contexts with specific educators and for specific beneficiaries, thus including power relationships” (Formosinho and Oliveira Formosinho, 2012: 597).

The reflective aspect of *praxeology* is of particular interest at this theory level, as integral to *praxeology* is reflecting on praxis and experiences (Pascal and Bertram, 2012), drawing on Freire's (2005: 51) definition of praxis as: “reflection and action upon the world in order

**Figure 1:** Illustration of early childhood pedagogy

to transform it". According to Formosinho and Oliveira Formosinho (2012: 597) "the concept of praxis unifies the process of developing theory and practice creating practical theories and theoretical practices". This paradigm is described and discussed in more detail in **Section 3.1** as an aspect of the research design, but what is relevant here is implications of this perspective at a *Practice theory* level. Pascal and Bertram (2012) do not stipulate how to reflect on praxis but I would suggest a phenomenological perspective may be useful in early childhood. At *Practice theory* level the phenomenological question an educator or a researcher may want to ask is: "what is this experience like?" (van Manen, 2017b: 811). Wondering what the uniqueness of an event is for a particular child or group of children. The way this can be done is by using van Manen's (2014: 302) five "lifeworld existentials" as a guide. This is described and discussed in **Subsection 3.1.1**, as part of the research design. Also in that subsection Kraus' (2013; 2015: 2) epistemological reformulation of the term "lifeworld" (*Lebenswelt*), as well as his interpretation of the concept "life conditions" (*Lebenslage*) are introduced. These terms I then further expanded on, by introducing the concept of *life interactions* (*Lebensinteraktion*), to frame interpretations of observations in order to get a deeper more nuanced and relational understanding of children's lived experiences in relation to children's rights (Cole-Albäck, 2019). Taking further inspiration from phenomenology, I find the basic ideas of epoché and reduction compatible with the aspect of *praxis* in the *praxeological* paradigm, as defined above. van Manen's (2014: 222) states that, "phenomenology is a method of abstemious reflection on the basic structures of the lived experience of human existence" done through the process of epoché and reduction. Epoché is about the need to "open ourselves to the world as we experience it and free ourselves from presuppositions" (ibid.: 220). In a state of openness and wonder we need to "let that which gives itself show itself" (ibid.: 221) – bring lived experiences to reflective awareness. This reflective attentiveness, attention to insights that may occur, is reduction – attention "to the things themselves" (Husserl, 2001: 168) as we are led back to the essence of an experience, allowing, as I see it, an intuitive understanding of the event rather than a purely reasoned interpretation. As mentioned in the introduction (page 12) it is in relation to reduction where I believe van Manen would say that my reflections are only partially phenomenological as I analyse experiences with the UNCRC as an *a priori* framework in mind. For example, if we return to my experience in the attic, of reliving the moment from many decades ago, I was in a state of openness, allowing *that which gives itself show itself* and in that moment one insight into my experience all those years ago was a sense of **disconnect**. Exploring this disconnect would be more in line with phenomenology; however, I go on from there to interpret that the teacher possibly did not relate to six-year-old Aline's pleas, her desperate gaze, the distress in her voice, and agitated body language because of the prevailing



developmental, socialization discourse and positioning of children in society at the time, and therefore dismissed Aline's pleas. This personal, highly emotional experience, together with observations from the research settings, leads me to believe that by paying attention to children's verbal and non-verbal expressions in line with Article 12 and Article 13 of the UNCRC, as I propose in this study and discuss in **Subsection 4.1.2**, educators and researchers can, in line with the *praxeological* worldview, be more respectful of children and children's rights.

## 2.7 Experiential Theory Literature

The literature at *Experiential theory* level engages with children's lived experiences. John Dewey (1938) can be seen as the father of *experiential education*. His work has had, and still has great influence on educational theory. Freire (2005) amongst others has drawn on and developed Dewey's idea that experience plays an important role in learning and education.

A distinction or clarification needs to be made at this level between the terms *experiential education* and *experiential learning*. Many authors use these terms interchangeably according to Itin and I agree with him that a clear distinction is helpful. Itin (1999: 92-93) suggests the following differentiation:

- Experiential education is a philosophy of education
- Experiential learning is a learning strategy

Fundamental to *experiential education* is epistemologically, the co-creation of knowledge, the presence of a teacher or adult, that creates learning opportunities for children where they then co-create learning, and with the adult's support reflect on, analyse and synthesise their experiences, according to Itin. Different strategies can be used to develop a subject matter, or learning, in this transactive process, which can happen between learners, between learner and teacher, and between the learner and the environment according to Itin. What Itin does not address is whether a more able peer qualifies as a 'teacher' too, or if in the absence of an adult, the experience becomes *experiential learning* rather than *experiential education*. Both are nonetheless aspects of this theory level, necessary for learning *about*, *through* and *for* rights, for CRE to be meaningful to children (Mihr, 2012). What became evident from my data was that the 'passive' affordances of the environment alone are not enough in CRE. For children to learn *about*, *through* and *for*

rights requires an active involvement on the part of the adult, in line with the philosophy of *experiential education*, to stimulate *experiential learning*. The environment can however be more or less conducive of learning and rights respecting experiences, as revealed in Billy's story in **Section 5.5**. The *experiential educator* in CRE can be seen as what Jerome (2016: 150) above calls a "change agent".

### **2.7.1 Protocol Driven Database Search**

The initial ERIC and BEI electronic database searches, used the same base criteria as for the *Meta*, *Middle range* and *Practice theory* searches with the following keywords in various combinations: experiential education, early childhood, UNCRC, child/children's rights. Of the sixteen abstracts screened for content, and after cross analysis to account for papers identified in both databases, three papers remained for further reading and possibly relevant to informing theory and research at this level.

In the first paper, Pramling Samuelsson, Sheridan and Williams (2006) explore five curricula:

1. Reggio Emilia
2. Te Whāriki
3. Experiential Education (EXE Programme)
4. High/Scope
5. Swedish National Curriculum for Preschool

They look at similarities and differences between the programmes in great detail, identifying as many similarities as differences. However, in all of the curricula there is a common understanding that, "The child is competent, unique, with rights of its own and should therefore be met with respect" (ibid.: 24). There are recognised culturally different ways of 'meeting' the child, but all curricula are as such affirmative or strength-based curricula that look at what is in the best interest of children within their specific culture, to give them a good start in life. The importance of the competence and professionalism of the teacher within each curriculum is also highlighted. Of particular interest here is the EXE programme from Belgium (Laevers, 2002), developed by Laevers, whose well-being assessment tool (Laevers et al., 1997; Laevers et al., 2012) I used in this research to identify and analyse *significant events* as evidence of what are important issues, priorities and concerns to young children in early childhood settings, as explained in **Subsection 4.1.2**. Pramling Samuelsson et al. (2006) state that in the EXE programme, the child's degree of involvement in a certain activity is seen as the indicator of learning but only

briefly mention the well-being tool. This is somewhat surprising as the whole EXE programme is based on understanding how both *involvement* and *well-being* work together to ensure quality experiences for children (Laevens, 2002). What this paper confirmed however is the suitability and strengths of an experiential approach to working with children's rights in early childhood. I believe the concepts of *well-being* and *involvement* are universal concepts that transcend borders and cultures and important for understanding children's everyday experiences. I return to Laevens and the EXE programme in **Subsection 2.7.1**.

The second paper happened to be by Laevens, with Verboven (2000), where they compare gender interactions in traditional settings and in EXE settings. Although children's rights are not mentioned per se, the fact that play in EXE settings showed to be more gender flexible, suggests *experiential education* has the potential to support more inclusive rights respecting experiences for boys and girls through the rich environment, and the adult's role in this environment.

Caiman and Lundegård's paper draws on Biesta and Tedder (2007) and is indirectly relevant in that Caiman and Lundegård (2014: 437) discuss *agency* as "something that children achieve together in transactions rather than something they possess". This is also in line with Gallagher's (2008: 397) understanding of *power* "as something that is exercised, not possessed". These two concepts can be seen to be interrelated and aspects of *child rights pedagogy* even though they were not identified as such by the authors, as agency and power are aspects of Article 5 and Article 12 in particular.

Broadening the search by exchanging the word education for *learning*, in an attempt to identify more relevant papers, resulted in 153 hits. The above three papers came up again and one more possibly relevant for further reading by Aasen, Grindheim and Waters. The paper by Aasen et al. (2009: 5) from Norway, like Frantzi (2004) in the previous theory level, emphasises the importance for children to "acquire values through concrete experiences" or *experiential education*. They suggest the outdoor environment as most conducive for learning about democratic values. Democracy is equated with Article 12 of the UNCRC and the right to express views and be heard. Aasen et al. (2009: 10) suggest that outdoor play is particularly conducive because the outdoors affords "extended negotiation and varied meaning-making experiences ... [that] can be the first step in the development of a democratic community". The UNCRC is promoted as a founding document, but they seem to conflate Article 12 with children's rights. As previously mentioned democratic education may be rights-informed in that it is participative and

respects Article 12 and Article 13 of the UNCRC, but not necessarily rights-based if it does not fulfil the five criteria mentioned above (Lundy and McEvoy, 2012). Again, this distinction is important as it makes it clear to what degree the UNCRC is used as a frame of reference and at the core of practice. The important point in this paper is however recognising outdoor affordances as an aspect of CRE.

### **2.7.2 Protocol Driven Hand Search**

At my local university library (Oxford Brookes) I entered the search terms *early childhood*, *experiential education* in the library search engine, which resulted in six hits. The search terms *early childhood*, *experiential learning* resulted in eight hits. Five books were in relation to forest school or outdoor learning and two relating to early childhood in general; however, none were directly relevant to developing theory at this level, linking experiences to children's rights.

### **2.7.3 Snowballing**

Again, much of the additional literature explored at this level was identified through previous reading in the snowballing and personal knowledge categories in particular. Many of the recurring authors are scholars that cross over one or more of the theory levels, such as Quennerstedt whose work spans all the theory levels, although mainly at a *Meta-Grand-* and *Middle range theory* level. When updating my review, I came across her 2016 paper that explores young children's enactment of rights at an experiential level, in fact, one of the very few research papers in this review directly relevant to my research. Quennerstedt's (2016: 7) experience is also that, "rights-oriented research on children under the age of three is very limited and that few studies have investigated children's everyday practices and lives from a rights perspective". It is probably not a coincidence that methodologically she also promotes a more observation-based approach in early childhood research, as her research was with 1-3 year-old children. However, what separates us is Quennerstedt's human rights perspective as opposed to my rights-based UNCRC perspective as mentioned above (pages 21-22).

Another noteworthy recurring author is Laevers who mainly published his EXE-theory in journals during the 1990s and early 2000s (1993; 2000; 2002). In 2012, a revised edition of the 1997 manual on how to apply his approach was published (Laevers et al., 1997; 2005; 2012). The focus is as previously on his two dimensions or indicators of quality; well-being and involvement. The Leuven well-being and involvement scales measure these two dimensions along a 5-point Likert like scale. Analysis of observations made along these scales form the basis for any future interventions in settings. Although children's

rights were not referred to in the original publications of the EXE-theory, in a more recent joint editorial by Rayna and Laevers (2011: 163), they clearly endorse children's rights as they encourage us to rethink how we view children under three as "a rich and competent citizen" not just objects of care. They state (ibid.: 170):

[the] implementation of children's rights will be dependent on the capacity of the adult to overcome the gap between the common sense views on babies and toddlers and what really goes on while they interact with the world.

In their monograph that focuses on babies and toddlers (children under three), Rayna and Laevers (2011) discuss how the image of the young child has changed over the last few decades from being seen as dependent objects of care, to rich competent social beings from birth. In this process of changing attitudes towards children, research with children has also changed. Research with children is nothing new but research practices have likewise developed from simply seeing children as *objects* of study to researching children as *subjects*, and more recently involving children not only as *participants* but also as *co-researchers* (Christensen and James, 2008; Einarsdottir et al., 2019; James, 2007; Lansdown, 2011; Mayne et al., 2018; Tisdall et al., 2009). As mentioned in the introduction, there is a recognised body of research on children's rights to participation (Reynaert et al., 2009; Quennerstedt 2011), and a growing body of research with children under three, as evident in the monograph by Rayna and Laevers (2011), and research by Pinazza (2012) and Salamon (2015; 2017) referred to below show. However, much rights-informed or right-based research on children's experiences in early childhood to date has been in relation to verbal children (Bae, 2010; Covell and Howe, 2008; 2011; Dockett et al., 2019; Mayne et al., 2018; Quennerstedt, 2016; Sebba and Robinson, 2010; UNICEF UK, 2019c). There is as such still a need for more research with children under three.

#### **2.7.4 Personal Knowledge**

Professionally I am familiar with the two Leuven scales, as I used them to assess quality of provision across various settings when working as a Children's Centre teacher. In 2013, I also had the opportunity to train with Professor Chris Pascal (before she became my supervisor) on the use of the *Baby Effective Early Learning* (0-3) (Bertram and Pascal, 2006) and *Effective Early Learning* (3-5) (Bertram and Pascal, 2004) quality assurance programmes (Bertram et al., 2013). Both programmes are based on a cycle of child and adult observation methods pioneered by Laevers and his team. I return to these scales in **Subsection 4.1.2** (page 115). Laevers' well-being observation scale has also been used in settings in Portugal (Pinazza, 2012). A very interesting question that came out of

Pinazza's research was what could the contributing factors to children's high levels of well-being be, even when they had had very limited experience in the crèche? One possible suggestion put forward, I would be inclined to agree with, was the underlying democratic pedagogy; the *pedagogy-in-participation* referred to above (Oliveira Formosinho and Formosinho, 2012). It appears that with a strong explicit foundation in democratic practices based on respectful relationships, children's well-being flourished.

Fundamental to a democratic, or child rights approach is personal relationships in early childhood. However, the focus has often been on the adult-child relationships, assuming the most important dyad in a setting is the child and their key person. I am however beginning to question this. I had an interesting conversation with Dr Peter Elfer at the EECERA conference in Bologna in 2017 on whether a child can be another child's secondary attachment figure (Bowlby, 1974). Elfer did not think so, as according to his definition, a secondary attachment figure has a duty of care towards a child, and a two-year-old child does not have this duty of care towards another two-year-old. This in line with what Professor Jaen Barlow said in a private conversation at the EECERA conference in Budapest in 2018. I explore this further in **Sections 5.2** and **5.3** as some of my observations left me with no doubt about the profound importance some two-year-olds had to another child's well-being. So maybe a two-year-old may not be considered a secondary attachment figure; however, the friendship bond between some of the focus children was very profound and significant. This is not surprising considering some of the children have been together almost daily for twenty-four of the thirty months they had been alive. This is something relatively new and highly relevant in relation to Article 31 of the UNCRC and a child's right to play, but not just play as a concept, but playing with one's *important friend*. My data suggest children and parents value this early friendship bond between children, but educators do not always seem to recognise it. This has major implications as children may inadvertently be separated when it would not make a difference to educators if they were kept together or not, but is of huge importance to the children themselves; if they can play together with their close friend as evident in Danny's story in **Section 5.3**.

#### **2.7.5 Updating the Experiential Theory Literature**

To bring the literature up to date, hoping to find more papers on children's rights in relation to children's everyday experiences, an electronic ERIC and BEI database search was carried out in February 2019, using the same base criteria and key words as the original search. This resulted in four hits, but no new relevant papers to this theory level.

Scanning reference lists for research on practice and children's lived experiences of rights I came across Salamon's (2015; 2017) research at the Australian Catholic University. Although her research is very interesting as it is also with children under three and from a participatory perspective, her focus is more on ethical relationships rather than the experiences per se and as such more relevant to the *Middle range* theory level, as she also refers to *ethical symmetry* as I do, see **Section 3.3**.

### 2.7.6 Experiential Theory Synthesis

An important point at this theory level is that rights-based pedagogy needs to involve learning *about, through* and *for* rights (Mihr, 2012). To be meaningful for children in early childhood the learning has to be, as Aasen et al. (2009) state, through concrete experiences. In other words, at this age rights-based education is fundamentally contextual and relational which therefore requires awareness on the part of the adult about what image of the child they hold inside, as Malaguzzi (1994: 52) stated already some time ago at a seminar for educators:

There are hundreds of different images of the child. Each one of you has inside yourself an image of the child that directs you as you begin to relate to a child. This theory within you pushes you to behave in certain ways; it orients you as you talk to the child, listen to the child, observe the child.

What also needs to be recognised is that, although Pramling Samuelsson et al. (2006) identified that many early years curricula have roots in the UNCRC and mention children as having rights, this does not, in and of itself, mean children's rights are actively and meaningfully worked with, or meaningfully guides practice as evident from my own research. Many concepts inherent in *child rights pedagogy* such as *power* and *agency*, that for instance Caiman and Lundegård's (2014) paper addresses, have been explored as interesting research topics, but often not elaborated on, or linked to children's rights and the UNCRC. One way of meaningfully engaging in dialogue with professionals about *power* and *agency* from a rights perspective could be by drawing on the Leuven well-being scale as I do with my *Significant Events Approach*, introduced in **Chapter 3**.

Before drawing this chapter to a close one more issue needs to be addressed that did not fit in neatly under previous subsections, one of the main criticisms against the UNCRC, the fact that children were not consulted in the drafting process, what Tobin (2013: 413) calls the "adult construction dilemma". Tobin (2013: 414) correctly points out that although children were not involved, the UNCRC was specifically drafted with children's lived experiences in mind:

the interests recognised as rights in the CRC do not simply reflect adult interests, but reflect an understanding or conception of children's interests, which is interpreted and constructed by adults.

In other words, when the adults drafted the UNCRC they did not just list a set of rights based simply on what adults deemed important rights for children, but chose them by trying to understand children's interests and base them on children's lived experiences. Although children should still have been entitled to play a role in the identification of interests or rights according to Eekelaar (2006), the fact they did not is a reflection of a particular period in history. I believe Tobin's suggestion may be a way forward. Tobin (2013: 416) proposes the answer to the *adult construction dilemma* is that children should today be entitled to:

demand that those interests, which they prioritise, but which may not be listed as rights in the CRC, must nonetheless remain a primary consideration in all actions concerning them.

This could be achieved as Lundy and McEvoy (Emerson) (2012: 4) propose, by assisting children in forming and expressing their views to "enable them to express and articulate latent views or to form new views through the interaction with information, adults and peers". In the research carried out by Lundy and McEvoy, activities were used to develop understanding of research issues in an effort to engage primary school children as genuine co-researchers, to realise their participation right, as opposed to children simply being asked what they feel about having rights. With this approach verbal children can express themselves; however, early verbal children's expressions would require a different approach, relying more on adult interpretations as in the case of my research.

Morrow reported as early as 1999 on a study where children (11-16 years) were asked to express *what* rights were important to them. Their main wishes were about being respected and trusted as well as included in decision-making processes. The children recognised the limits of their autonomy and their need, in fact desire, for adult guidance. Much of the research referred to above has as such mainly involved verbal children and has admittedly enriched our understanding of what is important to them; however, there is limited research on how to go about finding out what is important to young children who may not primarily express themselves through spoken language. This is the identified gap my research addresses. Theory at this level needs to look at experiences taking all forms of non-verbal communication into account: non-verbal sounds, facial expressions, eye gaze, gestures, touch, body movement and posture. This is in line with what Sumsion and Goodfellow (2012: 318) call "looking and listening-in", observational-related ways of



making meaning of children's experiences. Adult interpretations and understandings are complemented wherever possible by children's own thoughts and verbal communication, but spoken language is seen as but one form of communication, and not necessarily as more important than any other means of communication. This is addressed in the following chapter.

## 2.8 Journal Specific Searches

I concluded my literature review by targeting two prestigious journals looking for research using the UNCRC as a frame of reference, as opposed to just selective rights respecting perspectives such as the participation discourse that need not in and of itself use the UNCRC as a frame of reference, if seen from a more general democratic perspective. The search (6.6.2019) in the *International Journal of Children's Rights* (IJCR) revealed that in the twenty issues published since submitting my PhD proposal in 2014, only two of the 175 papers (about 1%) were specifically related to early childhood. Both papers were in relation to teacher perspectives and perceptions of children's rights (*Practice theory*). There were as such no papers in the IJCR in the past five years on rights-based or rights-informed research or work with children in early childhood settings.

Searching the *European Early Childhood Education Research Journal* (EECERJ) (7.6.2019) revealed that in the twenty-nine issues published since submitting my PhD proposal in 2014, nineteen of the 238 articles (8%) made reference to children's rights, but often just symbolically, by simply mentioning an Article of the UNCRC or briefly referring to the UNCRC in general to substantiate a point. Incidentally, I found it very interesting how inconsistent the citing and referencing of the UNCRC was, from simply being referred to as a second hand reference, to a number of different forms of in-text citations as illustrated in the following list:

1. (UNICEF, n.d.)
2. (UNICEF, 1989)
3. (UNCRC, 1989)
4. (OHCHR, 1989)
5. (UN, 1989)

The first two UNICEF in-text citations are actually incorrect as the UNCRC is not a UNICEF document but a UN treaty. The (OHCHR, 1989) citation was used four times and is more

acceptable as at least it is referring to a UN office, and the correct citation (UN, 1989) was used most frequently, eight times. The reason this is relevant is because the way authors cite the UNCRC can be seen as an indication of their understanding of the origin of this treaty as part of the bigger human rights discourse, the *Meta-*, *Grand-* and *Middle range* theories. The authors who used the (UN, 1989) citation seemed to engaged more knowledgeably with the concept of children's rights in their papers.

Of the nineteen papers in the EECERJ making reference to children's rights, most referred to children's rights and the UNCRC in passing, but three papers were of greater interest in that they did more than just list a right or simply mentioned the UNCRC in passing. The research by Colliver (2017) was the only one to include two-year-olds and although Collier does not unpack Lundy's (2007) model of participation, it is evident throughout, and I agree with her conclusion, that trying to *understand* children adds a much-needed dimension to the current 'listening climate'. The research by Mayne et al. (2018) is clearly rights-based, involving children 3-8 years of age, and although conceptually interesting, relying on children's verbal communication means it would need to be expanded on to be relevant to my research that includes early verbal children, which would be an interesting project to undertake in the future. Richardson's (2019) considerations of ethical responsibilities towards non-participating children is very insightful, as she correctly points out, it is both an ethical and a rights issue. This was something I also had to take into consideration in this study in relation to Sophia in Setting 4 in Finland (OE 28, Appendix 49).

At the end of this review I conclude that much research in early childhood tends to be rights-informed at best rather than rights-based, as defined by Lundy and McEvoy (2012) above. Despite the paucity of research with children under three and rights-based research using the UNCRC as a frame of reference in particular, much research is relatable. See **Table 4** on the next page for my theoretical framework and the main scholars in this review whose research inspired my work and informed this study.

Although I started the literature review by exploring *Meta theory* literature and worked my way down the five theory levels, as illustrated in **Table 2** on page 19, going forward I flip the theory levels around as evident in **Table 4** on the next page because the *Meta-*, *Grand-*, and *Middle range theories* are as previously mentioned the theoretical below surface foundation for research and practice on children's rights-based experiences.

## 2.9 Chapter Summary

Much of the literature identified in this review is theoretical or conceptual in nature, firstly because I was seeking to articulate a theoretical foundation for *child rights pedagogy*, but secondly also because of the paucity of research on children rights, using the UNCRC as a frame of reference in the context of everyday experiences in early childhood, as evident in the journal specific searches in **Section 2.8**. I conclude this chapter by showing how the various theory levels informed this study, and how they contribute a theoretical foundation to working with children's rights in ECEC. See **Table 5** on page 71 for a summary.

**Table 4:** Theoretical framework for engaging with children's rights in early childhood

Level	Focus	Application	Core Theorists	Aspects
Experiential theory	Rights Respecting Experiences	Child centered	F. Laevers	Child well-being
		Relational	J. and R. Bowlby P. Elfer	Attachment and sensitivity
Instrumental reasons for rights		Experience sensitive reflections	M. van Manen	5 lifeworld existentials
		To develop to fullest potential		
Practice theory		The UNCRC informs curricula	UNICEF	RRSA, RRE Hampshire
		Professional development	C. Pascal and T. Bertram	Evaluation of experiences
Substantive reasons for rights	Rights Respecting Practice	Pedagogy-in-participation	J. Formosinho and J. Oliveira-Formosinho	Participation Democracy
		Participation	L. Lundy	4-factor participation model
Middle range theory	Rights Respecting Philosophies	To effect outcomes		
		Philosophy and Politics	D. Archard	Concept and conceptions of childhood
Moral reasons for rights		Jurisprudence	M. Freeman	Political nature of childhood
		Moral philosophy	I. Kant	Normative ethics of conduct/actions
Grand theory		To direct practice		
		Sociology of Childhood	B. Mayall L. Alanen	Changing childhood, possible futures Relationships
Conceptual reasons for rights	Rights Respecting Structures	NGOs	UNICEF CRAE	Promoting and protecting children's rights and well-being
		Committee on the Rights of the Child	UN	Reporting and monitoring
Meta theory		To define discourse		
		National policies and legislation	States parties	Incorporation (direct or indirect)
Legal reasons for rights	Rights Respecting Paradigm	HR institutions	Council of Europe UN	Regional child rights strategy for EU International HR Treaties
		Sociology of Human Rights	M. Frezzo	Rights bundling
		Modern understanding of rights	W. Hohfeld	The nature and function of rights
		To impact legal proceedings		

The limited research and theorising on children's rights in education (Reynaert et al., 2009; Sargeant, 2018; Quennerstedt, 2013) compelled me to go back to the origin of our current understanding of the nature and function of rights (Hohfeld, 1913). I felt this was necessary for developing a coherent argument and framework for bridging the field of children's rights and education. In other words, developing an understanding of how the UNCRC, that is part of the larger international human rights discourse, can be used as a frame of reference

in order to influence pedagogical practice and thus children's experiences in early childhood settings.

The *Meta theory* literature defines the legal characteristic of children's rights and demonstrates how the UNCRC is a standard setting document that sets out "minimum necessary rights for children: rights to provision, protection and participation" (Franklin, 2002: 6), as part of nine core international human rights instrument. Children's rights need to as such be recognised as legal entitlements, with corresponding duty bearers carrying the responsibility to respect, promote and realize those entitlements. Conflating rights, wants, and needs, which is common, leads to misconceptions (UNICEF UK, 2015; 2017a) that I believe are damaging for the children's rights discourse as a whole, as it undermines the concept of rights as legal entitlements. I therefore suggest that if we wish to tackle issues that have not been addressed sufficiently by the UNCRC we need to go about it within its legal framework. Wants and needs cannot be 'converted' into rights simply because we feel passionately children deserve for instance to be happy and loved. I have at a *Meta theory* level raised issues that I consider have not been addressed sufficiently by the UNCRC, drawing of Frezzo's (2015) work and his sociological, human rights perspective as expressed through *rights bundling*. This is discussed in detail in **Section 5.6** and how to, based on data, create new conceptualisations of various Articles, one of the original contributions of this thesis.

Rights issues data brought to the fore, not addressed sufficiently by the UNCRC, are intimately linked to the *Grand theory* literature and childhood sociology that started the process of reconceptualising children and childhood on a societal level in the 1980s. Although the two fields, childhood sociology and children's rights are distinct fields, it is interesting to note a convergence, as important to both fields is that children are viewed as a social group rather than within the family, to understand that problems and their solutions are located at sociological rather than at individual case level (Mayall, 2000). Using the concept of children's rights and the UNCRC as a frame of reference is as such about social engineering to draw attention to issues, priorities, and concerns children have, and in the process increase the status of children in society. The *Grand theory* body of literature brings a contextual understanding to children's rights, a sociological and relational perspective. Through *General Comments* published by the *UN Committee on the Rights of the Child* (OHCHR, 2018), guidance is given on how to interpret various Articles. Twenty-four *General Comments* have been issued to date, building up a picture of what individual Articles can mean to children in their everyday lives. This *Committee* is as such a very important structure in society not only advising states parties but also as a

source of information for professionals working for and with children from a rights perspective. Literature at this level as well as primary data revealed aspects of various Articles that can be seen as indicators for guiding rights-based practice in ECEC. With new knowledge and insights, the indicators emerged in the course of the study, and were noted in a document I call the the *Children's Rights Observation Guide* (CROG). It is structured around the first forty-two substantive Articles of the UNCRC. Articles 43-54 are about how Governments, the *Committee* and NGOs should work towards realising children's rights rather than a child's right per se, as the first forty-two are. The CROG is discussed in **Subsection 4.1.8** and has the potential of becoming a companion to the *Committee's* published *General Comments* as mentioned on page 35.

The *Middle range theory* literature clarifies my philosophical positions, such as my moral or ethical reasons and motives that guide my practice and research. Knowledge from this theory level influenced how I interpreted and understood various observations. The *Middle range theory* literature reinforced my notion of the UNCRC as being more than a legal document. Roose and Bouverne-De Bie (2007) also suggest that a social-political understanding of the UNCRC brings out a relational perspective, in line with my own interpretation. A relational perspective to children's rights necessitates exploring the views we hold of children and childhood in order to understand how they are, or are not, congruent with a rights perspective. Looking at various ethical codes of practice from a relational and rights perspective, I have to concur with Bell's (2008) analysis of several contemporary research ethics guidelines for research involving children, that guidelines still reveal a general lack of direct reference to rights principles such as those articulated in the UNCRC (Cole-Albäck, 2019). In the process of my study, while reflecting on ethical considerations, I developed a document illustrating how rights link to ethical aspects I grappled with during the research process. It can equally be used to reflect on pedagogical relationships. This 4-stage rights-based ethical research framework, described in **Subsection 3.3.1** constitutes one of the original contributions of this thesis.

Engaging with literature at these three levels, the ***Meta, Grand, and Middle range theory*** levels, was very much about developing my own knowledge as well as developing a coherent theoretical framework. This gave me not only the theoretical foundation for exploring and interpreting *Practice theory* and children's experiences, but also the theoretical foundation to continue developing the concept of *child rights pedagogy*. The knowledge developed at *Meta- Grand- and Middle range theory* level is, as described before, metaphorically speaking part of the iceberg beneath the surface, and without the

understanding of these underlying theories, I believe the whole concept of *child rights pedagogy* rests on thin ice.

At **Practice theory** level, understanding the concept of *rights-based* practice is paramount. Lundy and McEvoy's (2012) five criteria or principles are very helpful in establishing the level of engagement with children's rights, by making the distinction between practice that is rights-based (meeting all the five criteria) and practice that is rights-informed (meeting some of the five criteria), whether as a researcher or educator working with children. One of the criteria states the process should "further the realisation of children's rights" (ibid.: 78). This I believe can only be done based on observations of children's lived, or context specific experiences. For this purpose, especially when working and researching with young children, both a "child perspective" and "children's perspective" (Sommer et al., 2013: 463) need to be considered. In other words, we recognise and interpret non-verbal communication through participant observations, and verbal communication in dialogue with children. For gaining a deeper understanding when exploring children's experiences, I suggest inspiration can be taken from phenomenology. I wrote up observations, in what van Manen (1997: 68) calls "experiential anecdotes", using his five *lifeworld existentials* as a guide: Lived Other (relationality); Lived Body (corporeality); Lived Space (spatiality); Lived Time (temporality); and Lived Things (materiality) (van Manen, 2014: 302). This is detailed in **Subsection 3.1.1**. To frame my analysis and interpretations, my phenomenologically inspired perspective is based on Kraus' (2013; 2015: 2) reformulation of the term "lifeworld" (Lebenswelt), as well as his interpretation of the concept "life conditions" (Lebenslage). These terms I then further expanded on, by introducing the concept of *life interactions* (Lebensinteraktion), in order to get a deeper more nuanced and relational understanding of children's lived experiences (Cole-Albäck, 2019). This is an approach for interpreting and understanding observations previously not discussed in literature, and an original contribution of this thesis.

At **Experiential theory** level, to capture what is important to young children, for understanding their own interests, priorities and concerns, without having to rely on language alone, I have developed an innovative method that I call the *Significant Events Approach to Children's Rights*. This meets one of Lundy and McEvoy's (2012: 78) five criteria that a rights-base process should "build the capacity of children". This approach, discussed in detail in **Subsection 4.1.2**, is inspired by instruments from the *Baby Effective Early Learning* (Bertram and Pascal, 2006) and *Effective Early Learning* (Bertram and Pascal, 2004) quality assurance programmes (Bertram et al., 2013), both as mentioned in this review, programmes based on a cycle of child and adult observations pioneered by

Laevers and his team in Leuven (Laevers et al., 1997; Laevers et al., 2012). The *Significant Events Approach* is an original contribution at *Experiential theory* level. **Table 5** on the next page illustrates the original contributions generated at each theory level reviewed.

**Table 5:** Original contributions generated from the theory

Theory linked to original contributions
<b>Experiential theory</b>
Children's own priorities, interests and concerns are captured through the <i>Significant Events Approach to Children's Rights</i> developed for this study. This approach allows for children to play a role in the identification of interests that may be illustrative of rights, and if acted on can give children the opportunity to influence practice and have an impact on their own lives.
<b>Practice theory</b>
Interpretations of children's rights-based experiences are inspired by phenomenology. Kraus' (2015) notion of <i>lifeworld</i> (Lebenswelt) and <i>life conditions</i> (Lebenslage) are built on with my notion of <i>life interactions</i> (Lebensinteraktion), as an illuminating way of engaging with, interpreting, and understanding children's everyday experiences.
<b>Middle range theory</b>
Recognising all research is informed by ethics principles, a 4-stage rights-based ethics research framework was developed to reflect on research practices in the field. This framework is equally applicable as a reflective ethical guide for professionals working with children in educational settings.
<b>Grand theory</b>
Expanding on advice given by the <i>UN Committee on the Rights of the Child</i> through their <i>General Comments</i> on how to interpret various Articles, a draft document called the <i>Children's Rights Observation Guide</i> (CROG) has been compiled to exemplify what the Articles of the UNCRC can mean in early childhood practice.
<b>Meta theory</b>
Building on Hohfeld's (1913) modern understanding of rights, Frezzo's (2015) sociological interpretation of <i>rights bundling</i> is applied in creating new conceptualisations of Articles of the UNCRC, based on observational data from the study.

I believe this literature review has revealed how combining rights-, sociological- and educational theory gives research on children's rights in educational settings a clear theoretical foundation. Returning to the iceberg metaphor, the below surface theory levels recognise that children's rights are part of a wider human rights legal agenda; supported by the sociological notion of children as a social group with their own priorities, interests and concerns; steeped in values about children and childhood. Awareness of theories at these three levels can help educators and researchers to develop from what Jerome (2016) calls *implementers* to *change agents*. It was over the course of time, especially in interaction and conversation with educators involved in this study, and when beginning to analyse observations and interviews, I gradually shifted from being an *implementer* and

*collaborator* to more of an informed *change agent* (as defined on page 42). In other words, developing my theoretical framework allowed me to mature from an “uncritical proponent” (Stammers, 2009: 8) to a more critical supporter of children’s rights. My 4-stage rights-based ethical framework, that can inform research and pedagogy, evolved out of this greater appreciation of the complexity of child rights ideology and growing awareness of how to engage more critically with the UNCRC. Seeing children as a social group with their own interests, priorities and concerns spurred me to explore an approach that became my *Significant Events Approach* to working with and researching children in ECEC discussed further in **Chapter 4**.



# 3 RESEARCH DESIGN

## Considerations for shaping the study

Although the UNCRC has had a significant impact on the gradually changing image of children and childhood (Verhellen, 2015), and many adults working with or for children claim to be working from a rights-based perspective, few use the UNCRC as a frame of reference to guide pedagogical practice in education (Reynaert et al., 2012). The main reason given for not engaging more with the UNCRC being the lack of knowledge and understanding of how this legal document can be understood to relate to pedagogy (Byrne and Lundy, 2015; Jerome et al., 2015; Robson, 2016). Child rights researchers have as such a big role to play in bridging theory and practice, in contextualising the discourse (Reynaert et al., 2015), thus making children's rights and the UNCRC more accessible to educators. To explore this issue, I adopted a case study process, to firstly develop a greater theoretical understanding of how the UNCRC could be engaged with as part of the concept of *child rights pedagogy*, and secondly to explore how children's rights are experienced and engaged with in early childhood settings providing for two-year-old children.

This chapter starts by introducing my philosophical position, before presenting the research strategy and defining the case and approach to the case study process adopted. The influence phenomenology has had on the study is also presented. With theoretical positions clarified, the research problem and rationale is given and the 5-stage research process and its aspects clarified. One of the original contributions of this study, presented in this chapter, is its rights-based ethical approach. A two-page table illustrates the process, with an *experiential anecdote* used to show how the observations informed the framework. The chapter ends with addressing issues of quality through the concept of trustworthiness and discusses some limitations and problems encountered during the research process.

## 3.1 Philosophical Positions

My ontological position, or view of reality is that reality exists through experiences and is as such subjective (Guba and Lincoln, 1985; 2005; Lincoln et al., 2011). I do not believe there is one objective reality to discover in research settings. Just like the participants make sense of their subjective realities and attach meaning to them, as a researcher I also try to understand and make subjective sense of my participants' reality. My analyses and

interpretations of lived experiences are but one way of understanding experiences in relation to children's rights, in four early childhood institutions. Denzin and Lincoln (2011: 12) state:

We interpret, we perform, we interrupt, we challenge, and we believe nothing is ever certain. We want performance texts that quote history back to itself, texts that focus on epiphanies, on the intersection of biography, history, culture, and politics; on turning point moments in people's lives.

Although my research has a political message about the equal worth of children, and the desire to raise the status of children's rights, children and childhood in society by using the UNCRC as a tool for social engineering, it does not question currently held values and assumptions directly, nor does it focus on challenging conventional social structures explicitly, and therefore does not qualify as a critical inquiry but is more in line with the interpretivist tradition. Although Denzin and Lincoln (2011) consider all research interpretive, which is true in a broad sense, I define my research as interpretive as I, in my search for meaning, interpreted documents, transcripts from interviews with adults, observations of children's experiences, and my own fieldnotes. In other words, through "interconnected interpretive practices" (ibid.: 24) I make an effort to understand children's realities in relation to children's rights and the UNCRC.

Epistemologically, I believe knowledge and meaning is socially constructed and contextual, culturally and historically situated (Rogoff, 2003), which had a direct impact on the methods chosen to provide insight and understanding into my issue of interest. Seeking to gain the perspectives of children, parents and educators necessitated a multi-method approach. All data collection methods are in line with a qualitative research approach, see **Subsection 3.2.8**.

Both my ontological and epistemological position is also congruent with the *praxeological* paradigm, concerned with "the concept of praxis [that] unifies the process of developing theory and practice creating practical theories and theoretical practices" (Formosinho and Oliveira Formosinho, 2012: 597). This emerging worldview in early childhood research has its conceptual foundation in von Mises' understanding of Espinas' notion of *praxeology*, the scientific study of human action (von Mises, 2007), where action means purposeful, means to an end, in other words, a person acts for a reason (Rothbard, 2011). As previously mentioned, Freire's notion of *praxis* is also central. Freire (2005: 51) defined *praxis* as "reflection and action upon the world in order to transform it". Freire (2005: 65) further states:

[praxis] cannot be purely intellectual but must involve action; nor can it be limited to mere activism, but must include serious reflection: only then will it be a praxis.

Freire's notion of *praxis* seems to incorporate the two common views on what *praxis* is; the Aristotelian and the Marxian sense of *praxis*. Aristotle suggested *praxis* can be understood as the morally informed and committed action of the educator, and from a post-Marxist perspective *praxis* can be understood to mean political, history-making social action (Kemmis, 2012). von Mises' understanding of *praxeology* and Freire's notion of *praxis* are at the core of the early childhood *praxeological* paradigm, and I would add, rights-based research in particular, as it encourages researchers to develop into what Jerome (2016: 150) calls "change agents" by transforming implicit knowledge into explicit knowledge, an important aspect of *praxeology* according to Formosinho and Oliveira Formosinho (2012). In addition to these two prominent perspectives, *praxeology* also draws on action theorists such as McNiff and Whitehead (2009), Schön (1983) who promoted ideas of reflective practitioners, Wenger's (1998) concept of communities of practice, and Reason and Bradbury's (2008) participatory and cooperative inquiry. For a more detailed discussion on these and other important influencers of this developing paradigm, see Pascal and Bertram (2012).

Pascal and Bertram (2012: 484) state, *praxeology* is "eminently suited to practitioner researchers", or practice-led research, particularly practice-led research carried out in the form of action research (Candy, 2006: 3). However, practice-led research can also be understood to mean research guided by and informing practice:

*Practice-led Research* is concerned with the nature of practice and leads to new knowledge that has operational significance for that practice. The main focus of the research is to advance knowledge about practice, or to advance knowledge within practice.

Although the focus may seem to be on practice, the concept of *praxis* in *praxeology* addresses "epistemological issue about the relationship between knowledge of universal and knowledge of particulars, between context independent and context dependent (situated) knowledge" (Formosinho and Oliveira Formosinho, 2012: 597), just like the children's rights discourse is both context specific and universal; and highly theoretical as well as experiential.

I believe the *praxeological* worldview is particularly well suited for child rights research as it is a democratic approach for doing research in early childhood. Pascal and Bertram (2012: 487) state: “ethics and power have to be central aspects of any human process and need to be visible and handled with integrity and morality”. My ethical responsibility towards the children is evident in the framework I develop and used in this study as discussed in **Subsection 3.1.1**. In addition, *praxeological* research can adopt many different research designs such as action research, case study, life storying and so forth, and I would suggest an experiential, phenomenologically inspired perspective is particularly useful in early childhood.

### **3.1.1 Inspiration from Phenomenology**

Giorgi (2000: 12) makes a distinction between what he calls “scientific phenomenology” and “philosophical phenomenology”. By *philosophical phenomenology* Giorgi and van Manen (2014) refer to the way the great thinkers of the 20<sup>th</sup> Century like Edmund Husserl and Martin Heidegger engaged with phenomenology, the way they explored the essence of concepts such as cognition and reality (Husserl, 2012), being and time (Heidegger, 1962) and their universal meaning. In *scientific phenomenology* or what van Manen (2014: 212) calls: “phenomenology of practice”, experience-sensitive understanding of a particular issue or social phenomenon is the focus (van Manen 1997). The American philosopher Herbert Spiegelberg (1971) suggested there may be as many phenomenologies as there are phenomenologists. However, Spiegelberg also stated despite different ways of engaging with phenomenology there should be a common core to all phenomenological research to qualify as such. Spiegelberg (1971) as well as Giorgi et al. (2017) suggest there are three steps that have to be addressed, to qualify as phenomenological research:

1. A lived experience or phenomenon needs to be described
2. Reduction needs to be practiced
3. The general essence or invariant characteristics of a structure needs to be described

In this study, the first two steps are practiced and suggested as a method for educators. However, to be a phenomenological study Spiegelberg (1971), as well as Giorgi et al. (2017), asserts a study needs to engage in the third step, “imaginative variation” (Giorgi et al., 2017: 182; 2019), that is, looking at various attributes of an experience to determine what the core unchanging attribute or essence of the experience is. This is where I diverge. As will be evident in **Chapter 5**, I discuss one or two possible attributes of a key experience

and explore these from a psychological perspective, as my objective is to understand children's experiences from a rights-based perspective. Hence I talk about adopting a phenomenological mindset rather than a phenomenological approach as I can only claim my study to be inspired by phenomenology (van Manen, 2017). The rest of this section will identify the methods used to collect and frame data, inspired by phenomenology.

Typically phenomenological data is collected through interviews (Danaher and Briod, 2005; Patton, 2015); however, as also discussed elsewhere (Cole-Albäck, 2019), the child data was collected through participant observations. van Manen (1997: 68) recognises observations as a means of especially gaining access to young children's experiences, where interviewing may not be an appropriate method due to the age of the children and calls these observations "experiential anecdotes". I tried both during the observations and afterwards when writing them up to keep a phenomenological mindset in being open, in a state of wonder, and suspending assumptions (*epoché*), attentive to events and the ensuing reflections on insights into the meaning of children's lived experiences (*reduction*) (van Manen, 2014). When writing up selected observations (Appendix 46-49), as illustrated in the *experiential anecdote* on the next page, I structured them using van Manen's (1997; 2014: 302) five *lifeworld existentials*:

1. Lived Other (relationality)
2. Lived Body (corporeality)
3. Lived Space (spatiality)
4. Lived Time (temporality)
5. Lived Things (materiality)

I find these five "universal themes of life" (van Manen, 2014: 302) very useful in guiding reflections on the meaning and interpretation of children's experiences.

To frame the discussions, Kraus' (2013; 2015) epistemological reformulation of the phenomenological term *lifeworld* (*Lebenswelt*) was used as well as his interpretation of the concept *life conditions* (*Lebenslage*). These terms were further expanded on, by introducing the concept of *life interactions* (*Lebensinteraktion*). In this study, honouring its phenomenological origin, the term *lifeworld* (*Lebenswelt*) is used to mean more than just "a simple orientation towards a person's life situation" (Kraus, 2015: 2). In agreement with Kraus (2015: 4) "lifeworld means a person's subjective construction of reality, which he or

**Experiential Anecdote 17.10.16 (SE 22) Setting 1, England (WB score 5)**

Jenny (educator) is outside playing with four boys in the mud kitchen. After a while the play naturally moves on to the turfed area where there are four crates lined up (Lived things – old crates as play resources). They are arranged in a line and the children climb into the crates as if they are carriages in a train (Lived space – what is happening). Alex is at the back of the train with Luke in front of him. Blake wants to climb in but Jenny notices he has got his trainers on so she sends him inside, to change into his wellies.

When Blake returns (Lived time – he was inside for a while) the carriages are full.

Alex	Luke	Child	Child
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Children carefully climb into crates and squeeze down beside each other, laughing. Blake is not sure what to do. Jenny makes some suggestions and asks if Blake can climb into another child's crate, which he does. Blake looks happy as he smilingly settles behind the other child (Lived body – proximity). A child brings up a crate and places it at the front of the train, and climbs aboard. Another child brings a wooden lorry that she places in front of the first crate, and becomes the driver as such, and 'off they go'. Blake chats to the child next to him, who responds. Both boys are smiling at each other, looking happy (Lived other – relationality).

she forms under the condition of his or her life circumstances" (that can be communicated to others through verbal or non-verbal communication.

Kraus' (2015: 4) term "life conditions" (Lebenslage) was however adapted as his term *life conditions* is broad, as it encompasses everything outside of the person's *lifeworld*, all of a person's material as well as immaterial circumstances. Kraus' notion of *life conditions* was therefore adapted. *Life conditions* are here taken to represent a person's material or external circumstances solely. In the case of this study, a child's external circumstances in which subjective experiences take place are for instance their living conditions at home, socioeconomic status, neighbourhood, type of nursery the child attends, curriculum or approach to play and learning taken in the nursery, resources available, routines and so forth.

The immaterial, or social and relational aspects of a person's circumstances, are brought to the fore by giving these aspects of a person's circumstances its own category, *life interactions* (Lebensinteraktion), in order to draw more attention to the importance of interpersonal interactions to experiences, as children can only grow and develop to their fullest potential in relationship with others. *Life interactions* are in other words the connections children develop in relation to adults and children they encounter or share their daily lives with. These interactions can be anywhere along a continuum from fleeting

and unimportant to deep and meaningful relationships to primary and secondary caregivers. Interactions with researchers for instance may be fleeting, but need to be meaningful to be ethical and congruent with the *praxeological* paradigm.

The notion of a person's subjective reality is as such aligned with the term *lifeworld*, the term *life condition* is aligned with material circumstances in a person's life, and the term *life interaction* is aligned with relational aspects of a person's experiences. These concepts guided the interpretation of observations in order to gain a deeper understanding of the nature of children's experiences.

### 3.1.2 Positionality

Believing knowledge is contextual and seeking to experience what I am researching, to better understand and interpret children's experiences meant I wanted to engage directly with children, parents and educators. Observational involvement can be understood along a continuum from complete immersion as a participant to complete separation as a spectator (Patton, 2015). I set out to be as flexible as possible along this continuum, taking my cue from the children and educators, but with the intention of being a participant observer, sharing in the life and activities of the setting, to see and feel what it is like to be a child in that particular setting. I do not believe a researcher should be detached when doing research with children in their everyday lives because I believe that when we enter settings as researchers, and become part of children's *lifeworld* for however brief a time, we cannot escape the ethical responsibility it carries to reflect on the impact we may have on the children, and adults, taking part in our research, and how a researcher's presence impacts the knowledge these experiences create. Warming (2011: 39) suggests, "a "*least adult role*" approach, enhances the possibilities of successfully achieving empathetic and empowering representation of young children's perspectives". In the *least adult role*, the researcher endeavours to participate in a childlike way by:

- Playing with the children
- Submitting to the authority of their adult carers
- Abdicating from adult authority and privileges
- Letting children define and shape the researcher's role

Warming insists it is only through the *least adult role* that researchers can gain access to areas of children's *lifeworld* that would otherwise be inaccessible. However, I was in both England and Finland in similar positions of complicity with children as Warming describes,

gaining deeply personal insights, without seeing the relevance to abdicate “adult authority and privileges” (Warming 2011: 43).

It should also be questioned if children really buy into this notion of a *lesser adult*, as the adult researcher can at any point in time reclaim their abdicated authority and privileges. It is as such a notion with an element of pretence or even deception. Rogers and Evans (2008: 49) admit that the children in their study had, to their surprise, not bought into their role as *lesser adults*, which they suggest is because the notion of a *lesser adult* does not fit with children’s experiences of the world, because children position adults “according to the discourse within which they are operating”. This begs the question, how ethical is it to try to be a *lesser adult*? Maybe a more honest researcher role is Corsaro’s (2018: 55) notion of “atypical adult” or non-authoritarian adult. This recognises irrefutable power relationships and inescapable generational issues (Mayall 2000). Admittedly, what Warming is trying to promote is a more symmetrical relationship between children and researchers (Christensen and Prout, 2002), about moving away from the old view of children, where children were considered lesser adults. Entering children’s *lifeworld* with sensitivity, respecting different ways of being a child, joining in on their playful terms, letting the children in that sense define and shape the researcher role, I believe is however more about rethinking our image of the adult researcher rather than being a *lesser adult*. The idea of a *lesser adult* only makes sense to me where the notion of a playful researcher, or *atypical adult*, needs justifying as it may not be compatible with the concept of ‘objective’ research. I therefore expected my role in the settings to fall anywhere between being a spectator, or what I prefer to call a *peripheral participant observer*, as I was always accessible and ready to engage with children and educators, to *atypical adult participant*.

In this piece of research, I position myself openly in the text as I write in the first-person voice thus acknowledging my subjectivity, as I feel the traditional academic third-person passive voice projects a sense of distance and detachment not congruent with my study. According to Patton (2015: 73) the first-person voice “acknowledges the humanity of both self and others and implies relationship, mutuality, and genuine dialogue”. As such I have tried to be conscious of my cultural, political, social, linguistic, and economic origins, as well as attentive to that of the participant’s, trying to respect and communicate their perspectives in a trustworthy and authentic way (ibid., 2015). Recognising my presence in this study is as such a way of expressing my voice and perspective, as an individual and a researcher, acknowledging personal and professional ownership of this study (Denzin and Lincoln, 2011).



Furthermore, issues of power need to be briefly mentioned, the fact that being “the [main] instrument of both data collection and data interpretation” (Patton, 2015: 57) puts me in an irrefutable position of power vis-à-vis my participants. However, this does not mean participants are passive subject, as they can accept, challenge and resist research in how they interact with me the researcher, and thus the knowledge co-created. In fact, I experienced all of the above albeit mainly acceptance and collaboration, there was some challenge to my research and a little resistance from children and adults alike. For instance, some children met the activity I originally planned to carry out with them with little enthusiasm. Nina (educator) and I tried to develop the activity, but when it came to implementing it, with the help of a child’s key person, the educator decided to go out in the garden. I interpreted this as non-verbal dissent. The educator mentioned to me later that she felt it all seemed a bit contrived, which I accepted, as this setting was more focused on children’s free play rather than structured play, or what Ridgeway et al. (2015: 12) call “pedagogical play”, as a means to furthering children’s development. I return to different notions of play in relation to **Article 31P** and the child’s right to play in **Chapter 5**, and to the problem with the actual activity in **Subsection 3.5.1** under *Limitations and Problems*.

For a summary of the research design and its concepts and terminology, see **Figure 2** on the next page. Denzin and Lincoln (2011:12) state the terms we use are like the “biography of the researcher” in that the questions we ask (epistemology), how we include ourselves and the participants in the research (ontology), and how we examined data (methodology, analysis) is a reflection of who we are as researchers.

## 3.2 Research Strategy

In case study research I believe a brief comment needs to be made recognising the distinction between research related cases and the use of the same (unrelated) term in non-research contexts. The term ‘case method’ is used in business studies as an instructional technique, professionals also talk about a ‘case record’ in a medical or legal sense, and social workers refer to ‘case histories’ or ‘case work’. In fact, historically the origin of case studies was social work related (Platt, 1992). For further reference, the non-research related terms have been discussed elsewhere by scholars such as Hammersley and Gomm (2000) and Merriam (2009). I believe highlighting a philosophical stance, the ontology and epistemology informing a case study, is needed to make the distinction between research and non-research related cases.

**Figure 2:** Research design

As I set out to gain insight into an issue, from a conceptual and experiential perspective, I felt the study had to include exploring children's experiences of rights in early childhood settings within a real-life context, as most of the current literature is theoretical rather than experiential in nature and does not adequately take children's own experiences into account. Children's rights can however not be realised without adults engaging with this concept. Adults working with children are as such gate-keepers to implementation (Jerome, 2016), hence exploring adult knowledge was also important. In addition, collecting primary data was also important to get up-to-date information and to get a more nuanced and contextual understanding of the current children's rights discourse that may not come out in national reports, such as country reports to the *UN Committee on the Rights of the Child* (OHCHR, 2019a). Seeking first-hand, in-depth, detailed understanding of experiences in a small group, or social unit, in naturalistic settings, fit the criteria for a case study, especially since I as the researcher have little or no control over the issue under investigation (Yin, 2009). The ontological and epistemological stance discussed above, together with the fact that the main body of data was from observations and conversations, that were iteratively analysed and interpreted in the search for meaning rather than statistical analysis, clearly locates this study as a structured qualitative case study. When drawing up the study the six Stakian *Conceptual Responsibilities* (Stake, 2005) were used as the case study framework as illustrated in **Table 6**.

**Table 6:** The six Stakian *Conceptual Responsibilities* (Stake, 2005)

Conceptual responsibilities in case study research		
1.	Bounding and conceptualising the object of study	Children's rights practice in early education and care settings providing for children 2-3 years of age
2.	Selecting phenomena, themes or issues	Issue question: what does <i>Child Rights Pedagogy</i> entail?
3.	Data gathering and seeking patterns of data to develop the issues	Iterative analysis process to expose the link between the UNCRC and practice in ECEC in 2 countries
4.	Triangulation or collation of data for interpretations	Collection and collation of qualitative information through various methods
5.	Selecting alternative interpretations to pursue	Through detailed description and verification by member checking and formal peer confirmability or disagreement
6	Developing assertions or generalizations about the case	Interpreting findings and synthesising data using narratives and word tables

### 3.2.1 Defining the Case

The most important defining factor in case study research is the unit of analysis. It is the unit of analysis that determines if a study is a case study or just a topic under investigation (Merriam, 2009). “The case is a specific, a complex functioning thing” (Stake, 1995: 2) that we seek a greater understanding of. Tobin’s (2010: 771) definition is that, “A case study is a systematic way of looking at what is often termed a bounded system, meaning one entity that has distinct limitations or a finite size”. Stake in addition (1995) makes a distinction between two different aspects of the bounded system, which he calls *the case*, and *the issue*. They are so unique to case study research, according to Stake, that he attributes them Greek symbols; the symbol theta (Θ) to the case and the symbol iota (Ι) to the issue. The process of identifying and defining the theta and iota is so fundamental and unique to case study research that I believe it is what defines it as a process as opposed to a methodology or method, as Θ and Ι are independent of philosophies and data collection techniques. Common research methodologies have a very specific research focus whereas case study research focuses on the process of defining the boundaries of the Θ and Ι. I therefore consider that a case study is not a methodology per se (hence shying away from using the word methodology in the chapter title) but a methodological chameleon. It is only when a case study is linked to a methodology that it gains its identity and becomes a phenomenological case study, an ethnographic case study, a grounded case study, a discursive case study, a narrative case study, a biographical case study and so forth. In other words, a “case study is not a methodological choice but a choice of what is to be studied” (Stake, 2005: 443). It is the process of selecting a case and defining its boundaries that makes a project a case study. Once a case or issue has been defined or selected, a methodology then ‘colours’ the case study and in the case of this study it is inspired by phenomenology.

Stake (1995) further defines that when the focus of a study is in a particular case (Θ), a child, a classroom of children, a teacher or an educational programme, and what is happening within the identified bounded system, that is, the case as a whole is what is deemed important to understand, then it is an *intrinsic* case study. When the interest is in a specific issue (Ι) within the bounded system, to understand something else, and the issue (Ι) is deemed more important than the case itself, the case study is said to be an *instrumental* study. In addition, if several cases are chosen for learning about an issue, Stake calls it a *collective* study. As the issues, children’s rights and *child rights pedagogy*, is of greater importance than the individual cases in this study, this study is an instrumental study extended to several cases. In other words, each of the four settings in this study provided insight into the wider issue of *child rights pedagogy* rather than providing insight

into how the setting per se engaged with children's rights. Data from the four settings were therefore pooled to inform the issue as a whole. This is what Yin (2009) would call a single case design with four embedded units of analysis. The thesis is as such the case with multiple units of analysis informing the case study as a whole. See **Table 7** for an illustration of the issue in context. I discuss this further and how data are reported on in **Chapter 5**.

**Table 7:** Illustration of the issue in context

### **3.2.2 Selecting the Cases**

My intention was to purposefully select settings based on their potential for learning about children's experiences of rights, rather than representativeness, as I considered this would lead to a better understanding and theorising of the issue in question, what a children's rights, participative pedagogy entails in early childhood. Why this ended up not being the case, nor as critical as expected, is explained further down.

In England a county was specifically chosen because of its renowned rights respecting approach to education. Contact was initially made at local authority level via email, phone conversations and face-to-face meetings. The local authority early years leaders suggested settings because of their potential for learning about two-year-old children's experiences of rights. The individual settings were in other words purposefully chosen. "The purpose of purposeful sampling is to select information rich cases that best provide insight into the research questions" (Emmel, 2013: 33; Mertens, 2015).

In Finland the choice of county was more pragmatic. With the early childhood curriculum and its value base clearly informed by the UNCRC (FNAE, 2017), the national picture is

more even than in England and the choice of county was therefore not deemed as critical. Settings were therefore chosen for ease of access from England, and as such more in line with convenience sampling (Creswell and Poth, 2018; Mertens, 2015). Contact was also initially made at local authority level via email and phone conversations, but slightly more formal in that they requested to see a *Research Protocol* (Appendix 2) before our initial face-to-face meeting. Although not requested in England, I also provided an electronic copy for the setting managers there.

The pilot setting and the four research settings were not only selected because I believed them to be *positive cases*, what Ragin (2009) defines as actual instances of the phenomenon under investigation, but also because they were interested in exploring children's rights by opting in to the study. During the selection process, one setting in Finland that had been put forward by the local authority early years leader was not selected, as I sensed during a phone conversation with the manager that the timing for taking part in my study was not quite right for them, which she later confirmed (Journal entry, 23.1.17). Two English settings interested in taking part were not chosen as they had only just started accepting two-year-olds and only had two or three attending in with the older 3-5 year-old-children. These two settings became instead involved in what we decided to call the study's *Professional Working Group*, a group of seven professionals working in ECEC in various roles from advisory teachers, to managers and educators. With them I discussed various aspects of the study to get their professional opinions and three of the members were also involved in the confirmability process (see page 107).

After successful access had been negotiated with managers, and dates for initial visits agreed, a confirmation email was sent to the setting managers including the following documents (Appendix 6-13):

- Invitation letter to settings
- Invitation letter to parents and children
- Information Sheet
- Consent forms

Although it was through the county advisers that I gained my first contact to settings, it was in effect the managers that were the "gatekeepers" (Creswell and Poth, 2018: 56-57) for negotiating not only access to settings but also for negotiating involvement by educators, as settings needed to remain in ratio during times of for instance the interview conversations with educators. As I wished to cause as little disruption to the normal

routines as possible, I tried to be as flexible as I could within my very tight time schedule. Educators like the room leaders or children's "key person" (DfE, 2017: 22-23) were also gatekeepers to the parents for communicating with parents on my behalf when I was not on site. Parents in turn were the gatekeepers to their child. Meaningful relationships needed to be built with each of the gatekeepers for successful access and collaboration. In Setting 4 in Finland, a mother, who I had not had the opportunity to meet, had initially refused consent for her daughter to take part in the study, but her daughter made it clear to me she really wanted to engage with me and the other focus children. I took time to explain the situation to Mum and with more information, she happily consented for her daughter to take part. Had she not, it would have been an ethical dilemma I would have had to find a solution to, as I believe as Richardson (2019) that researchers have an ethical responsibility towards non-participating children to protect them from feeling excluded as raised in the literature review.

The common characteristic of the participating settings was as such their interest in children's rights, their desire to explore more actively what rights mean in early childhood practice. However, as will become evident in **Subsection 5.1.4** (pages 164-167), in the interview conversations with educators, it emerged that although educators in all the settings had general knowledge of children's rights, none of the settings were explicitly rights-based in line with Lundy and McEvoy's (2012) five principles as listed on page 52. This was initially unsettling as I thought it meant that the four research settings did not end up meeting my original criteria as set out in the *Research Protocol* (Appendix 2). I had originally set out to select settings based on the potential for learning about children's experiences of rights and how settings engaged with the UNCRC; however, as the settings did not actively use the UNCRC as a frame of reference, or explicitly work from a rights-based perspective they were in effect not positive cases (Ragin, 2009). Looking at my emerging data I however decided that I did not need to reconsider my choice of settings and look for other settings as the issues the settings were much engaged with were still very much relevant to children's rights. In other words, data from the four settings still provided information rich data sets to explore from a child rights perspective and afforded insights into the research questions and what *child rights pedagogy* may entail as will be evident in **Chapter 5**. In fact, I would even suggest that there are in effect no *negative cases* (cases where the phenomenon is possibly present but may not be) (Ragin, 2009) when researching children's rights because all practice can be related back to the UNCRC.

In the next five **Subsubsections** the pilot setting and the research settings are briefly introduced. After much deliberation I decided that a more detailed description of the

settings, the layout, resources and staffing details, is not possible in order to protect the identity of the settings and the children, parents and educators.

### **3.2.2.1 Pilot Setting**

The pilot setting is a privately owned setting in a town in one of the southern counties of England. It receives funding for the provision of free early education for children aged 2-4 years. Children from the age of three months may attend for a variety of sessions, part-time or full-time, Monday to Friday from 8:00 to 18:00, fifty-one weeks a year. Children have access to a large secured and enclosed outdoor play area. The manager holds a graduate qualification and the educators working with the children hold appropriate childcare qualifications for England, at level 3 or above. The nursery provides funded early education for three- and four- year-olds, and means tested funding for two-year-olds. There are forty places in total with twelve places reserved for children under the age of two. Five children from the two-year-old room, five parents and three educators participated in the study, with the three educators participating in interviews.

### **3.2.2.2 Setting 1**

Setting 1 is a pre-school located in a village in one of the southern counties of England. It receives funding for the provision of free early education for children aged 2-4 years, open Monday to Friday during term time only, from 8:30 to 15:30. Children have access to a small secured and enclosed outdoor play area. The educators working with the children hold appropriate childcare qualifications for England, at level 2 or above. The manager holds a graduate qualification. The nursery provides funded early education for three- and four- year-olds, and means tested funding for two-year-olds. There are twenty-six places for children aged 2-4 years. Four children, four parents, and five educators took part in the study, with three of the educators participating in interviews.

### **3.2.2.3 Setting 2**

Setting 2 is a nursery in a town, also located in one of the southern counties of England. This nursery also receives funding for the provision of free early education for children aged 2-4 years. Children share access to a large secured and enclosed outdoor play area. The nursery's full day care provision (0-3-year-olds) is open weekdays from 8:00 to 18:00, fifty weeks a year. Sessional care for children under the age of three is from 9:00 until 12:00 and from 13:00 to 16:00, term time only. The manager holds a graduate qualification and there is also a qualified inclusion teacher and an outreach worker on site who holds a recognised early years qualification at level 3. All of the remaining educators working with the children hold recognised early years qualification for England at level 3 or higher. The



nursery provides funded early education for three- and four- year-olds, and means tested funding for two-year-olds. There are fifty-six places in total with twelve places reserved for children under the age of two. Four children from the two-year-old room participated in the study and seven educators, with three of the educators participating in the interviews.

#### **3.2.2.4 Setting 3**

Setting 3 is a daghem (nursery) in a small rural town in Western Finland. It receives funding for children aged 1-5 years, usually open Monday to Friday 6:30 to 17:00 but if needed they extend the opening hours depending on family needs. Children have access to a large enclosed, but not secured outdoor play area. The educators working with the children hold appropriate childcare qualifications for Finland. The manager holds a graduate qualification. The nursery provides means tested funding for thirty-six children with twelve of the places reserved for children under three, in the designated under three's part of the building. Although there is legally space for twenty-four children in the older age group, they try to keep the numbers to no more than 21-22 children. Four children, two parents, and six educators from the under-three's room participated in the study, with three of the educators participating in the interviews.

#### **3.2.2.5 Setting 4**

Setting 4 is a daghem (nursery) in a city on the west coast of Finland with provision for babies and children up to the age of 5 years, open Monday to Friday 6:30 to 17:00. Children have access to a large enclosed but not secured outdoor play area including a woodland area. The educators working with the children hold appropriate graduate and non-graduate childcare qualifications for Finland. The manager holds a graduate qualification. The nursery provides means tested funding for thirty-six children with twelve places for children under three. Although there is legally space for twenty-four children in the older age group, as in Setting 3, they too try to keep the numbers to no more than 21-22 children. Four children from the under-three's room and five educators participated in the study, with two educators taking part in the interviews. No parent signed up for the focus group discussion although four parents took up the opportunity to view the short films about children's experiences in the setting.

Although the four research settings did not end up meeting the original criteria as set out in the *Research Protocol* (Appendix 2), as explained in **Subsection 3.2.2**, they still provided rich data sets to explore from a child rights perspective, and revealed great insights into how children's rights can be enacted in ECEC, evident in the description and initial analysis of the data as presented in the next chapter.

### 3.2.3 Transnational Perspective

This study classifies as a *transnational* study as it involved settings in two countries. Drawing on Kohn (1987), Hantrais (2007; 2009) and Hannerz (1996) the definition of *transnational* used in this study is defined in the box below. For a more in-depth clarification of the term *transnational* versus the term *cross-national* that is commonly understood to imply comparative, see discussion in Appendix 14. Transnational in this study is defined as follows:

Transnational research is non-comparative research that transcends national borders, where the unit of analysis is part of a larger phenomenon outside of the national context.

A transnational approach was adopted for several reasons but importantly for gaining new perspectives on the child right's discourse I was familiar with in England. Because my research issue is conceptually a transnational phenomenon in that the children's rights discourse transcends all borders, with all but one country in the world having ratified the UNCRC (UNTC, 2019), I expected to find similarities but also differences due to a difference of engagement with children's rights at a policy level in the two countries. Individual settings were expected to reflect local practices, within their national context, yet as this practice has been influenced by the child rights discourse that is a global phenomenon, I also expected to find commonalities. I wanted to explore similarities and differences between the two countries, not for comparative reasons or cause and effect relationships, but for confirming or questioning taken for granted interpretations of Articles of the UNCRC, as for instance discussed by the *UN Committee on the Rights of the Child* in their concluding observations in response to country reports (OHCHR, 2019a).

From a theoretical perspective, since I set out to explore *child rights pedagogy*, informed by *Meta-*, *Grand-* and *Middle range theory* perspectives, this also warranted casting the net wide; looking to ground theory beyond a national perspective. With more funding, I would ideally have liked to involve more countries in this study, to identify more examples of varying practices and experiences from a *Practice* and *Experiential* perspective, in order to gain an even greater awareness and deeper understanding of my issue.

In sum, drawing on Kohn (1987), Hantrais (2007; 2009) and Hannerz (1996), I used two countries to look for new perspectives, to gain greater awareness and a deeper understanding of a component (children's rights) of a phenomenon that is part of a larger international system (universal rights), that connects nations, yet does not as its primary

aim intend to compare the phenomenon or test a hypothesis about cause and effect relationships to develop understanding.

The choice of countries was originally both a pragmatic and academically informed decision. The reason for choosing England was because this is where I live and work, and where I can more easily in the future continue to develop my work. The reason for choosing Finland was twofold; because of their different history of engagement with children's rights in education, due to their political and socio-cultural heritage, and because when I submitted my *Expression of Interest* to carry out this study, Finland had steadily been gaining the reputation of being the top education system in Europe (Sahlberg, 2015). I expected there was much to learn from Finland for both reasons.

Historically, the main difference of engagement with rights between England and Finland is that the UNCRC is incorporated into Finnish law (CUCW, 2019). This means that children have all the rights under the UNCRC through domestic law; however, equally important is that it necessitates a proactive engagement with children's rights across local and national government. As this is not the case in England, and the UNCRC is only given *due consideration* when new laws are made, some rights have been included in legislation but not all, and often in an implicit way, as evident in the *Children Act 2004* (Appendix 15). I believe this indirect engagement has implications, as engagement with the UNCRC then remains dependent on political will with no consistent, rights-based approach across Government (House of Lords, 2015). An example is how under Labour (1997-2010) there was a greater commitment to children's rights as manifest in a number of Government publications (DCSF 2009; DCSF, 2010) compared to the current lesser visibility of children's rights since 2010 and the Cameron Ministry (Cole-Albäck, 2019). Governments as such set the tone and visibility of the UNCRC that trickles down through legislation and policies into curricula. This influences how as a nation, people respond to the rights discourse, and as a profession, how the UNCRC informs practice. Thus, choosing two countries with different histories of engagement with children's rights was expected to provide a richer database than a single country study would, or a country with a more similar political and socio-cultural make up. In addition, when I submitted my *Expression of Interest* to carry out this study, there was much talk about children's well-being and the fact that England had scored the lowest in a previous UNICEF (2007a) study of twenty-one rich countries and was in sixteenth place in a more recent report (UNICEF, 2013), with Finland in the top quarter, in fourth place both times (UNICEF, 2007a; 2013). At the time I was wondering if there was a link but I have subsequently understood I was

conflating well-being and children's rights. I return to this in **Subsection 5.4.6** and at the end of **Section 5.6**.

Furthermore, in the five years since submitting my *Expression of Interest*, this research has become highly topical, as there is a general sense that the political landscape in Europe is changing, with worrying trends towards support for extreme right parties (Council of Europe, 2017). Scott (2019) suggests, drawing on three recent reports published by *Freedom House*, the *Economist*, and *V-Dem*, that autocracy in the form of right-wing populism is a credible threat to democracy, with populist leaders such as Wilders in the Netherlands, Orbán of Hungary and Putin in Russia, in power. Maertens (2018) at the Brussels-based think-tank talks about a democratic recession in Europe, and Roache's (2019) article in the *TIME*, based on a poll conducted by YouGov states central and eastern Europeans believe democracy is actually under threat. Reasons for this perception according to Gershman (2016) is the failure of the *Arab Spring*, the emergence of ISIS and autocratic regimes, as mentioned above. Gershman (2016: 1; 2017), president of the *National Endowment for Democracy*, is suggesting democracy across the globe is being challenged as never before since the end of the Cold War, with records at *Freedom House* showing "ten consecutive years during which democracy and human rights have declined in more countries than it has advanced". Recent books published by academics from various parts of the world also seem to suggest a widespread concern with titles such as *Democracy under threat* (Munshi, 2017) and *Democracy under Threat: A Crisis of Legitimacy?* (van Beek, 2019). In this picture rights are also being challenged as "the connection between human rights and democracy is deep, and goes both ways: each is in some way dependent on the other, and incomplete without the other" (Council of Europe, 2017: line 111). Promoting children's rights and democracy through transnational studies is as such important in supporting democracy in general, and a democratic, rights-based approach to education, in my case rights-based ECEC in particular.

### **3.2.4 Research Problem and Rationale**

If we recognise that children have rights as set out in the UNCRC, then I believe the UNCRC ought to inform research (Bell, 2008) and work with and for children. However, much of the academic debate to date has focused on jurisprudence and the legal implementation of the UNCRC, with limited discussions on how children's rights are relevant outside of the legal and political sphere and how the UNCRC can be used as a frame of reference in for instance educational contexts (Reynaert et al. 2009; 2012; Quennerstedt, 2016). There is as such a general lack of knowledge and understanding amongst adults working with children (Folkälsan, 2014; CRAE, 2015b; Jerome et al., 2015)

on how children's rights are relevant to pedagogical practice and children's everyday experiences in educational contexts, and contexts with very young children in particular (Quennerstedt, 2016).

In reality I believe this means that children only benefit from the rights they hold in an ad hoc manner, dependent on the knowledge and interest of individual researchers and educators, or dependent on the political agenda at any given moment in time. For instance, after the tragic death of eight-year-old Victoria Climbié in 2000 (Laming, 2003) and the subsequent reinforced safeguarding agenda in England and Wales through the *Children Act 2004*, the focus was for several years on protection rights. Currently the participation rights and the notion of *child voice* have high currency in early childhood (Tisdall, 2012; Mayne et al., 2018). However, as previously mentioned, I believe children will not benefit from all the rights they are entitled to in educational settings without a well-thought-out rights-based approach (Cole-Albäck, 2019); an articulated *child rights pedagogy* with the UNCRC at heart of practice from birth. I believe child rights researchers have as such a responsibility to help in bridging theory and practice, in contextualising the discourse (Reynaert et al., 2015).

Because a growing number of two-year-old children in Europe are spending time in childcare (DfE 2018; OECD, 2017; West, 2016), with limited research on their everyday experiences (Rayna and Laevers, 2011; Quennerstedt, 2016), I am particularly interested in this age group. In addition, because two-year-old children have very different needs compared to older children, how we engage with very young children's rights may need to be understood differently. There is as such a need to make the discourse on the very young child's rights more widely accessible and relevant by bridging rhetoric and practice, for all children in public provision to enjoy the rights they are entitled to.

In addition, despite a growing understanding of what *Children's Rights Education* looks like in primary schools through programmes such as UNICEF UK's *Rights Respecting Schools Award* (UNICEF UK, 2019a) and Hampshire's *Rights Respect Education* (HCC, 2019), the same is not the case in childcare. This research fills this gap by theorising the concept of *child rights pedagogy* and how it may underpin *Children's Rights Education* with our youngest children.

Furthermore, since discussions around children's rights have often involved uncritical supporters (Reynaert et al., 2012; Stammers, 2015), I am seeking to add a critical voice to the discourse.

### 3.2.5 Research Aims and Purpose

The aim of this multi-site qualitative case study was to theorise the concept of *child rights pedagogy* within the larger human rights discourse and to explore two-year-old children's experiences of rights in childcare with various stakeholders: children; parents; and educators, in order to develop a greater theoretical and practical understanding of how the UNCRC, a core international treaty, is relevant to and can be used more actively as a frame of reference to guide pedagogical practice in early childhood settings providing education and care for children under the age of three.

### 3.2.6 Research Questions

The central research question or what Stake (1995) calls *Issue Question* is: What does *child rights pedagogy* entail in early childhood education? Additional sub-questions are:

1. Do adults (managers, graduate and non-graduate educators) working with two-year-old children know about the UNCRC and children's rights?
2. How does the UNCRC guide practice?
3. What evidence is there of rights-based practice in a setting?
4. How do young children experience their rights in a setting?
5. What do parents know about the UNCRC and children's rights?

### 3.2.7 Case Study Research Process

The research was conducted in clear albeit sometimes overlapping stages, see **Flowchart** on the next page for the five-stage process (Appendix 3). The initial desk-based stage was the first, theoretical exploration stage. I identified the area of research and undertook an extensive literature review for developing the theoretical framework of *child rights pedagogy*. In the second stage, I carried out the field research in England and Finland. I sought local data to complement the general literature, to develop a more nuanced and contextual or situated understanding of the children's rights discourse than the general literature can convey. There was an overlap between stage two and stage three, the data transcription and initial analysis stage, as I analysed data in parallel with data collection in Finland. In the fourth stage, field data was synthesised with the literature reviewed and more recent literature was also explored and included. Throughout the first four stages I presented my research at national (BECERA) and international conferences (EECERA) (see Appendix 16) and in the fifth and final write up stage, I wrote a chapter for an international handbook (Cole-Albäck, 2019), thus disseminating my research within academia. I am also beginning to see the impact of my research on a pedagogical level as I have also been invited to settings I have come in contact with during my research, to

1.

2.

3.

4.

5.

**Flowchart:** Overview of my five-step case study research process, inspired by Gray (2014)

lead staff training on children's rights and to introduce my *Significant Events Approach to Children's Rights* in childcare. The approach is defined and discussed in **Subsections 4.1.2** and **4.2.1**.

### **3.2.8 Data Collection Methods**

Various tools were explored, developed, or abandoned depending on how the participants responded when engaging with them in the field. Although I had conducted a pilot study, I still had to adapt and be flexible to the various and, in many instances, unpredictable circumstances once in the setting. I had for instance a very engaged group of parents who took part in the pilot focus group discussion; however, parents in only two of the four research settings were interested in taking part in the planned focus groups. The activity to elicit children's likes and dislikes also worked well in the Pilot Setting, carried out together with a charismatic educator, and with some success in research Setting 1, but it did not work well in Setting 2 and therefore questioned and abandoned. This is, as mentioned above, discussed further in **Subsection 3.5.1** under *Limitations and Problems*. Other minor logistical issues during the data collection phase, such as having to change interview, observation, or filming days around, to suit educators, parents and children, were of minor consequence.

A multi-method approach was adopted as is common in *praxeological* research, to transform what is often implicit knowledge into explicit knowledge (Formosinho and Oliveira Formosinho, 2012; Pascal and Bertram, 2012). The methods used to collect data are only listed here to give a complete overview of the research design and discussed in greater detail in **Section 4.1** in relation to the data collection, description and initial analysis.

1. Documentation
2. Participant observations
3. Audio-visual recordings
4. Video elicited focus group discussions
5. Conversations with children
6. Semi-structured interviews
7. Field notes and journal entries
8. *Children's Rights Observation Guide* (CROG)

### **3.2.9 Data Description, Analysis and Interpretation Process**

There is according to Biggam (2011) no universal way of organising or coding qualitative



data for analysis. However, as this research is promoting the use of the UNCRC as a frame of reference, it seemed logical to adopt an *a priori* approach to data description and analysis using the Articles of the UNCRC, and the common categories of the 3 P's, whilst keeping an open mind to the possibility that new themes, categories and concepts could emerge. Drawing on Braun and Clarke (2006) and Gremler (2004), the process from data transcription to reporting can be illustrated as in **Table 8** on the next page; however, in reality the process was more iterative and less linear than the table illustrates (Appendix 17). The process of transcribing the data sets was an important part of the research process. It was more than just converting spoken word into a written format; it was a way of getting to know my data more intimately. During the transcription process I also wrote down initial thoughts to inform the early stages of the analysis process. This was also the case during the coding process that was also done manually for the same reason, to really get to know the data in the various data sets. Data from the different data sets were displayed in word and colour tables for ease of analysis and pooled to create the *Children's Rights Observation Guide* (CROG). This process is only briefly mentioned here to give a full overview of the research design, and discussed in more detail in **Chapter 4** and **6**.

Stake suggests there are two ways of using data in case study research. In “categorical aggregation” information or data is pieced together, aggregating impressions typically for analysing similarities and differences (Stake, 1995: 74). In other words, “aggregative data” (Stake, 2010: 91) is data that becomes relevant when added together with other data. In the case of this study, derived from observational data, a collection of instances from the various settings were aggregated in an attempt to create issue-relevant meaning in relation to specific Articles of the UNCRC and in the process develop an understanding of their relevance to ECEC. In “direct interpretation” (Stake, 1995: 74), data is commonly derived from interviews and is data immediately relevant on its own as in comments made by participants (Stake, 2010). In the case of this study, quotes from educators and comments made by parents in the focus group are examples of “interpretive data” (ibid.: 91). Both strategies are evident in **Chapter 5**.

In the very final stages of the interpretation process, Frezzo's (2015: 4) sociological perspective of human rights, and his notion of “rights bundling” is drawn on in **Section 5.6** to conceptualise the five *Guiding Articles* that emerged from the data. The concept of *Guiding Articles* is introduced in **Subsection 4.2.1** and used in the chapter **Sections 5.1 – 5.5** when exploring five children's experiences.

**Table 8:** Data Description, Analysis and Interpretation Process

Process	Step	Criteria
<b>Transcription</b>	1	Notes taken during participant observations, recorded adult interviews, recorded parent focus group conversations, anecdotal notes from conversations with children, parents and educators, have all been written up to an appropriate level of detail
<b>Coding</b>	2	Criteria for including/excluding <i>Significant Event</i> has been determined  Each data set has been given equal attention in the coding process and usable data identified
	3	Coding process has been thorough, inclusive and comprehensive  Adult data sets have been mapped against the <i>a priori</i> 3 P's categories, subcategories and concepts from the UNCRC, and emerging indicators noted  Participant observations have been graded against the Leuven well-being scale at 5 minute intervals and assessed for significance, with <i>Significant Events</i> mapped against the <i>a priori</i> 3 P's categories, subcategories (Articles) and concepts from the UNCRC, and emerging indicators noted
	4	Relevant extracts for each data subset have been collated
	5	Iterative process, crosschecking issues between data sets
	6	Concepts are internally coherent, dependable and distinctive, and have been peer checked for trustworthiness (confirmability)
<b>Analysis</b>	7	Data have been described, analysed and interpreted for meaning and not just paraphrased
	8	Analysis and data are congruent with extracts illustrating analytic claims, and have been member checked for trustworthiness (credibility)
	9	Well-organised and logical analysis
	10	Balance between analytic narrative and illustrative extracts has been given
<b>Overall</b>	11	Enough time has been given for an adequate iterative analysis and interpretation process
<b>Reporting</b>	12-15	Rational for and approach to the analysis has been explained, language and concepts are congruent with the paradigm and positionality is explicit

Detailing the case study process from data collection through to the final analysis steps, in line with Brown and Clarke's (2006) 15-point checklist, I believe gives clarity to this stage of the research process as illustrated in **Table 8** above and will become evident in **Chapter 4**.

### 3.3 Ethical Considerations

Various ethics committees and associations set out expected moral conduct for researchers to safeguard the well-being of all involved, the very young and vulnerable in particular (BERA, 2018; Bertram et al., 2015; TENK, 2009; WHO, 2018). Alderson and Morrow (2011) differentiate between three main ethics frameworks that can guide professionals in research with human subjects: the *justice framework* (everyone should be treated equally and fairly), the *rights framework* (focus on the individual participant and self-determination), and the *harm-benefit framework* (prevent harm while aiming for best outcome for most). Although one may be the predominant framework, in reality there is an overlap of these frameworks as they consider common criteria:

- Harm and benefit
- Voluntary informed consent and assent
- Privacy and confidentiality
- The right to withdraw
- Feedback and dissemination

Despite commonalities, I argue here that in research with children, an ethics framework informed by children's rights offers a more comprehensive view of what constitutes ethical research with children, because childhood research informed by rights has as its starting point an image of the child as a subject (not object) of equal worth to adults, not only worthy of respect, but *entitled* to respect at every stage of the research process. This can be expressed in what Christensen and Prout (2002: 478) call "ethical symmetry". In the concept of *ethical symmetry* is the notion that equality is the starting point for any research relationship and the active construction of respectful and sensitive interactions:

The researcher working with ethical symmetry has equality as his or her starting point and has, therefore, to consider their actions, responsibilities, use of appropriate methods and ways of communication throughout the research process (ibid.: 484).

As the primary responsibility rests on researchers, it requires a reflexivity that is based on more than regulations, codes and ethics guidelines from various institutions or research associations. It requires that researchers take a moral responsibility towards participants and are aware of the image they hold of children and childhood, as Malaguzzi (1994: 52) said so well:

There are hundreds of different images of the child. Each one of you has inside yourself an image of the child that directs you as you begin to relate to a child. This theory within you pushes you to behave in certain ways; it orients you as you talk to the child, listen to the child, observe the child.

In addition, the researcher needs to be aware of their cultural perceptions and power relations, as the 'ethically symmetrical assumption' does not presume social symmetry. Researchers need to be aware of social positioning and power relationships between the researcher and participants as well as between participants themselves. Approval for this study was sought and obtained from the University Ethics Committee at Wolverhampton University where I started my studies (Appendix 4).

### **3.3.1 4-stage Rights-based Research Ethics Framework**

To document my ethical considerations during the research process, I created a four-stage rights-based framework, linking ethical considerations to Articles of the UNCRC:

1. Introduction stage
2. Access stage
3. Process stage
4. Completion stage

For the sake of legibility, the ethical considerations have been illustrated in four stages but in reality the process is overlapping and less stage-like than the illustration in **Table 9** on the next couple of pages. What the table shows is how rights can be linked to ethical aspects grappled with during the different stages of the research process, with the relevant UNCRC Articles noted in brackets ( ). These are examples of the link between Articles of the UNCRC and corresponding research stages, listed with some examples from the research process itself. This is by no means an exhaustive table, but serves as an illustration of how the UNCRC can be used as a frame of reference to inform both research ethics guidelines and ethical researcher practices (Cole-Albäck, 2019). It was interesting to note that by using the UNCRC as a starting point, or frame of reference, it automatically included the five common ethical criteria mentioned above. This rights-based ethical

**Table 9:** Rights-based ethical process

Ethical Rights-Based Research Process with Young Children		
Research Stage	Process	UNCRC Article
<b>Introduction, Stage 1</b>		
<b>Familiarisation</b>	Opportunity planned for child to get to know the researcher before study to form an initial opinion to decide if they feel they want to engage with the researcher	Right to suitability of researcher <b>(Article 3.3)</b>
<b>Building trust</b>	Give child the time it takes to build trust which can be immediate or require time  Justify your chosen role as researcher, on a continuum from 'nonparticipant' to 'atypical adult' observer	Right to suitability of researcher <b>(Article 3.3)</b>
<b>Learning about research process</b>	As some children attend part time, make sure to inform all children about the research process, in person	Right to information <b>(Article 17)</b>
<b>Learning about the tools</b>	Explore research tools together: camera, special pen, pad, activities, games or any other resources to be used  Explore rules of use, expectations, e.g. camera strap around wrist, holding it steady, keeping it clean	Right to learning and development <b>(Article 29)</b>
<b>Access, Stage 2</b>		
<b>Opportunity to participate in the research process</b>	Equity of access. Make sure children who do not verbally ask, are offered opportunity to be included, to learn and take turns using tools, as some children may lack confidence to come forward  Include key person if child needs familiar adult present to feel at ease with researcher in the beginning  Consider what to do if a child wants to take part but parents say no  Special considerations given to children with additional needs and children with other home languages  Plan research experiences at age appropriate level	Right to inclusion, non-discrimination <b>(Article 2)</b>  Right to participation <b>(Article 12)</b>  Right to special care <b>(Article 23)</b>  Right to learning and development <b>(Article 29)</b>
<b>Process, Stage 3</b>		
<b>On-going explicit assent and dissent</b>	Explicitly give children permission to say no: "You can say no or stop" to being observed and filmed, or being asked questions	Right to verbal expression <b>(Article 12)</b>
<b>On-going implicit assent and dissent</b>	Once familiar and comfortable with the process, implicit non-verbal agreement may be given by a child with a nod, smile or glance of recognition  Silence, facial expression or body language may indicate dissent	Right to non-verbal expression <b>(Article 13)</b>

**Table 9:** Rights-based ethical process (continued)

Ethical rights-based research process with young children		
Research Stage	Process	UNCRC Article
<b>Process, Stage 3</b>		
<b>On-going implicit assent and dissent</b>	Look for dissonance between spoken words and non-verbal expressions that may contradict verbal assent (compliance)	Right to non-verbal expression ( <b>Article 13</b> )
<b>Data collection</b>	Duty of care not to film/observe children in distress – the right to well-being – do no harm	Right to well-being ( <b>Article 3.2</b> )
<b>Filming and being filmed</b>	The presence at all times of a well-known adult for comfort and well-being during the research process  Allow expression of views and non-verbal communication without fear of being told off or criticised	Right to be safe ( <b>Article 19</b> )
<b>Being filmed and observed</b>	Step back at times so the child is not all the time under the researcher gaze even if they do not say “no” or “stop”  Draw children’s attention to the flashing red light if they walk in on filming in process, as well as during filming as children may forget they are being filmed	Right to privacy ( <b>Article 16</b> )  Right to information ( <b>Article 17</b> )
<b>Conversations</b>	Spontaneous or planned conversations 1:1 with confident children, or with a key person, or other children present for children to feel more at ease	Right to verbal expression ( <b>Article 12</b> )
<b>Benefit</b>	Empowering by sharing the process, having a say, contributing to note taking, filming and conversations	Right to guidance ( <b>Article 5</b> )
<b>Harm</b>	Is the research process exploitative or respectful, and will it ultimately benefit children?	Right not to be exploited ( <b>Article 36</b> )
<b>Completion, Stage 4</b>		
<b>Member checking</b>	Showing notes, footage and end product to participating children for verbal and non-verbal feedback, taking note of tone of voice, and facial expressions of approval or disapproval, as well as dissonance between spoken words and non-verbal expressions	Right to verbal ( <b>Article 12</b> ) and non- verbal expression ( <b>Article 13</b> )
<b>Final Feedback</b>	Feedback at final completion – infants and toddlers may well have forgotten who you are, or have moved on, when you come back, but still consider feeding back	Right to information ( <b>Article 17</b> )
<b>Dissemination</b>	Inform of intended use of video footage, showing of film to parents and staff (or any other audience)  Inform of intent to write about their experiences for others to read – publications	Right to information ( <b>Article 17</b> )  Dissemination ( <b>Article 42</b> )
<b>Confidentiality</b>	Protect the future adult by considering where visual data may end up if shared; university open source learning systems (Moodle), online parent platforms (Tapestry), social media (Facebook, Instagram, YouTube)	Right to privacy ( <b>Article 16</b> )

research process is not only relevant to childhood researchers but also relevant to educators when reflecting on their relationship and interactions with children. The *experiential anecdote* below illustrates how observational data contributed to the development of my rights-based ethics framework, in this case illustrating on-going assent (OE 63, Appendix 47):

<b>Experiential Anecdote 23.11.16 (OE 63) Setting 2, England</b>	<b>(WB score 5)</b>
Only a couple of children are getting ready to go outside today, as it is bitter cold. I get dressed and walk out in the garden, about to switch on my GoPro camera as I approach Chris, who is the first child outside. He is looking around the sandpit, moving with confidence, seemingly searching for something, with his back turned against me. As I approach him, I call out: “ <i>Can I film you Chris?</i> ” Without looking up, he replies with an emphatic: “ <i>No!</i> ” but when he turns around and sees me, he immediately changes his mind as he exclaims: “ <i>Oh!</i> ” “ <i>Yes!</i> ”	

The most common ethical considerations are addressed next.

### **3.3.2 Harm and Benefit**

There were no anticipated adverse effects for taking part in this project and none that were noted in the process of the research but as children are a particularly vulnerable group because of their biological (im)maturity, they do require special consideration. The age of the children in this study, 2-3 years old, required extra focus on body language such as facial expressions, and gestures, posture, eye gaze, and non-verbal vocal sounds as to how they were experiencing the research process, as relying on their language skills was not considered enough. Their wellbeing was monitored closely as a sign of being comfortable taking part in the research. If anything, the benefit in being able to take part and the ensuing pride in their new achievements the research process facilitated was notable, as noted in the first *experiential anecdote* on page 122.

### **3.3.3 Consent and Assent**

Initial written consent was sought from the local authority, setting managers and parents, and verbal confirmation on an on-going basis with all participants, to make sure everyone was happy to take part on the actual days I was in the setting. There was also an on-going dialogue with setting managers on how the participation was impacting the participants and the setting, to make sure there was no negative impact as a result of the research. To minimise disruption to the everyday running of the settings on research days, I worked flexibly around the setting’s schedules and how participants were feeling. I was prepared to, and did reschedule interviews and filming dates.

### **3.3.4 Confidentiality and Anonymity**

The question of confidentiality and anonymity was discussed with the participating individuals and settings. One setting openly discussed their participation in the research project at county level meetings, aware I could then no longer assure anonymity, only confidentiality. To protect privacy and identity names have been changed and the settings simply given a number from 1-4, with the intention that no setting or participant can be identified by anyone other than me. At an early stage I also brought up that participating educators needed to be conscious about what they wrote on social media such as *Facebook* and *Twitter* as well as learning platforms such as *Tapestry*. It was also for protecting the identity of participating children in the future that I took the decision not to share my footage with parents as I would then not be able to protect the identity of my focus children.

### **3.3.5 Right to Withdraw**

All participants had the right to withdraw from the research process at any time, no questions asked. The children did so by walking away from me or openly asking me to go away as was the case once in Setting 4. Mia told me on one occasion to go away: “Mene pois!” as I approach her, indicating her desire for privacy in her play, away from my camera and my adult gaze (Journal entry, 27.3.17). This was particularly pleasing as she was the quietest and most reserved of the two-year-olds in that group, and I felt that if she felt confident enough to tell me to go away, I had managed to gain the children’s trust.

I regularly asked the educators and children if they were happy taking part, not only relying on their verbal feedback but also noting their non-verbal communication. I tried to be considerate about how my presence affected them and if they seemed comfortable with me being there on any given day. In one setting two of the educators were happy to engage with me on a daily basis, including being filmed, but did not want to take part in the semi-structured interview. This I accepted, no questions asked, as I did not want them to feel they had to justify themselves.

### **3.3.6 Feedback and Dissemination**

All participants were informed at significant stages in the research process what was planned, and what to expect. Feedback was sought throughout, and aspects of the research process reassessed following feedback from the educators and children alike. All participants will be provided with links to the thesis or publications arising from their participation, at the end of the study. I have strived to be authentic and respectful with participants both in interactions, and how I have written up the research.



## 3.4 Trustworthiness

Four tests are commonly used to establish the validity in social research: construct validity, internal validity, external validity and reliability (Yin, 2009). To demonstrate that the findings are trustworthy the qualitative concepts of credibility, transferability, dependability and confirmability are used in line with Guba and Lincoln's (1985; 2005) understanding.

### 3.4.1 Credibility

The credibility or truth-value is about the confidence in the findings and that the study is actually investigating the said phenomenon. This was demonstrated through the use of well-established methods such as participant observations and interviews. All educators were included in member checking, to give them the opportunity to confirm or challenge data and interpretations. Experiences observed were recorded in detail, and twenty randomly selected observations per setting were discussed in person in the two English settings, and sent via email to the Finnish settings for feedback. In three of the four settings there was 100% agreement on the observations as to the accurate representation and interpretation of data. There was disagreement over the interpretation of one of the observations in one of the settings. The overall rate of agreement was as such 98.75%.

The interviews and focus group conversations were recorded for multiple auditing, and transcribed verbatim. The response from the educators and parents who took part in the focus groups as to the transcripts being accurately transcribed and correctly reflecting the conversations we had was 94%. One educator left the setting the week after the interview and did not respond to my emails. All the educators and adults who did respond were in 100% agreement.

In addition, the three research notebooks with cuttings, thoughts, questions, impressions and other *significant events*, emerging patterns and theories, are important entries that further support the credibility of the study (Shenton, 2004).

The use of these different methods can be seen as a form of triangulation to establish the credibility of this study. The forms of triangulation in qualitative research are: triangulation by data, investigators, theory or method. The most common way of using triangulation is by using more than one method "in order to enhance confidence in the ensuing findings" (Bryman, 2004: 1142). Hammersley (2008: 22 and 27) makes a distinction between "triangulation-as-validity-checking" that seeks to validate interpretations, and "triangulation-as-seeking-complementary-information" that seeks a more complete picture

of a phenomenon. In **Chapter 5** it is evident that I have through the use of data from multiple methods such as observations, interviews and focus groups sought different viewpoints to give a more complete interpretations of Articles of the UNCRC (triangulation-as-seeking-complementary-information) and also sought complementary information (triangulation-as-validity-checking) by asking for educators to check or provide verifications of my interpretations and conclusions reached. Hammersley (2008) sees these two forms of triangulation as complementary in qualitative research.

### **3.4.2 Transferability**

The extent to which the findings of the study can be applied or transferred to other contexts usually depends on the detailed description of the context and process, as well as the consistency of the coding of data according to Shenton (2004). Although my approach to exploring children's rights in early childhood has not undergone testing to ascertain its trustworthiness as a method, I believe, sufficient contextual information has been given about the theory and fieldwork to enable readers to make such transfer, in other words, establish transferability of the findings to other similar settings. By this I mean transferrable in Stake's sense of "naturalistic generalisations" (Stake, 1995: 85) whereby the reader can through my experiential accounts and detailed description determine, based on their own experiences, how my data can be relevant to other settings. This understanding of generalisations recognises the transferability of this study as it "relies on the context dependent judgement of "fit" between two or more cases" (Hellström, 2008: 321). In other words, how well data from one setting or case applies to another setting or study. Another point in support of the study transferability is the fact that my *Significant Events Approach* is based on the forty-two substantive Articles of the UNCRC, an international treaty relevant across all countries that have ratified it. Educators working with young children in most countries therefore all have the same universal frame of reference to make judgements against. The five subsections in **Chapter 5** (pages 161, 171, 186, 198 and 211) with the heading *Related Experiential Anecdotes from the other Three Settings* illustrate how transferable the children's experiences of rights were across the settings in England and Finland.

### **3.4.3 Dependability**

The dependability of this study needs to be measured by its detailed documentation and case study database that demonstrate that it can be trusted. It can also be measured against checklists for case study designs (Runeson and Höst, 2009). Following checklists provides a case study protocol framework for being a dependable study. Having reported the process in detail in this chapter, and the analysis and interpretation process in the

following chapters enables researchers to assess my research practices and repeat the work, not to gain the same results, but to replicate the study if they desire to (Shenton, 2004).

#### **3.4.4 Confirmability**

Confirmability, or objectivity in quantitative terms, relies on the research findings being the result of experiences and thoughts of the participants, rather than that of the researcher (Shenton, 2004). The research notebooks with reflective entries go some way in supporting confirmability, as does the research protocol. A detailed audit trail also allows a reader “to trace the course of the research step-by-step via the decisions made and procedures described” (ibid.: 72). Written accounts of the member checking process and peer reviews are also evidence for the confirmation process. Three members of an expert group of five professionals with expertise in ECEC were invited to inspect the data and the analysis, and provided feedback on the findings. The rate of confirmability was 95%. With all the above steps I have tried to assure the quality and integrity of this study.

### **3.5 Limitations and Problems**

No study is without its limitations and problems, although a strong research protocol goes a long way in mitigating issues. I have looked at limitations from three perspectives: limitations related to the research design; the researcher; and limitations related to impact.

#### **3.5.1 Design Limitations**

A case study research process is not without its critics. Much criticism rests on the notion that qualitative and quantitative research can or should be measured by the same criteria or tests, to establish quality (Cole-Albaeck, 2012). As mentioned above in **Section 3.4** the alternative concept to reliability and validity is trustworthiness, and its related concepts, that are slowly becoming more recognised in the research community as discussed in the previous section (Guba and Lincoln, 2005; Patton, 2015; Shenton, 2004). A study protocol was drawn up to increasing the trustworthiness of this study by providing a detailed account of the intended research process. I was however not able to keep to the protocol regarding two aspects in particular. Firstly, there was very limited interest by the parents to take part in the focus groups. I was given the explanation by parents that this was due to working hours and family commitments to other siblings, in other words time (Journal entry, 28.3.17). A couple of parents also mentioned they thought they did not have enough expertise to contribute to a PhD study on children’s rights. They were pleasantly surprised

to discover how much they actually had to contribute. They suggested I maybe should have 'played down' the study by not mentioning it was PhD research and I may then have got more parents involved (Appendix 25) . This made me wonder if I should have devoted more time, before the fieldwork, to getting to know parents better, so that they could have developed a greater sense of who I was, and what the research was about, and not be intimidated by the fact this was a PhD study. My invitation and information letters (Appendix 8-11) had obviously not been able to convey this accurately and although I had set aside time to meet with parents at drop-off and pick-up time, this I have to presume had not been enough. Another limiting factor was the fact that this study was self-funded. This played a role in that I only had the allocated time during my research month at each setting to develop relationships and address any issues that arose. Returning more frequently to Finland to develop relationships with the parents for instance, to get more parents on board with the focus group, was not financially viable.

Because of the limited interest by parents in taking part in the focus groups, I could possibly have considered sending out a survey or questionnaire to get parental input, which I did explore with the room leader in Setting 2, as there was no interest in the focus group there. Two parents returned it. This was also discussed with the managers in Setting 3 and Setting 4, but they did not expect many parents would respond to a survey or questionnaire either. The manager in Setting 3 said for parents to respond it needed to be quick and easy, like multiple choice and tick boxes. With a complex topic such as children's rights I doubted the usefulness of a multiple choice or tick box questionnaire. As the research progressed, since the most important data seemed to be from observational and educator data, I did not pursue this option but it could have been explored further.

Secondly, I abandoned the activity I had planned for eliciting children's perspectives. Because two-year-old children can be developmentally at very different stages cognitively and linguistically, I wished to offer the children different ways of expressing their perspective, to elicit what was important to them in the setting, what they liked or did not like. I expected some children would respond well to direct questions such as "tell me" or "show me what you like/don't like here in childcare/dagis", whereas I expected other children would prefer to do what they saw me do, film and take photographs of favourite areas, activities or people that were important to them. The thought was that a book made with some of the pictures the children had taken would be used as a stimulus for further dialogue, in line with the Mosaic approach (Clark and Moss, 2011) but I believe the children were too young, for this approach to stimulate a meaningful dialogue. I tried a number of similarly 'playful' activities; however, it felt contrived and I kept wondering if the children

complied with me to be nice, so this approach to creating knowledge together with the children was abandoned. I got a sense from two of the children in Setting 1 in England that they complied with my request out of kindness, as we got on well, or possibly because children in educational settings are used to complying with adult requests and may not be accustomed to saying “no” to adults. Two children in Setting 2 in England just looked at me and did not respond, when I introduced the activity, which I took to mean they were not interested in ‘playing my game’. As children in Setting 3 and 4 in Finland, have limited adult focused activities at this age, my activity seemed even more out of place and I did not even try to introduce it. I believe the activity had worked well in the Pilot Setting as the educator who took charge of it was a much liked and charismatic person that the children were used to doing activities with, as part of their normal experiences.

I have always been a bit ambivalent about the status of so-called ‘child friendly’ methods as it implies a hierarchy of engagement, where ‘child friendly’ methods are implicitly promoted as more valid than ‘traditional methods’ such as for instance observations, tacitly suggesting ‘child friendly’ methods may reveal a higher form of ‘truth’ in research with children. I initially also fell into this hierarchical thinking when wondering whether my observations and interpretations were going to be enough, as I only gained direct insight into what was important to some of the more verbal two-year-old children in Setting 1 and 2. This is related to the notion of *child perspectives* and *children’s perspectives*. Sommer, Pramling Samuelsson and Hundeide (2013: 463) make the following distinction:

1. Child perspective(s) means that the adult’s attention is directed towards an understanding of children’s perceptions, experiences, utterances and actions in the world. Thus, a child perspective is not the child’s experience. This means that, despite the ambition to get as close as possible to children’s experiential world, a child perspective will always represent an adult approximation.
2. Children’s perspective(s) represents children’s own experiences, perceptions and understandings of their life world. In contrast to the child perspective, the focus here is on the child’s phenomenology as a subject in their own world. That is what adults strive to understand through their child perspective approach.

The focus in the former definition is on adults trying to as authentically as possible understand children and, in the latter, the focus is on children’s own perspective. In their book from 2010 they seem to imply that a *child perspective* is lesser as they suggest it objectifies children. Although I feel there is a need to define these terms for the sake of

clarity, I do not believe we need to understand them hierarchically. They are just different ways of defining research or work with children. This seems to be what Pramling Samuelsson (2010: 166) is suggesting in her chapter of the book on what she calls “developmental pedagogy”, when she states:

it is possible to trace the very youngest children’s perspectives, acted out bodily by them ... children’s creation of meaning is seen in their actions, in their bodily expressions, as well as their verbal ones.

Accepting both definitions as legitimate, I felt less ambivalent about allowing the children to direct me in my choice of either *child* or *children’s perspective* approach, all dependent on the individual child in their everyday context.

Thirdly, a detailed database and audit trail were considered to be important as evidence of the study’s dependability; however, creating this detailed database was very time consuming and ended up pushing the end date of the study back. This was in and of itself not a problem; however, it meant that the transcription of interviews and feedback to some participants was delayed, and interest in the study possibly lost, as a couple of participants were slow in responding. Not living near the research sites made it difficult for me to follow up in a more informal way through visits to the settings.

Furthermore, because of the research question and the context of the study, specific methods were considered more appropriate than others. However, some qualitative methods have inherently more limitations. Limitations of for instance anecdotal writing after participant observations has its obvious weakness as it relies on the ability to accurately recall experiences after the event. Other possible limitations of participant observations are observer bias, selective recall and observer effect. My presence was bound to have an impact on the participants, in that being observed, participants may have behaved differently and as such not accurately reflect what I sought to observe; rights-based practice. If this study was a quantitative study where settings are rated and compared then it could have been a major limitation but as this was an exploratory study, observing interactions even if not ordinarily common practice, was not seen as problematic, as it potentially showed what rights respecting practise could be like.

Another possible limitation is the number of participants. In an ideal situation, a researcher may want to collect data from an increasing number of participants until there is theoretical saturation, that is gather data until no new relevant data emerges and a theory is well

developed. However, as this was a self-funded study, this was not financially possible. On the other hand, I wonder if it is possible in a phenomenologically inspired study to reach a point where there is no more relevant data to collect?

### **3.5.2 Researcher Limitations**

Transcribing recorded interviews and editing audio-visual materials for the parent focus group discussions demand a lot of time because of the quantity of data generated. However, the benefit of, for instance, recording interviews was the ability to focus on the interview process and giving the respondents full attention. In addition, as recordings captured everything said, it was invaluable for multiple auditing during the transcription and iterative analysis process. If reading transcripts some time after the interview did not make sense, the ability to go back to listen to intonation and pauses was valuable.

Throughout the study, at conferences and in conversation with others, I was very conscious of the fact that the two countries involved were my country of residence, England, and my country of nationality, Finland. It was important to me to get across that this was not a comparative study, and that I was not looking to portray one or the other country in a better or worse light based on their standing in for instance PISA league tables, as Finland is often held up as a beacon in educational circles. In fact, it was interesting to note that data revealed expected socio-cultural differences in experiences, such as for instance much more outdoor time in Finland, but data also revealed common educational issues or pedagogical concerns in both countries that would be interesting to explore further such as the impact of routines on children's well-being and children's right to have an influence in the organisation as a whole.

Throughout the whole research process, and in particular in the final reporting stage, there was the ethical responsibility on my part to be aware of my biases that may impact what I eventually included for publication and dissemination. As the researcher is the primary instrument of data collection and analysis in a qualitative study (Patton, 2015), it needs to be acknowledged that the trustworthiness and quality of this case study ultimately rests on my capacity, sensitivity and integrity.

### **3.5.3 Impact Limitations**

As this study was a small scale study a common criticism of case study research is that it is not generalisable and the impact therefore limited. This criticism has to be recognised; however, as pointed out above in **Subsection 3.4.2**, since I believe my study is transferrable, impact limitation is for me primarily about time and resources for

dissemination. From the outset of my studies I have presented my research at national (BECERA) and international conferences (EECERA) (see Appendix 16); however, the number of attending delegates at any given symposium can be very unpredictable and by extension impact. A more predictable impact is through future publications from this study, through which I hope to reach a wider audience.

## 3.6 Chapter Summary

This research is important in the approach and methods it contributes to exploring knowledge, firstly for understanding how at an **Experiential theory** level children's own experiences can be the starting point for exploring children's rights in settings. It was at a children's rights event in 2018 that I realised how easy it is for well-meaning educators to focus on rights that according to their personal and professional pedagogies seem important to them, that may however not include what the children themselves express as priorities, interests and concerns. By drawing on phenomenology, as discussed in **Subsection 3.1.1**, I believe researchers and educators can, with a phenomenological mindset, learn to be open, in a state of wonder, learn to suspend assumptions (epoché) and be attentive to events and the ensuing reflections (reduction) (van Manen, 2014) on children's rights from children's perspectives. Secondly, at a **Practice theory** level, taking again inspiration from phenomenology, as discussed in **Subsection 3.1.1** applying Kraus' (2015) epistemological concepts of *lifeworld* (Lebenswelt), *life conditions* (Lebenslage) and my concept of *life interactions* (Lebensinteraktion), can be an illuminating way for researchers and educators to analyse and interpret observations of children's experiences of rights, particularly from a relational perspective. Thirdly, at a **Middle range theory** level, the 4-stage rights-based ethics framework introduced in **Subsection 3.3.1**, is valuable for complementing existing ethics codes in research with children, and although originally developed to reflect on my research practices in the field, is also useful for educators reflecting on rights-based ethical practice; an important aspect of *child rights pedagogy*. Fourthly, at a **Grand theory** level, at a time when democracy is being challenged in Europe, promoting the UNCRC, and developing a tool such as the *Children's Rights Observation Guide*, as described in the next chapter, complements the work by the *UN Committee on the Rights of the Child* in promoting participatory democratic practices in early childhood. Finally, at a **Meta theory** level, the above research design is congruent with the *praxeological* worldview, as presented in **Section 3.1**, in which reflection (phronesis) on action (praxis) is done with a greater awareness about power (politics) and values (ethics), throughout the whole research process (Pascal and Bertram, 2012).



## 4 DATA COLLECTION, DESCRIPTION AND INITIAL ANALYSIS

### The process of handling real-world data

This chapter describes how the primary data was handled and organised for initial analysis, the groundwork for the more in-depth analysis to follow in **Chapter 5**. As Creswell and Poth (2018) state, the data collection phase is a series of interrelated activities from locating research sites and sampling, gaining access and developing rapport, collecting and recoding information, and storing data securely, all in accordance with approved university ethics guidelines and local practices. Organising and summarising data collected in a meaningful way was for me not just for reducing primary data to a manageable size in preparation for iterative analysis, but also as a way of evidencing the different stages of the data collection and initial analysis process, to support trustworthiness in the analysis. I have always used word and colour tables in this organising process as I find them useful for initially displaying single data sets, as well as for looking across different data sets when beginning to piece together the bigger picture. It was for instance when looking across the data sets that I took the decision that I did not need to reconsider my choice of settings, despite the settings not meeting my original selection criteria as mentioned in **Subsection 3.2.2**, as the tables indicated there was enough information to explore. In **Section 4.1** how data was collected, organised and prepared for analysis is discussed with illustrative examples, and how data fed into the still evolving *Children's Rights Observation Guide* (CROG) (**Subsection 4.1.8**). In **Section 4.2** how data was organised in the four data sets is presented and linked to my research questions. The research questions were revisited throughout the research process and conclusions of what the initial analysis in *Stage III* revealed in relation to the five sub-questions concludes this chapter in **Section 4.3**.

### 4.1 Data Collection, Management and Organisation

For the sake of clarity, the methods used to generate data are discussed in chronological order but in reality there was an overlap of use when in the field. They are:

1. Documentation
2. Participant observations
3. Audio-visual recordings for focus groups
4. Video elicited focus group discussions

5. Conversations with children
6. Semi-structured interviews
7. Field notes and journal entries
8. *Children's Rights Observation Guide* (CROG)

It is common in *praxeology* and in case study research to employ multiple methods to build an in-depth account of an issue (Creswell and Poth 2018; Pascal and Bertram, 2012). However, Creswell and Poth (2018) suggest data collection is about more than just types of tools used and the process of interrelated activities when collecting data, but also about ethical considerations throughout the whole process. Common ethical research issues were discussed in **Section 3.3** but throughout my study I also tried to keep an *ethical mindset* when making decisions and in interaction with the participants. Some of the challenges and ethical considerations the various methods raised are included in the following subsections.

#### **4.1.1 Documentation**

I was interested in finding out if the settings had any policies in place in relation to children's rights or any documentation relating to the UNCRC that was maybe used to develop knowledge on for instance staff training days, but this was not the case. One setting in England had a poster in the hall, and I had access to a printed copy of the new curriculum in the two settings in Finland that refers extensively to children's rights (FNAE, 2017), but no setting had a copy of the UNCRC on their shelves or in electronic format. So, apart from conversations with setting managers about how the setting documented learning and progress in general, and what kind of format they used to document this, no other documents were analysed in the settings, as the four settings did not have an explicit children's rights policy in place. I therefore had to rely on government publications (DfE, 2017; FNAE, 2017; Utbildningsstyrelsen, 2017a; 2017b) and *UN Committee on the Rights of the Child* country reports (UN CRC, 2011; 2016) for gaining information on the impact the UNCRC may be exerting from a macro level.

#### **4.1.2 Participant Observations**

Observation is not only one of the main tools for collecting data in qualitative research (Creswell and Poth, 2018) but it is also recognised "there is a strong tradition of observation within early years education as a tool for understanding young children's abilities, needs and interests" (Clark et al., 2003: 30). Elfer and Selleck (1999) recognise its importance especially in research with children under three. Observations are carried out on a continuum from *complete observer* (the researcher's role is kept secret),

*nonparticipant observer* (the researcher is an outsider watching from a distance), *participant observer* (the researcher is an insider taking part in activities), to *complete participant* (the researcher is fully engaged in all aspects of a community) (ibid.). They all rely on collecting data first hand in the field, and I have in **Subsection 3.1.2** (page 80) explained my decision for choosing to be a *participant observer*. Some of the challenges to overcome as a participant observer are *selective recall* (the way the mind recalls and forgets certain things) and *selective perception* (the way the mind filters information) (Denscombe, 2017). To help mediate this, extensive notes were made in the field and written up as soon as possible after the observations. A template was also used to guide analysis and interpretation of the observations as described below.

In instrumental case studies, some of the data is commonly collected with already developed instruments or *a priori* coding schemes in mind (Stake, 2005). This was also the case in this study. The handwritten observations were transcribed onto an observation template, see **Figure 3** on the next page, to be consistent and to facilitate the ensuing analysis process. Instruments from the *Baby Effective Early Learning* (0-3 years) (Bertram and Pascal, 2006) and *Effective Early Learning* (3-5 years) (Bertram and Pascal, 2004) quality assurance programmes (Bertram et al., 2013) both, as mentioned in the literature review, programmes based on a cycle of child and adult observations pioneered by Laevers and his team in Leuven (Laevers et al., 1997; 2012) inspired my template. The focus of the Leuven scales, as they are also called, is on two dimensions; well-being and involvement, commonly used together. However, after initial analysis of data from Setting 1, I re-evaluated it, as data suggested that although children's deep level learning as expressed through their involvement is dependent on their well-being, children's interests, priorities and concerns, or rights, as expressed through their emotions, is independent of involvement. I therefore decided going forward I would focus on well-being alone, in the other three research settings. This is in line with Hedegaard and Fleer's (2008: 19) thinking that "the easiest way to understand a child's intention is to note when there is a conflict where the child cannot do what he or she wants to do". By the same token I think we also need to note when a child expresses great satisfaction or joy, as an expression of being able to do what he or she wants to, or sets out to do. I call these emotionally charged positive and negative experiences *significant events*. As the children in this project were children under three with developing language skills, both listening to verbal communication and noticing non-verbal communication was very important, which inevitably involves a degree of interpretation. Interpreting and trying to understand experiences and *significant events* in children's everyday lives is therefore in this study not about *giving children voice* but rather about "looking and listening-in" as discussed by

Time	Observations	G	I	WB	P's and A's
9:38	<p><b>Jessica</b> tips her cards over, but stays in the game. Ollie points out that <b>Bella</b> has the cow. Nina makes a “<i>moo</i>” sound, but Bella does not respond. <b>Jessica</b> makes a flapping movement to the picture of the chicken.</p> <p>Sally joins Jimi, Chris and Rob.</p>				
9:40	<p>Jessica suddenly starts singing: “<i>it’s time to finish now</i>” and Nina joins in, as <b>Jessica</b> adds the hand movements to it. The game is over. Ollie makes a sad noise. Sally turns around and asks why he is making this noise?!</p> <p>Holly asks: “<i>who wants to go in the garden?</i>” Some children shout: “<i>me!</i>”</p> <p>Holly goes out with Chris, Ollie.</p> <p><b>Bella</b> and <b>Jessica</b> go to the semi-circular table to play with playdough.</p>				
9:45	<p>Sally and Jimi are with <b>Bella</b> and <b>Jessica</b> at the playdough. Jessica wants a knife so stands up, walks over to the home corner and fetches one.</p> <p>Sally goes over to a child in the block area.</p>				
9:50	<p><b>Bella</b> is using scissors and a knife to cut the playdough. <b>Jessica</b> has her hand on Jimi’s knee, leaning on him while making a snowman (she loves ‘Frozen’). She rolls playdough into a ball in her hand, singing a song from ‘Frozen’ to Jimi. She climbs onto his lap and Jimi gives her a cuddle. She screeches with pleasure.</p> <p><b>Bella</b> is completely absorbed in her playdough cutting, oblivious to anything going on around her.</p> <p><b>Jessica</b> gets down from Jimi’s lap, walks over to see what <b>Bella</b> is doing. Comes over to me briefly where I’m taking notes, while humming, and then walks over to the book area where Nina is playing with a child at the marble run.</p>				

**Figure 3:** Observation template

Sumsion and Goodfellow (2012: 318), or *mediated voice* as I also call it (if we choose to stay with the voice metaphor) as children’s experiences are mediated through adult perspectives and interpretations, in this study my perspective and interpretation. I felt a great sense of responsibility towards my young participants, drawing on personal,

professional and researcher knowledge, to try to interpret their experiences as authentically as possible. The challenge in working and researching with children under three is how to capture what children are trying to tell us, understanding what their interests, priorities and concerns are, so that they can have an influence in their own lives and also impact practice (**Article 5** and **Article 12**). For this study, I developed an innovative method for capturing what is important to young children, for understanding their rights as expressed through their interests, priorities and concerns, without having to rely on language alone. I call it the *Significant Events Approach* based on Webster and Mortova's (2007) adaptation of Flanagan's (1954) *Critical Incident Technique* (CIT). The CIT and adaptations of it have been used with adult participants in a variety of research contexts (Gremier, 2004) but to my knowledge no one has adapted it to be used with young children in an educational context, as defined below. In my research I define a *significant event* (SE) as:

An unplanned and unanticipated event that has strong emotional involvement (positive or negative), and in retrospect has an impact on understanding an issue or social phenomenon.

Other *Events* of importance are noted as a:

- *Like Event* (LE): Similar event to a *significant event* but experienced by other children, that addresses the issue under investigation.
- *Other Event* (OE): Anecdotal and incidental information that informs the issue under investigation.

These three classes of events can be explored and interpreted on an individual level, or explored and interpreted at a group level, looking at a setting as a social unit. To identify *significant*, *like* and *other events*, the Leuven 5-point well-being scale (Laevers et al. 2005; 2012) was used to assess an experience, with a focus on the high (5) and low (1) scores as examples of *strong emotional involvement*, in line with the definition above. Events triggering these high and low scores were interpreted to indicate what is important to young children. The events were then mapped against the UNCRC, to analyse how and what rights were being respected (or not), as a catalyst for reflections, as a low level of well-being can be understood as signalling that a child's basic needs, and by extension rights, are possibly not being met. Equally, events triggering high levels of well-being can be understood to indicate children's rights were being respected, see example in **Figure 4**. Furthermore, identifying *significant events* in children's experiences as representing what

9:45	Sally and Jimi are with <b>Bella</b> and <b>Jessica</b> at the playdough. Jessica wants a knife so stands up, walks over to the home corner and fetches one.				Article 29.1 (a)
	Sally goes over to a child in the block area				
9:50	<b>Bella</b> is using scissors and a knife to cut the playdough. <b>Jessica</b> has her hand on Jimi's knee, leaning on him while making a snowman (she loves 'Frozen'). She rolls playdough into a ball in her hand, singing a song from 'Frozen' to Jimi. She climbs onto his lap and Jimi gives her a cuddle. She screeches with pleasure.	WA	4	5	Provision Article 29.1 (a) Protection Article 3.3 Participation Article 13
	<b>Bella</b> is completely absorbed in her playdough cutting, oblivious to anything going on around her.	SG	5	5	Provision Article 29.1 (a)
	<b>Jessica</b> gets down from Jimi's lap, walks over to see what <b>Bella</b> is doing. Comes over to me briefly where	SG	3	5	Participation Article 31P

**Figure 4:** Example of an observation with highlighted *significant event*

is important to children is congruent with the sociology of childhood and the *Interest theory of rights* mentioned in the literature review.

It has been suggested that documenting observations can be understood as “visible listening” (Rinaldi, 2005: 3). However, I propose we expand on the current dominant ‘listening’ and ‘voice’ metaphor to include the concept of ‘noticing’, because, as previously mentioned, the concept of *listening* and *giving children a voice* are social constructions that risk excluding children who have limited or developing language skills (Komulainen, 2007; Tisdall, 2012). Gallacher and Gallagher (2008: 501) also challenge this discourse on ‘listening’ and ‘voice’ and the associated child-friendly methods on the basis that “discourses of participation risk becoming tyrannous” as they promote a hierarchy of norms or appropriate engagement. For Gallacher and Gallagher (2008: 513) what matters more is not so much the methods used in childhood research, but what they call “methodological attitude”; the spirit in which methods are used. This is in line with a *praxeological* perspective where ethical considerations are at the fore of research practices.

I suggest that in research with young children, a combination of *listening* acknowledges children’s right to participate and be heard in line with **Article 12** and *noticing* acknowledges children’s right to express themselves in any media of their choice in line with **Article 13**, which I take to include non-verbal communication. This distinction is important in early childhood to more clearly validate the young child’s right to different

forms of expression or participation. My *Significant Events Approach* is as such about *noticing* and *listening* to children in early childhood.

The importance of participant observations in providing first hand data of interactions between children, children and educators, and children (*life interactions*) and the physical environment (*life condition*) cannot be overstated. Narratives alone, about interactions and events that is gained through conversations *about* events after the fact (Warming, 2005), do not always adequately highlight the extent to how a particular child's rights were experienced. An educator mentioned in one interview that a child had had an off day, and the child's temperament was seen as the issue. However, the notes from the observations indicate that it was the potty-training routine that was causing tension (see Appendix 18, page 91). First hand observations give as such valuable insights when developing an understanding of experiences of a particular issue or phenomenon. As a participant observer I took notes in real time, filmed the children, or simply took part in their play and everyday routines. Each focus child was observed for a full day (one morning and one afternoon session, or if only attending mornings, two morning sessions were observed). Two days were set aside for on-and-off filming, which varied in each setting, dependent on children's assent.

As explained in **Subsection 3.1.2** (page 80) I adopted the role of an "atypical adult", or non-authoritarian adult (Corsaro, 2018: 55), as I believe this to be the most ethical role when doing research with very young children in their everyday lives. I get back to this concept in **Subsection 5.1.1** (pages 160-161) when interpreting one of five *key significant events* as defined in **Subsection 4.2.1** (pages 132-138).

#### **4.1.3 Audio-visual Material**

The use of a camera as a data collection tool has become increasingly common in research (Patton, 2015). I had initially two purposes for using a camera; to film and create a short video of a typical day in the life of the setting in line with Tobin and colleague's work (1989; 2009), to be used in the parent focus groups to prompt discussions. Secondly, I also originally intended to offer the children the camera as part of an activity to elicit children's perspectives in line with one of the data collection strategies in the Mosaic approach, a multi-faceted framework for exploring young children's views (Clark and Moss, 2011). However, as discussed in **Subsection 3.5.1** this activity did not work out and was abandoned as the children were more interested in exploring the process of filming. They did not as such produce any data but simply wanted to explore filming. I discovered in my later reading that according to Bird et al. (2014) young children (2½-5) need at least

three weeks before they begin to master a video camera as a tool and the novelty of learning how to use it has worn off, and it can become effective as a participatory method. So although providing children with cameras to document their experiences is an appropriate means of capturing data (Bird et al., 2014), due to the limited time in the settings, the children in effect mainly shared in exploring my experience.

In the four settings, the audio-visual footage was edited using *iMovie for Mac* and condensed to 20-minute video clips for the parent focus groups. As it was not about analysing and interpreting the content but to use the footage to stimulate conversations in focus groups in line with what Tobin et al. (2009: 6) call “video-cued interviewing”, the actual content of the footage was not transcribed and analysed per se. The footage was downloaded on a laptop, edited and the educators and children given the opportunity to view a selection of clips, the clips they were in, before showing the edited video in the respective parent focus groups. In the English settings I went away and returned a week later to show the video to the educators and the children, but in Finland, I edited footage by and by and showed clips very soon after the actual filming. In Setting 4, I on occasion edited morning footage while the children were sleeping and showed it in the setting when they woke up from their midday nap. Patton (2015) recognises that since footage can be manipulated, issues of credibility are the same as for any other data collected. It was therefore important for me to show educators and children the exact footage edited for the parent focus group, so they could give informed consent and assent to what was going to be shown.

The educators gave verbal consent upon viewing, in addition to the written consent they had given at the start of the research. The parents had also given written consent at the start of the research for footage to be shown to other parents in the focus group. The viewing was done with the children for four reasons. Firstly, for member checking or seeking feedback from the children by noting their positive or negative response to the footage either in words or non-verbal reactions. The children all enjoyed watching footage, especially footage they were in, and responded positively to what they saw which could be interpreted as a form of affirmative member checking. Secondly, if the children liked the footage they were in, I asked them if I could show it to Mummies and Daddies, in other words asking permission to share the footage. All children gave permission to show the footage to parents, see Appendix 20-23. Thirdly, I wanted to see if I could use the footage for video-elicited research conversations with the children. It was only this third point, giving the children the opportunity to comment on the footage they had taken or were in that did not work out. The children rarely commented on what they saw, and when they



did, they interestingly often pointed out what they were doing, and immediately ran over to play with the toys they saw in the photo or footage, rather than talk about the event. I originally came to the conclusion that although most of the two-year-old children in my study were very keen to take part in the production of images or video footage, they may have been too young to be involved in a meaningful photo or video elicited research conversations as originally intended (Lipponen et al., 2016) as even the children with developed language skills only gave limited descriptive comments. However, maybe my original interpretation was too focused on spoken language. By running off to play with what they saw in the footage was perhaps actually a non-verbal way of expressing that a particular activity or resource was of particular importance or interest to them. And by calling out other children's names was also maybe an affirmation of how important early friendship and other children are even at this young age. In Setting 4, the children asked me to show a particular scene several times, which gave me the indication that this was an important event for them. The event is discussed in **Section 5.5** (pages 208-217). I did not at the time think of it, but this in effect could be seen as a way of using audio-visual material, or data, to elicit children's perspectives on what they enjoy experiencing in the setting. This would be interesting to explore further as a method in and of itself. And the final reason for showing the footage, probably the most important for the children, simply for the fun of reliving experiences. The children all greatly enjoyed it.

As to the process of filming, I had initially intended to discuss the practical detail of where to best locate the camera with educators once in a setting. However, it ended up being an ethical choice to always hold the camera rather than place it on a tripod and let it run because of an experience in the Pilot Setting. There was one child in the Pilot Setting who did not want to be filmed and whenever she came into a room and saw the camera in my hand, she always chose to come and stand next to me, out of the field of vision. Had the camera been on a tripod, left to run at a distance, she may not have been aware of it, and not been able to make that informed choice.

The children showing an interest in my GoPro camera, after having been shown how to use it, were given access to my camera with the simple instruction of using it with care. Learning about and allowing access to research equipment was an important aspect of my research design to reduce the characteristic power imbalance between me, the adult researcher, and the child participant. I originally suggested children take pictures of or film what they like or dislike but with the lack of interest in my activity I stopped doing it in Setting 2 in England, as the children there tended to ignore my request and were more interested in learning how to use my tool. All children who used the GoPro camera, used

it with utmost care, respecting it was a special piece of equipment and proud to have the opportunity to use it responsibly (**Article 29.1 (d)**). The impact it had on the children was quite remarkable as discussed in my chapter in the *Routledge International Handbook of Young Children's Rights* (Cole-Albäck, 2019) and illustrated in the *experiential anecdote* below (LE 174, Appendix 47). I had not anticipated it to be as empowering as it turned out to be (**Article 5**):

**Experiential Anecdote 25.11.16 (LE 174) Setting 2, England (WB score 5)**

A group of children come back to the two-year-old room (Lived time – they have been playing in another part of the building). When Chris sees me in the book area, reading with a child, he walks up to me and says he wants to film (Lived things – researcher equipment). He stands very close to me and looks expectantly up at me (Lived body – proximity). I push my pen and notepad to the side to make space for Chris, and reach for my camera case. Chris watches as I take my camera out of its case. I hand it to him, and we secure the strap around his wrist. He switches the camera on. Chris chooses to film Jimi (educator) who is playing with some children (Lived space – what is happening). This is an adult Chris enjoys spending a lot of time with. When Chris is done filming, he switches the camera off, turns to me, standing tall, looking intently at me, and says with a great big smile: “*I’m a big boy!*” as he hands the camera back to me (Lived other – relationality).

There were similar empowering experiences across the four research settings of how the resources I brought with me not only helped develop trust and a sense of connection, but also helped draw children in and have a sense of ownership of the recording process itself. Ollie, although not a focus child was particularly interested in the filming process (LE 74, Appendix 47):

**Experiential Anecdote 24.11.16 (LE 74) Setting 2, England (WB score 5)**

I am filming Nina in the block area, building block towers with Chris, Bella and Jessica (Lived other – others present nearby). Ollie is totally absorbed in watching the wheels of a toy engine spin, as he slowly pushes it along the top of the block unit (Lived time – playing in parallel). Ollie suddenly turns around, observes what is going on in the room, and walks over to me (Lived body – proximity). He looks up at me, standing very close, and asks if he can film. I ask if he wants to film what he likes to play with, but he is more interested in exploring the buttons of my GoPro camera, asking: “*what’s that*”, pointing at the different buttons (Lived things – researcher equipment). I explain again. He says: “*later*”, trying to switch it off. I help him. He then switches the camera on again. And off again, saying: “*stop*.” On again, and smiling says: “*cheese!*” He laughs out loud, films a toy dog and talks to me in two-word sentences.

Later in the morning, Ollie said: “*off*”, looking around for my camera case, which I took to mean he wanted me to put the camera away (Lived space – privacy) (Journal entry, 24.11.16).

My initial approach had been to allow children to come to me, and those who chose to engage with me were understood to be the children choosing to opt in. This is in line with

what Corsaro (2018: 54) calls the “reactive method”, as the researcher sits down and waits for children to react to them, waits for the children to take the initiative to engage. However, I quickly began to question this approach as it became apparent that it disadvantaged the quieter or more reserved child (**Article 2**). The more reserved children sometimes needed a non-verbal invitation from me (a smile or nod, the offering of a pen and pad, or GoPro) for them to join in the first time. In both England and Finland, some children never asked directly to film independently, but when I picked up on their non-verbal cues (long looks at the camera or at me, hovering nearby or hesitantly approaching) (**Article 13**), and I gave them the opportunity to join in, they were keen to accept. More confident children asked directly, as William did one morning in Setting 3. He asked if he could film (**Article 12**), asked for confirmation he was about to press the correct button (**Article 13** and **Article 17**), and as he started filming proudly exclaimed with a great big smile: “I’m filming, I am!” (Appendix 19). The Articles in the brackets in the two paragraphs above indicate which Articles or rights were being respected in the process. It was William who also initially tested me, to see if he really had a say in the filming process (SE 46, Appendix 48). He exercised his right to say “stop” on a number of occasions until he realised, he truly had that right, regardless of whether he said it in a whisper or in a loud voice (Cole-Albäck, 2019).

#### 4.1.4 Video Elicited Focus Groups

Focus groups are a practical way of hearing a range of views and opinions about a topic by encouraging participants to discuss among themselves. Creating a climate of trust, rapport and assuring confidentiality are important aspects for a successful outcome (Denscombe, 2017). Denscombe suggests focus groups should consist of no more than 6-9 participants to remain manageable; however, he recognises the number is often smaller in small-scale projects. As mentioned in **Subsection 3.5.1** under *Design Limitations*, the parent focus groups did not work out as I had hoped. Although parents were sent information letters about the research, as well as letters of invitation to take part in focus group discussions, and I made myself available for any additional questions they would possibly have, the turnout across settings was mixed. It was good in the Pilot Study and in Setting 1 with four parents taking part in frank and engaging conversations that lasted two hours. It was disappointing in Setting 2 in that parents and relatives only wanted to come and watch the 20-minute film. Despite the low turnout in Setting 3 with only two parents taking part, the conversation was rich and forthcoming and also lasted two hours. In Setting 4 it was again limited to parents only wanting to pop in and watch the short film. When I asked one of the parents why, they said it was because of their working patterns and commitments to older siblings’ extracurricular activities (Journal entry, 28.3.2017). It

may be seen as a missed opportunity not to engage parents in dialogue (my agenda) when on site watching the films, but I felt I would have abused my position of power as the parents had clearly indicated on the consent forms, and verbally, that they only had time to quickly pop in to watch the film clips their own children were in. This meant that the parent data set was very limited and not as in-depth as I had hoped for. It shifted the focus away from a co-constructed study, desiring to include all stake holders, to a more child-centred study.

The two focus group discussions I ended up conducting were based around the 20-minute audio-video footage from the setting the parent's children attended and the discussions loosely framed around the same questions discussed with educators. Rudestam and Newton (2007) recommend recording interviews, which was done with the participants' consent. Recording the focus group conversations was important so as not to have to rely on memory. Even though audio-recordings do not capture non-verbal communication they provide a permanent record for multiple auditing. The audio recordings were carefully transcribed, verbatim and available for scrutiny in Appendix 24 and 25.

#### **4.1.5 Conversations with Children**

It was interesting to note that when I engaged children in conversations, communication skills necessary for talking about what they liked or did not like in the setting was not necessarily dependent on age. There was large variation in oral language development and comprehension amongst the children across the four research settings. Adam in Setting 2 for instance was one of the youngest focus children at just two years and one month, yet one of the most fluent speakers of the sixteen focus children. However, he was not at all interested in talking about what interested me. Most of the children had their own play agenda and my desire to engage in conversation about what was important to them in the setting rarely seemed to fit in with their *lifeworld* and *life conditions*. It felt contrived to sit and wait, trying to get the timing right for when to bring in my leading questions, which is why I tried only once with each focus child, and if I judged the child being uninterested, left it at that (Appendix 26-29). These young children's lack of interest in engaging in an abstract dialogue was one of the main reasons I began exploring observational ways of understanding two-year-old children's experiences instead. Interestingly, a child I did not expect to get an answer from due to his very limited language skills and additional needs, did in his own way give me an answer. After asking George, he ran off and I thought he had ignored or not understood my question, but he came straight back with a book and said: "a book", as he handed it to me and sat himself down in my lap (Journal entry, 23.11.16).

#### 4.1.6 Semi-structured Interviews

Research interviews focus on what people say they do, say they believe in, and opinions they say they have, but with the agenda set by the researcher (Denscombe, 2017). The purpose of the interviews were to capture and try to understand the perspective of educators, to complement observational data. These more formal conversations with educators were guided by a semi-structured interview schedule (Appendix 30). The schedule had a combination of closed and open questions. Open questions allow for more flexibility to follow leads as they arise but they can be difficult to respond to and can also evoke quick, un-reflected answers (Biggam, 2011). I therefore considered a combination would be most appropriate. The questions covered the topics of:

- Knowledge
- Training
- Documentation
- Planning
- Practice
- Opinions

The interview sessions were audio recorded with the participant's consent for multiple auditing and careful transcription. The format and transcript of the interviews were the same across both countries and written up in the participant's home language, see excerpt in **Figure 5** and **Figure 6** and Appendix 31-40 for selected passages from the interviews. Full transcripts were sent to all the participants to review and to feed back on. There was only one participant who asked me to consider removing what she felt was a potentially identifying comment, which I did. All the other educators responded that they felt the transcript was an accurate reflection of our conversation. I find interviewing difficult, as I am always concerned that a follow up or probing question may be taken as exposing lack of knowledge or possibly taken as an indirect criticism despite trying to be as respectful as possible. As Patton (2015: 427) states: "you, as the interviewer, are being watched and assessed, even as you're observing the person interviewing and assessing the responses you're hearing". In the interview with Elisabeth in Setting 4 the notion of *trygghet* was brought up which loosely translated means feeling safe and secure, a concept I discuss in greater detail throughout **Chapter 5**. I originally questioned her suggestion that it is a child's right to experience *trygghet* in a setting (Appendix 39, question 1a, page 191) but with time understood what she had meant, that she saw it as an aspect of the protection and care required for a child's well-being. I was pleased when on a subsequent visit to Setting 4 in 2019 we met again, and I was able to tell her how her comment had led to much deliberation and a greater understanding of the notion of *trygghet* in relation to

Interview Setting 1		
Transcript from recorded interview, 14 October 2016		
I: Interviewer Aline Cole-Albäck		
R: Respondent Karen		
Link		Conversation
<b>Chat leading up to interview:</b>		
Aline asked Karen if she wanted to read the questions first before starting the interview, which she did, feeling more comfortable knowing what would be asked.		
Aline briefly talked about her motivation for doing this research and why children's rights are important to her.		
Karen was interested to know what Aline was hoping to achieve with her research and she explained how she wanted to make the UNCRC more accessible by translating each Article into practice that practitioners could relate to and use in day-to-day practice.		
Karen felt that it would be helpful as sometimes we have opinions about things that are not necessarily in the best interest of the children, so if you have something [a manual] that prompts you she felt it would be good.		
Promotion	R:	I would really like to discuss it more, cause I don't think I've ever see this [pointing to a copy of the UNCRC]. I would like to discuss it more to see what we can do to promote it
	I:	My children were teenagers before I even knew they had rights
	R:	I know they have rights, of course they do, everybody has rights, as the country we live in, everybody has rights Article 42A, but I've never heard that there was a Convention of rights for children
	I:	I got up to graduate level [studies] before I found out
	R:	It should be more available [Article 42A, Article 42C]
	I:	I agree
<b>Initial Reflections:</b>		
The government is not realising Article 42 and their duty to make the Convention widely known to adults and children alike		

**Figure 5:** Example of interview format in English

children's rights. Apart from common ethical considerations to take into account in interview situations such as consent, confidentiality and anonymity and so forth, as mentioned in **Section 3.3** (pages 99-104), I was in addition concerned that educators should not feel obliged to take part in interviews. I did not want to presume that just because they were happy for me to spend time in their setting as a participant observer that educators were interested in being interviewed. These fears were allayed as a number of educators across all four settings did say no, as they believed they did not know enough

**Interview Setting 3**

Transskript från inspelad intervju, 14 mars 2017

I: Intervjuare Aline Cole-Albäck  
R: Respondent Ebba

Tema		Samtal
<b>Inledning:</b>		
<p>Aline började med att förklara syftet med samtalet och hennes motivation för att forska småbarnspedagogik från ett barnrättsperspektiv, samt hur frågorna är uppdelade från ett personligt perspektiv, yrkesmässigt perspektiv, från barnens perspektiv och daghemmets perspektiv.</p> <p>Aline tog fram ett A4 dokument, en förkortat version av Barnkonventionen och själva Barnkonventionen. R10 sa att hon nog hade läst den någon gång i samband med sina studier.</p> <p>Vi pratade om vår bakgrund och utbildning och att olika utbildningar kan påverka i viss mån hur man ser på vissa saker</p>		
<b>F 1a: Berätta vad du vet om barns rättigheter.</b>		
Protection Artikel 3.2	<b>R:</b>	Att barnen ska ha rätt till en <b>trygg vardag</b>
	<b>I:</b>	Mm
	<b>R:</b>	Barn har rätt till lek, sömn och att basbehoven skall tillgodoses
<b>Första Reflektioner:</b>		
<p><b>Trygg vardag</b> ~ feeling safe and cared for in their everyday life ~ en aspekt av välbefinnande – Artikel 3.2 – well-being</p> <p>Basbehov – basic needs. I en artikel nämndes små barns basbehov som: mat, sömn och kärlek. Om vi tittar på Maslows behovstrappa och förknippar det med daghemmet så kan man kanske säga att basbehoven är:</p> <ol style="list-style-type: none"> <li>1. mat och vila (fysiologi) → Artikel 24.2 och Artikel 31R</li> <li>2. säkerhet och stabilitet (trygghet) → Artikel 3.2 och Artikel 19</li> <li>3. vänskap och tillhörighet (gemenskap) → Artikel 7P och Artikel 15</li> <li>4. respekt och kompetens (självkänsla) → Artikel 5</li> <li>5. utvecklas till sin fulla potential (självförverkligande) → Artikel 29.1 (a)</li> </ol>		

**Figure 6:** Example of interview format in Swedish

know enough about children's rights to have anything to contribute to a PhD study. Those who did take part were pleasantly surprised at how much they actually had to contribute.

#### 4.1.7 Field Notes and Journal Entries

Three separate notebooks were kept, one notebook ended up being more like a scrap book where general information as well as personal reflections were entered, and two notebooks, one for each of the countries involved, where country specific data were noted and annotations entered. These notebooks were also used for writing down thoughts in

the form of reflective diary entries to record questions, impressions and other important events that occurred in the course of the data collection and analysis stages. They are a source of supplementary information (Rudestam and Newton, 2007) as are the digital notes made on the computer, the anecdotal notes made shortly after participant observations or field sessions. Informal conversations with educator and parent participants were also written down as soon as possible afterwards.

Notes from meetings with the *Professional Working Group* were kept in a separate folder. We met four times in the course of eighteen months before circumstances changed with participants moving country, changing jobs or leaving the profession. The function of the group was to explore the concept of children's rights in early childhood and to become more familiar with the Articles of the UNCRC in relation to young children's experiences in early childhood settings. After the group naturally came to an end, I continued to visit two of the settings who carried out the confirmability exercise referred to on page 107 and 138.

The first seven methods are congruent with an inductive qualitative research approach. Data from these have from the start of the fieldwork gradually been illuminating how and which children's rights are or are not an aspect of children's everyday experiences, and in parallel have also been feeding into the development of a practice based observation tool, point 8, the *Children's Rights Observation Guide* (CROG) discussed next.

#### **4.1.8 The Children's Rights Observation Guide (CROG)**

The structure of the CROG is framed around the forty-two substantive Articles of the UNCRC, importantly informed by and evolving from primary data, but also drawing on literature in the field. The CROG is at present still a simple chronological list of Articles with indicators as illustrated in **Table 10** on the next page, but even in its current state it gives an indication of how Articles can be contextualised and interpreted in ECEC.

Guided by feedback from educators in my *Professional Working Group*, when completed, the Articles will also be clustered under the traditional 3 P's category: *Provision*, *Protection*, and *Participation*. Despite reservations by some academics (Quennerstedt, 2010) as to the theoretical basis for classifying rights this way, I find the P's classification useful when working with educators as this is terminology educators are familiar with. This emerged when working with teams in South East England. It is as such a pedagogical decision to use the 3 P's classification.



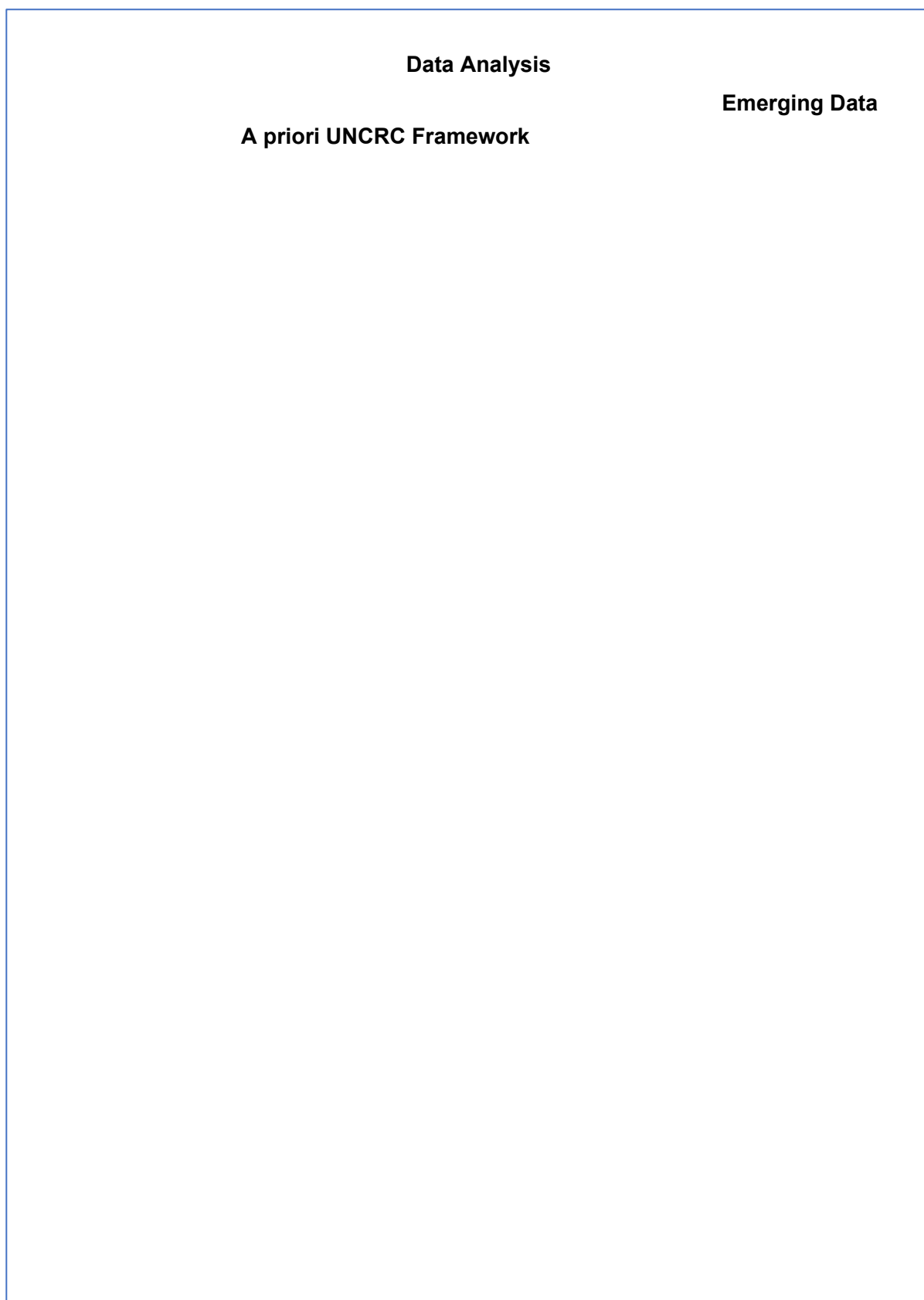
**Table 10: Article 3.3 indicators**

Concept	Article 3.3		
Suitability of Staff  Pedagogical relationships	Responds positively to child	Does not respond to child	Responds critically, insensitively to child
	Educator is involved	Educator is disinterested	Educator explains before acting
	Educator does not explain before acting	Professional love, attachment	Intimacy
	Typical powerful adult	Atypical playful adult	Educator expectations
	Mindful <i>Närvarande</i>	Percipient <i>Lyhörd</i>	

In the CROG the 3 P's are each divided into subcategories and concepts, all derived from the UNCRC. This is as such the *a priori* framework of the CROG, with the *emerging* aspect of the CROG derived from the literature and primary data, see **Figure 7** on the next page. Throughout the study, when observations were transcribed and analysed, or interviews and conversations interpreted, I made a note of data that seemed to link to an Article, as a potential indicator or attribute of that Article. As the study progressed the number of indicators for various Articles were added to. It was as such an iterative process where data informed the CROG and the CROG in turn, with new knowledge and insights, informed a deepening understanding of an Article. The five most developed Articles, with indicators compiled in word tables as illustrated in **Table 10**, are discussed in the first five sections of **Chapter 5 (Sections 5.1 – 5.5)**. The CROG is as such an evolving document still in need of development. The intention is that with time, drawing on data from children's experiences in particular, compile comprehensive word tables for all the Articles relevant to ECEC practice, and illustrate them with examples of children's experiences, to guide pedagogical conversations on children's rights. The CROG as it stands to date is included in Appendix 62.

Altogether the data collected with these various tools created the case study database. The choice of methods: analysing documents, participant observations, interviews, focus groups, a working group, and field notes are congruent with a qualitative paradigm and case study strategy. In sum:

1. The participant observations and conversations with the children represent the child data set.
2. The focus group discussions represent the parent data set.



**Figure 7:** *A priori* and emergent rights framework

3. The interviews and informal conversations with educator represent the educator data set.
4. The CROG, journal entries, field notes, working group notes, reports, chapter published, and conference presentations represent the researcher data set.

A within data analysis was initially carried out for each data set, and data displayed in word and colour tables as mentioned above, before an analysis across data sets was done, see **Figure 9** on page 137. Each data set is described in the next **Subsections (4.2.1 – 4.2.4)**.

## 4.2 Data Description and Initial Analysis

Data from each setting was initially organised in four separate sets: verbal data from, and participant observations of the children, data from the parent focus groups, data from conversations and interviews with educators, and researcher data in the form of field notes and journal entries. In other words, four data sets for each of the four settings organised in four A4 folders and four files on a password protected computer. This became the research database. After the initial within-case transcription and description, word and colour tables were created to methodically arrange, and visually represent the data. Creating tables allowed me to identify similarities and differences, simple frequency distributions, not for quantitative, statistical analysis but for finding commonalities and differences between the data sets. I find visual representations aids in interpreting data; especially if there are a number of similar data sets (see pages 137, 139 and 147). These tables are not meant for conveying information to an audience, but were created for my own understanding; however, quite briefly explained, the tables list the forty-two substantive Articles of the UNCRC, and shows the individual Articles the respondents either:

- ticked as important on a list (✓)
- Article indirectly referenced to in conversation was highlighted in yellow
- Article explicitly referenced or talked about as a right was highlighted in green

The ticks and highlights do not necessarily endorse an Article but indicate a conversation took place around issues deemed relevant to that Article. The core document the primary data was mapped against was a table I created listing the forty-two substantive Articles of the UNCRC, with some of the Articles divided into sub-articles as the paragraphs are in some cases very distinct concepts often condensed unhelpfully into an overarching theme, as is the case with **Article 3**. **Article 3** is a hugely important Article, one of the four *General*

*Principles* of the UNCRC (OHCHR, 1997), commonly referred to as the *best interest principle* that states that the best interests of the child must be a top priority in all decisions and actions that affect children (UNICEF UK, 2017b). This however fails to recognise that there are three paragraphs to this Article: best interest; protection and care necessary for well-being; and standards for care and protection. Each Article that has distinct paragraphs that are relevant to early childhood have therefore been split up into sub-articles (respecting the UNCRC format) for making that particular Article clearer. Another example is **Article 31**. I have added the letters R, P, and CA to this Article, to make a distinction between the three aspects of this Article relevant to ECEC: a child's right to **Rest**; **Play**; and partake in **Cultural Activities**. See **Table 11** on the next page and Appendix 41.

I considered using NVivo to aid my data analysis; however, it was not used as I felt the need to at all times be able to be in control of the data. I believe manually handling the data in an iterative way was necessary to become really familiar with it, to be able to develop a deepening understanding of the data and to identify patterns and indicators. Data was therefore processed manually. All information collected was retained in accordance with the University's policy on *Academic Integrity* in England and according to the *Data Protection Act 1998* and the *European Union General Data Protection Regulations* (EU 2016/679), effective 2018. Data is kept, according to policy, for the recommended period after the completion of the study. Illustrations of how I analysed the data, is briefly discussed and illustrated next using the four data sets as subheadings.

#### **4.2.1 Child Data Set**

The research question posed with regard to children was:

##### **4. How do young children experience their rights in a setting?**

This question could only be answered through direct observations since I was seeking to explore “children’s” perspectives and a “child perspective” (Sommer et al., 2010; 2013: 463) as discussed in **Subsection 3.5.1** (pages 108-110). To be methodical the observation notes were all transcribed and analysed following the same 4-step sequence as illustrated in **Figure 8** on page 135:

1. The time was noted and observations typed up in the first two columns. There are 220 pages of typed up notes from the four settings, with an example from observations from one morning session from each setting included in the Appendix (Appendix 42-45) to give a feel for each of the settings.

**Table 11: Summary document of the UNCRC**

<b>Articles of the UN Convention on the Rights of the Child (UNCRC)</b>		
<b>1</b>	Definition of the child (everyone under 18)	Definition
<b>2</b>	Non-discrimination (12 categories or other status)	Protection
<b>3.1</b>	Best interest of the child (impact assessment)	Protection
<b>3.2</b>	Ensure protection and care necessary for well-being	Protection
<b>3.3</b>	Standards for safety, health, number of, and suitability of staff (supervision, attachment, involvement)	Protection
<b>4</b>	Implementation (making sure every child can enjoy their rights)	Protection
<b>5</b>	Guidance in exercising rights consistent with evolving capacities (autonomy, agency/influence)	Provision
<b>6</b>	Life, survival and development (conditions optimal for development)	Provision
<b>7R</b>	Birth registration, name and nationality (for access, administration, pronunciation)	Provision
<b>7P</b>	Parental care wherever possible	Protection
<b>8</b>	Preservation of identity (twins, siblings not mixed up)	Protection
<b>9.3</b>	Regular contact with both parents in case of separation (dialogue with/communications to both)	Protection
<b>10</b>	Family reunification	Provision
<b>11</b>	Illicit transfer and non-return (secure premises)	Protection
<b>12</b>	Respect for the views of the child according to age and maturity (space, voice, audience, influence)	Participation
<b>13</b>	Freedom of expression (medium of child's choice including silence) and sharing, receiving information	Participation
<b>14</b>	Freedom of thought, conscience and religion (celebrate similarities, respect differences) (capacity)	Participation
<b>15</b>	Freedom to be in a group with other children	Participation
<b>16</b>	Protection of privacy (choice to refuse privacy, privacy when upset, special place)	Protection
<b>17</b>	Access to appropriate information from a diversity of sources (adults, children)	Participation
<b>17 (e)</b>	Protection from harmful information and material	Protection
<b>18.1</b>	Shared parental responsibility in bringing up their child (contact with both)	Protection
<b>18.2</b>	Parents have the right to appropriate assistance in bringing up their child (dialogue)	Provision
<b>18.3</b>	The right to child-care services and facilities for the care of children of working parents	Provision
<b>19</b>	Protection from all forms of violence, abuse and neglect	Protection
<b>20</b>	Protection when in temporary alternative (foster) care	Protection
<b>21</b>	Best interest of the child if adopted	Protection
<b>22</b>	Appropriate protection for refugee children	Protection
<b>23</b>	Special education and care if disabled (equity, participation, alternative means of communication)	Provision
<b>24.1</b>	Health and good quality healthcare (hygiene, weather appropriate clothing, clean environment)	Provision
<b>24.2</b>	Nutritious food and clean water (meals as social events, flexible or scheduled)	Provision
<b>25</b>	Reviews for looked after child	Provision
<b>26</b>	Social security	Provision
<b>27</b>	Adequate standard of living	Provision
<b>28.1</b>	Education (access, attendance, inclusive, exclusion/suspension)	Provision
<b>28.2</b>	Dignified discipline (age appropriate expectations)	Protection
<b>29.1 (a)</b>	Goal of education - fullest potential (EY curriculum, ethos, resources, routines, transitions, time)	Provision
<b>29.1 (b)</b>	Goal of education - respect for human rights and fundamental freedoms (RRE, HRE, VbE)	Provision
<b>29.1 (c)</b>	Goal of education - develop respect for parents, their own and other cultures	Provision
<b>29.1 (d)</b>	Goal of education - prepare for a responsible life (peace, tolerance, equality)	Provision
<b>29.1 (e)</b>	Goal of education - develop respect for the natural environment (forest school)	Provision
<b>30</b>	Minority and indigenous culture, religion and languages (parental involvement, language group)	Provision
<b>31R</b>	Rest (designated area, routines)	Provision
<b>31P</b>	Play (free-flow, pedagogical, time to play)	Provision
<b>31CA</b>	Cultural and artistic activities (popular culture (music, books, films) traditions)	Provision
<b>32</b>	Protection from harmful or hazardous work (child labour)	Protection
<b>33</b>	Protection from dangerous drugs	Protection
<b>34</b>	Protection against sexual abuse and exploitation	Protection
<b>35</b>	Protection from being abducted, sold or trafficked	Protection
<b>36</b>	Protection against any other form of exploitation that could harm development	Protection
<b>37</b>	Youth justice and deprivation of liberty, and protection against torture, degrading treatment	Protection
<b>38</b>	Special protection in war and armed conflicts	Protection
<b>39</b>	Rehabilitation of child victims	Protection
<b>40</b>	Administration of juvenile justice	Protection
<b>41</b>	Respect for superior national standards	Protection
<b>42A</b>	Knowledge, dissemination and implementation measures (adults)	Provision
<b>42C</b>	Knowledge and dissemination (children)	Provision
Articles <b>43-54</b> are about how the Committee and governments should work together to support children's rights		

2. Children's well-being and involvement were noted along the Leuven scale (Laevens et al., 1997; 2012). The initial analysis of observations from Setting 1, as mentioned in **Subsection 4.1.2** above (pages 114-119), included analysing both *well-being* and *involvement* as I was not sure at the outset if they were concepts independent of each other to this research, or not. Data from Setting 1 however suggested that although children's deep level learning as expressed through their involvement is dependent on their well-being, children's interests, priorities and concerns, or rights, as expressed through their emotions, appeared to be independent of involvement. I therefore did not continue to score children's *involvement* but focused on *well-being* alone in the analysis of data from the following three settings.
3. Entries registering a strong emotional involvement, a score of 1 or 5, were then identified and mapped against the Articles of the UNCRC and the 3 P's, and registered as *Significant*, *Like* or *Other Events* as defined in **Subsection 4.1.2** above (pages 114-119).
4. In the final stage of the initial analysis, all the *Significant*, *Like* or *Other Events* were collated in a separate document with a box for each *Event* titled 'Reflections on the meaning of the event' where initial meaning was written down for interpretation at a later stage. See Appendix 46-49 for the four setting specific documents. Data were as such reduced to *Significant Events* (SE), *Like Events* (LE) and *Other Events* (OE), see example below taken from Appendix 48:

21. From Observations 13.3.17	Significant event
<b>Danny</b> and Oscar are by the birches by themselves, climbing on the large rocks, sliding and rolling off them, laughing and smiling at each other.	
<b>Reflections on the meaning of the event:</b> The children love climbing on these big rocks (Article 29.1 (a) – outdoor affordances), away from the immediate adult gaze (Article 16 – privacy with friend), usually with another child or in a small group, engaging in rough and tumble play, often landing on top of each other (Article 31P). There is pleasure, and energy in their play (Article 3.2 – well-being). The thick snowsuits may be hampering their movements a bit but not their play and enjoyment of the moment.	

The four *Significant*, *Like* and *Other Events* documents were discussed with the manager in each of the four settings for credibility or member checking. There was 100% agreement with Setting 1, Setting 3, and Setting 4, and a 95% agreement with Setting 2.

## Sequence of Analysis Process of Observations

1.

Time	Observations	G	I	WB	P's and A's
9:38	<b>Jessica</b> tips her cards over, but stays in the game. Ollie points out that <b>Bella</b> has the cow. Nina makes a "moo" sound, but <b>Bella</b> does not respond. <b>Jessica</b> makes a flapping movement to the picture of the chicken.	SG	3	3	Provision Article 29.1 (a) Protection Article 3.3 Participation Article 31P
	Sally joins Jimi, Chris and Rob.				
9:40	<b>Jessica</b> suddenly starts singing: "it's time to finish now" and Nina joins in, as <b>Jessica</b> adds the hand movements to it. The game is over. Ollie makes a sad noise. Sally turns around and asks why he is making this noise?!	SG	5	5	Protection Article 3.3 Participation Article 13
	Holly asks: "who wants to go in the garden?" Some children shout: "me!"	SG	1	1	Like Event Protection Article 3.3 Participation Article 13
	Holly goes out with Chris, Ollie.				
	<b>Bella</b> and <b>Jessica</b> go to the semi-circular table to play with playdough.				
9:45	Sally and Jimi are with <b>Bella</b> and <b>Jessica</b> at the playdough. Jessica wants a knife so stands up, walks over to the home corner and fetches one.	SG	5	4	Provision Article 29.1 (a)
	Sally goes over to a child in the block area.				
	<b>Bella</b> is using scissors and a knife to cut the playdough. <b>Jessica</b> has her hand on Jimi's knee, leaning on him while making a snowman (she loves "Frozen"). She rolls playdough into a ball in her hand, singing a song from "Frozen" to Jimi. She climbs onto his lap and Jimi gives her a cuddle. She screeches with pleasure.	WA	4	5	Provision Article 29.1 (a) Protection Article 3.3 Participation Article 31P
9:50	<b>Bella</b> is completely absorbed in her playdough cutting, seemingly oblivious to anything going on around her.	SG	5	5	Provision Article 29.1 (a)
	<b>Jessica</b> gets down from Jimi's lap, walks over to see what <b>Bella</b> is doing. Comes over to me briefly where I'm taking notes, all the while humming, and then walks over to the book area where Nina is playing with a child at the marble run.	SG	3	5	Participation Article 31P

Transcript

2.

Time	Observations	G	I	WB	P's and A's
9:38	<b>Jessica</b> tips her cards over, but stays in the game. Ollie points out that <b>Bella</b> has the cow. Nina makes a "moo" sound, but <b>Bella</b> does not respond. <b>Jessica</b> makes a flapping movement to the picture of the chicken.	SG	3	3	Provision Article 29.1 (a) Protection Article 3.3 Participation Article 31P
	Sally joins Jimi, Chris and Rob.				
9:40	<b>Jessica</b> suddenly starts singing: "it's time to finish now" and Nina joins in, as <b>Jessica</b> adds the hand movements to it. The game is over. Ollie makes a sad noise. Sally turns around and asks why he is making this noise?!	SG	5	5	Protection Article 3.3 Participation Article 13
	Holly asks: "who wants to go in the garden?" Some children shout: "me!"	SG	1	1	Like Event Protection Article 3.3 Participation Article 13
	Holly goes out with Chris, Ollie.				
	<b>Bella</b> and <b>Jessica</b> go to the semi-circular table to play with playdough.				
9:45	Sally and Jimi are with <b>Bella</b> and <b>Jessica</b> at the playdough. Jessica wants a knife so stands up, walks over to the home corner and fetches one.	SG	5	4	Provision Article 29.1 (a)
	Sally goes over to a child in the block area.				
	<b>Bella</b> is using scissors and a knife to cut the playdough. <b>Jessica</b> has her hand on Jimi's knee, leaning on him while making a snowman (she loves "Frozen"). She rolls playdough into a ball in her hand, singing a song from "Frozen" to Jimi. She climbs onto his lap and Jimi gives her a cuddle. She screeches with pleasure.	WA	4	5	Provision Article 29.1 (a) Protection Article 3.3 Participation Article 31P
9:50	<b>Bella</b> is completely absorbed in her playdough cutting, seemingly oblivious to anything going on around her.	SG	5	5	Provision Article 29.1 (a)
	<b>Jessica</b> gets down from Jimi's lap, walks over to see what <b>Bella</b> is doing. Comes over to me briefly where I'm taking notes, all the while humming, and then walks over to the book area where Nina is playing with a child at the marble run.	SG	3	5	Participation Article 31P

Analysis

3.

Time	Observations	G	I	WB	P's and A's
9:38	<b>Jessica</b> tips her cards over, but stays in the game. Ollie points out that <b>Bella</b> has the cow. Nina makes a "moo" sound, but <b>Bella</b> does not respond. <b>Jessica</b> makes a flapping movement to the picture of the chicken.	SG	3	3	Provision Article 29.1 (a) Protection Article 3.3 Participation Article 31P
	Sally joins Jimi, Chris and Rob.				
9:40	<b>Jessica</b> suddenly starts singing: "it's time to finish now" and Nina joins in, as <b>Jessica</b> adds the hand movements to it. The game is over. Ollie makes a sad noise. Sally turns around and asks why he is making this noise?!	SG	5	5	Protection Article 3.3 Participation Article 13
	Holly asks: "who wants to go in the garden?" Some children shout: "me!"	SG	1	1	Like Event Protection Article 3.3 Participation Article 13
	Holly goes out with Chris, Ollie.				
	<b>Bella</b> and <b>Jessica</b> go to the semi-circular table to play with playdough.				
9:45	Sally and Jimi are with <b>Bella</b> and <b>Jessica</b> at the playdough. Jessica wants a knife so stands up, walks over to the home corner and fetches one.	SG	5	4	Provision Article 29.1 (a)
	Sally goes over to a child in the block area.				
	<b>Bella</b> is using scissors and a knife to cut the playdough. <b>Jessica</b> has her hand on Jimi's knee, leaning on him while making a snowman (she loves "Frozen"). She rolls playdough into a ball in her hand, singing a song from "Frozen" to Jimi. She climbs onto his lap and Jimi gives her a cuddle. She screeches with pleasure.	WA	4	5	Provision Article 29.1 (a) Protection Article 3.3 Participation Article 31P
9:50	<b>Bella</b> is completely absorbed in her playdough cutting, seemingly oblivious to anything going on around her.	SG	5	5	Provision Article 29.1 (a)
	<b>Jessica</b> gets down from Jimi's lap, walks over to see what <b>Bella</b> is doing. Comes over to me briefly where I'm taking notes, all the while humming, and then walks over to the book area where Nina is playing with a child at the marble run.	SG	3	5	Participation Article 31P

Identifying Articles  
and P's Categories

Time	Observations	G	I	WB	P's and A's
9:38	<b>Jessica</b> tips her cards over, but stays in the game. Ollie points out that <b>Bella</b> has the cow. Nina makes a "moo" sound, but <b>Bella</b> does not respond. <b>Jessica</b> makes a flapping movement to the picture of the chicken.	SG	3	3	Provision Article 29.1 (a) Protection Article 3.3 Participation Article 31P
	Sally joins Jimi and Rob.				
9:40	<b>Jessica</b> suddenly starts singing: "it's time to finish now" and Nina joins in, as <b>Jessica</b> adds the hand movements to it. The game is over. Ollie makes a sad noise. Sally turns around and asks why he is making this noise?!	SG	5	5	Protection Article 3.3 Participation Article 13
	Holly asks: "who wants to go in the garden?" Some children shout: "me!"	SG	1	1	Like Event Protection Article 3.3 Participation Article 13
	Holly goes out with Chris, Ollie.				
	<b>Bella</b> and <b>Jessica</b> go to the semi-circular table to play with playdough.				
9:45	Sally and Jimi are with <b>Bella</b> and <b>Jessica</b> at the playdough. Jessica wants a knife so stands up, walks over to the home corner and fetches one.	SG	5	4	Provision Article 29.1 (a)
	Sally goes over to a child in the block area.				
9:50	<b>Bella</b> is using scissors and a knife to cut the playdough. <b>Jessica</b> has her hand on Jimi's knee, leaning on him while making a snowman (she loves "Frozen"). She rolls playdough into a ball in her hand, singing a song from "Frozen" to Jimi. She climbs onto his lap and Jimi gives her a cuddle. She screeches with pleasure.	WA	4	5	Provision Article 29.1 (a) Protection Article 3.3 Participation Article 31P
	<b>Bella</b> is completely absorbed in her playdough cutting, oblivious to anything going on around her.	SG	5	5	Provision Article 29.1 (a)
	<b>Jessica</b> gets down from Jimi's lap, walks over to see what <b>Bella</b> is doing. Comes over to me briefly where I'm taking notes, all the while humming, and then walks over to the book area where Nina is playing with a child at the marble run.	SG	3	5	Participation Article 31P

Identifying Events

4.

Figure 8: 4-step sequence of description and initial analysis process

There are 157 pages of *Significant, Like and Other Events* across the four research settings that informed my understanding of children's rights-based experiences. Collating the data from the four data sets revealed that there are five Articles that the sixteen focus children across the four settings had in common, see **Figure 9** on the next page and Appendix 50-53. These five commonly shared Articles are:

1. **Article 3.2** – protection and care necessary for well-being
2. **Article 3.3** – standards for safety, health, number of, and suitability of staff
3. **Article 13** – freedom of expression
4. **Article 29.1 (a)** – aims of education – development to fullest potential
5. **Article 31P** – play

I call these commonly shared Articles, *Guiding Articles* for ECEC. Just as there are four *General Principles* enshrined in the UNCRC to guide the interpretation and implementation of the UNCRC as a whole; Articles 2, 3, 6, and 12 (OHCHR, 1997), my data suggest there are rights that can be seen as more relevant for informing work from a rights-based perspective in ECEC, hence naming them *Guiding Articles*, as they were relevant to all the focus children in my study and can as such be considered important in guiding practice across settings. There were in addition some setting dependent Articles that related to all the focus children in one particular setting, but not necessarily evident in the other three research settings. These Articles I call *Significant Articles*, Articles that are of local significance or interest, in addition to the more universal *Guiding Articles*. Setting 1 did not have any setting specific *Significant Articles* beyond the five *Guiding Articles*, whereas data from Setting 2 show several other Articles, such as for instance experiences in relation to **Article 24** (health and nutritious food), were significant to the children there.

In Setting 3 issues around **Article 17** (access to information) was very specific to the children in this setting in that there was at times a lack of information sharing that frustrated the children, such as picking a child up without informing the child why, before acting. In Setting 4, **Article 19** (protection from harm) was a *Significant Article* to all the focus children. It was a pedagogical decision that the children were allowed to take calculated risks in the large outdoor environment even if it at times led to bumps and bruises as discussed in greater detail in **Chapter 5**. The suggestion that there are universal *Guiding Articles* and context specific *Significant Articles* is based on the notion that although all rights are considered interrelated, interdependent and indivisible (OHCHR, 2019b), I am suggesting that some Articles are more relevant than others at different ages and depending on circumstances and context during childhood (0-18). Although this is not a



Focus Child Significant Events Data, Setting 1 England					
Child	Luke	Alex	Liam	Blake	
Date	17-21.10.16	17-31.10.16	17-21.10.16	17-21.10.16	
1					
2					
3.1					
3.2					
3.3					
4					
5					
6					
7R					
7P					
8					
9.3					
10					
11					
12					
13					
14					
15					
16					
17					
17 (e)					
18.1					
18.2					
18.3					
19					
20					
21					
22					
23					
24.1					
24.2					
25					
26					
27					
28.1					
28.2					
29.1 (a)					
29.1 (b)					
29.1 (c)					
29.1 (d)					
29.1 (e)					
30					
31R					
31P					
31CA					
32					
33					
34					
35					
36					
37					
38					
39					
40					
41					
42A					
42C					

Focus Child Significant Events Data, Setting 2 England					
Child	George	Jessica	Adam	Bella	
Date	21-22.11.17	21-25.11.16	22-23.11.16	23-25.11.16	
1					
2					
3.1					
3.2					
3.3					
4					
5					
6					
7.1R					
7.2P					
8					
9.3					
10					
11					
12					
13					
14					
15					
16					
17					
17 (e)					
18.1					
18.2					
18.3					
19					
20					
21					
22					
23					
24.1					
24.2					
25					
26					
27					
28.1					
28.2					
29.1 (a)					
29.1 (b)					
29.1 (c)					
29.1 (d)					
29.1 (e)					
30					
31R					
31P					
31CA					
32					
33					
34					
35					
36					
37					
38					
39					
40					
41					
42A					
42C					

Focus Child Significant Events Data, Setting 3 Finland									
Child	Isabella	William	Danny	Olivia					
Date	13-20.3.17	13-17.3.17	13-20.3.17	14-16.3.17					
1									
2									
3.1									
3.2									
3.3									
4									
5									
6									
7.1R									
7.1P									
8									
9.3									
10									
11									
12	Own language								
13									
14									
15									
16			Playing						
17	Lack of	Lack of		Lack of					
17 (e)									
18.1									
18.2									
18.3									
19									
20									
21									
22									
23									
24.1									
24.2									
25									
26									
27									
28.1									
28.2									
29.1 (a)									
29.1 (b)									
29.1 (c)									
29.1 (d)									
29.1 (e)									
30									
31R									
31P									
31CA									
32									
33									
34									
35									
36									
37									
38									
39									
40									
41									
42A									
42C									
Focus Child Significant Events Data, Setting 4 Finland									
Child	John	Mia	Emma	Billy					
Date	27-31.3.17	27-29.3.17	27-31.3.17	27-31.3.17					
1									
2									
3.1									
3.2									
3.3									
4									
5									
6									
7.1R									
7.1P									
8									
9.3									
10									
11									
12		Single word							
13									
14									
15									
16									
17									
17 (e)									
18.1									
18.2									
18.3									
19	Risk	Teasing	Risk	Teasing	Risk	Teasing	Risk	Teasing	
20									
21									
22									
23									
24.1									
24.2									
25									
26									
27									
28.1									
28.2									
29.1 (a)									
29.1 (b)									
29.1 (c)									
29.1 (d)									
29.1 (e)									
30									
31R									
31P									
31CA									
32									
33									
34									
35									
36									
37									
38									
39									
40									
41									
42A									
42C									

**Figure 9:** The four child *significant events* focus child data sets (Appendix 50-53)

new idea, it has come up in private conversations with lawyers in the course of this study, articulating it using the vocabulary of *Guiding Articles* and *Significant Articles*, is.

As mentioned above, educators from two settings that were independent of the four research settings took part in the analysis for confirmability with a 95% agreement. I am satisfied this demonstrates that the *Significant, Like* and *Other Events* chosen from the observations are taken from the data, and that my interpretations of the events in relation to the Articles of the UNCRC, are dependable. Each of the *Guiding Articles* are discussed further in **Chapter 5**, introduced in the form of five individual children's experiences, illustrating the importance and universality of these *Guiding Articles* in ECEC.

To clarify, these five experiences, are *Significant Events* that occurred during observations, written up using the same format as all the *experiential anecdotes* referred to in **Chapter 5**, with van Manen's five *lifeworld existentials* used as a guide: Lived Other (relationality); Lived Body (corporeality); Lived Space (spatiality); Lived Time (temporality); and Lived Things (materiality), as discussed in **Subsection 3.1.1** (pages 76-78). These longer, what I call *key experiential anecdotes* give the reader the opportunity to reflect on and gain an experiential understanding of the issue or *Guiding Article* in question in a more narrative way (Stake, 1995), which I believe statistics or tables alone cannot adequately convey. The five *key experiential anecdotes* or *Guiding Articles* form as such a data subset (Miles and Huberman, 1994).

#### 4.2.2 Parent Data Set

The research question posed with regards to parents was:

##### 5. What do parents know about the UNCRC and children's rights?

When drawing up the research design in *Stage I*, I had two motives for wishing to include parents. Firstly, my desire was to co-construct knowledge with all stakeholders: children, parents, educators, and managers. Secondly, as children's rights can only be realised together with adults, parental knowledge that their child or children have rights is essential. However, for reasons already discussed in **Section 3.5** under *Limitations and Problems* (pages 107-112) and in section **4.1.4** above under *Video Elicited Focus Groups* (page 123), not many parents got directly involved. This data set is therefore incomplete and not as in-depth as I had hoped for as evident in **Figure 10** on the next page (Appendix 54-57). It shifted the focus away from a co-constructed study, desiring to include all stake holders, to a more child-centred study. The two parent focus groups, one in each country, were

UNCRC Articles Implicitly or Explicitly Addressed by Parents in Setting 1, England

Adult	Alex's Mum	Liam's Mum	Liam's Dad	Luke's Mum
Date	31.10.16	31.10.16	31.10.16	31.10.16
1				
2	✓		✓	✓
3.1	✓	✓	✓	✓
3.2	✓	✓	✓	✓
3.3	✓	✓	✓	✓
4	✓			
5	✓			✓
6	✓	✓	✓	
7R	✓	✓	✓	
7P	✓	✓	✓	
8	✓		✓	
9.3	✓		✓	
10				
11				
12	✓	✓	✓	✓
13	✓	✓	✓	✓
14	✓	✓	✓	✓
15	✓	✓	✓	✓
16	✓	✓	✓	✓
17	✓	✓	✓	✓
17 (e)	✓	✓	✓	✓
18.1	✓	✓	✓	✓
18.2	✓	✓	✓	✓
18.3	✓	✓	✓	✓
19	✓	✓	✓	✓
20	✓	✓		
21		✓		
22		✓		
23		✓	✓	
24.1	✓	✓	✓	✓
24.2	✓	✓	✓	✓
25	✓	✓		
26				
27				
28.1	✓	✓		✓
28.2	✓	✓	✓	✓
29.1 (a)	✓	✓	✓	✓
29.1 (b)	✓	✓	✓	✓
29.1 (c)	✓	✓	✓	✓
29.1 (d)	✓	✓	✓	✓
29.1 (e)	✓	✓	✓	✓
30	✓	✓		
31R	✓	✓	✓	
31P	✓	✓	✓	✓
31CA	✓	✓	✓	✓
32				
33				
34	✓	✓	✓	✓
35	✓	✓	✓	✓
36	✓	✓	✓	✓
37	✓	✓	✓	✓
38				
39	✓	✓	✓	
40				
41				
42A	✓	✓	✓	✓
42C	✓	✓	✓	✓

UNCRC Articles Implicitly or Explicitly Addressed by Parents in Setting 2, England

Adult	1	2				
Date	November 2016	November 2016				
1						
2	✓	✓				
3.1	✓	✓				
3.2	✓	✓				
3.3	✓	✓				
4	✓	✓				
5	✓	✓				
6	✓	✓				
7R	✓	✓				
7P	✓	✓				
8	✓	✓				
9.3	✓	✓				
10	✓	✓				
11	✓	✓				
12	✓	✓				
13	✓	✓				
14	✓	✓				
15	✓	✓				
16	✓	✓				
17	✓	✓				
17 (e)	✓	✓				
18.1	✓	✓				
18.2	✓	✓				
18.3	✓	✓				
19	✓	✓				
20	✓	✓				
21	✓	✓				
22	✓	✓				
23	✓	✓				
24.1	✓	✓				
24.2	✓	✓				
25	✓	✓				
26	✓	✓				
27	✓	✓				
28.1	✓	✓				
28.2	✓	✓				
29.1 (a)	✓	✓				
29.1 (b)	✓	✓				
29.1 (c)	✓	✓				
29.1 (d)	✓	✓				
29.1 (e)	✓	✓				
30	✓	✓				
31R	✓	✓				
31P	✓	✓				
31CA	✓	✓				
32	✓	✓				
33	✓	✓				
34	✓	✓				
35	✓	✓				
36	✓	✓				
37	✓	✓				
38	✓	✓				
39	✓	✓				
40	✓	✓				
41	✓	✓				
42A	✓	✓				
42C	✓	✓				

UNCRC Articles Implicitly or Explicitly Addressed by Parents in Setting 3, Finland

Adult	Olivia's Mum	Danny's Mum				
Date	April 2017	April 2017				
1						
2	✓	✓				
3.1	✓	✓				
3.2	✓	✓				
3.3	✓	✓				
4	✓	✓				
5	✓		Sharing power			
6		✓				
7R						
7P						
8						
9.3						
10						
11						
12	✓	✓				
13						
14						
15	✓	✓	Friendship and togetherness			
16	✓	✓				
17						
17 (e)		✓				
18.1						
18.2			Listen to parents			
18.3						
19		✓				
20						
21						
22						
23						
24.1	✓					
24.2	✓	✓				
25						
26						
27						
28.1						
28.2						
29.1 (a)	✓	✓	Resources and routines			
29.1 (b)	✓					
29.1 (c)						
29.1 (d)						
29.1 (e)	✓					
30						
31R	✓	✓	Questioning routines			
31P	✓	✓	Freedom to follow own ideas			
31CA						
32						
33						
34						
35						
36						
37		✓				
38						
39						
40						
41						
42A	✓					
42C						

UNCRC Articles Implicitly or Explicitly Addressed by Parents in Setting 4, Finland

Adult	John's Mum					
Date	5.4.2017					
1						
2	✓					
3.1						
3.2						
3.3						
4						
5						
6						
7R						
7P						
8						
9.3						
10						
11						
12	✓					
13	✓					
14	✓					
15	✓					
16	✓					
17						
17 (e)						
18.1						
18.2						
18.3						
19						
20						
21						
22						
23						
24.1	✓					
24.2	✓					
25						
26						
27						
28.1	✓					
28.2	✓					
29.1 (a)	✓					
29.1 (b)	✓					
29.1 (c)	✓					
29.1 (d)	✓					
29.1 (e)	✓					
30						
31R	✓					
31P	✓					
31CA	✓					
32						
33						
34						
35						
36						
37						
38						
39						
40						
41						
42A						
42C						

Figure 10: The four parent data sets (Appendix 54-57)

very engaging and provided some insights into these parents' understanding of children's rights and what they felt was important for their children when in childcare.

Looking at the Articles the parents in the Focus Group in Setting 1 in England indirectly referred to, or mentioned after being introduced to them in the course of the focus group conversations (Appendix 24), the picture that emerged of what was important to them can be summarised as follows:

As parents we wish for support and guidance in raising our child at home, and when in the setting, we wish for our children to be able to develop to their fullest potential by having the opportunity to develop friendships, and learning through free play and adult led activities, in a physically and emotionally safe environment, disciplined, if needs be, with respect and sensitivity.

I found this pedagogically, and from a rights-based perspective a very powerful message from this group of parents. The Articles the parents were referring to are: **Articles 3.2, 3.3, 18.2, 19, 28.2, 29.1 (a), and 31P**.

In Finland, what the two parents in the Focus Group in Setting 3 wished for was very similar but with a stronger focus on the notion of *trygghet* in the setting (state of being safe and feeling secure):

Staff should be there for the children, supporting them in developing friendships and 'togetherness'. Staff should follow the children's interests when learning through free play and adult led activities, in a *trygg* environment.

**Articles 3.2, 3.3 and 31P**, that are about well-being, suitability of staff and the child's right to play, are the Articles the two Finnish parents mainly referred to.

Interestingly, none of the English parents have lived in Finland and vice versa, yet they had a similar sense of what experiences they wished for their children in childcare. There were two main differences. Firstly, the parents in Setting 1 in England turned to educators for support and guidance whereas parents in Setting 3 in Finland turned to the health visitor or *Family Information Service* for support and guidance. Interestingly the two parents in the focus group in Finland suggested it should be part of the *Family Information Service's* job to inform parents about the UNCRC and children's rights, just as they inform and guide parents about any other aspect of child development (Appendix 25). The

parents in the Setting 1 in England were not that concerned about being informed about the UNCRC and children's rights even though they felt it was interesting to find out about them during our conversation. Secondly, although the wish for children to be *trygg* came up in both Focus Groups, *disciplining* children and children *learning discipline* only came up in the conversations in the English Focus Group. I see both concepts (discipline and *trygghet*) as closely related to children's right to protection and care, in line with **Article 3.2**; however, I interpret *being disciplined* and *learning discipline* as coming from an *adult perspective* and to be and feel *trygg* more in line with taking a more relational, *child perspective*. Do these two perspectives possibly reveal the parents' underlying view of children and childhood and their expectations of, or what they think is the purpose of early education? Other comments made by parents in the focus groups are referred to in **Chapter 5** when interpreting and synthesising data in relation to the five *key experiential anecdotes* or *Guiding Articles*.

#### 4.2.3 Educator Data Set

The research questions posed with regards to educators were:

1. Do adults (managers, graduate and non-graduate educators) working with two-year-old children know about the UNCRC and children's rights?
2. How does the UNCRC guide practice?
3. What evidence is there of rights-based practice in a setting?

Based on data from the ten interviews, the answer to *Question 1* regarding knowledge about children's rights and the UNCRC is that the higher the qualification the more likely it was that educators had some, even if not detailed knowledge of the UNCRC and children's rights. All the managers were the most knowledgeable, yet when it came to *Question 2*, none of the settings explicitly used the UNCRC or the concept of children as rights holders to guide practice. Despite this, there was, in answer to *Question 3*, much observational evidence of rights respecting practice in all four settings. This could in the case of the two English settings be because UK legislation, as evident in the *Children Act 2004*, has a strong anchoring in the UNCRC as illustrated in **Table 12** on the next page (Appendix 15).

In Finland, the UNCRC is part of the Finnish legal system and is binding for central government, all municipal authorities, and private organisations carrying out official duties (CUCW, 2019). Although some educators were not able to identify Articles per se, the UNCRC has greatly influenced the value base of the *Finnish National Core Curriculum*

**Table 12:** Link between the *Children Act 2004* and the UNCRC (UNICEF, 2006)

Children Act 2004	UNCRC Articles
Physical, mental health and emotional well-being	1- 4, 6, 12, 22-24, 27, 31, 36, 39
Protection from harm and neglect	1-4, 6, 10, 12, 13, 18-21, 25, 32-37, 39, 40
Education, training and recreation	1-7, 12-15, 17, 20, 22, 23, 28-31
The contribution made by them to society	1-6, 10, 12-15, 22, 29-31, 42
Social and economic well-being	1-4, 6, 8, 10, 12, 18, 19, 22, 24, 26, 27

for *Early Childhood Education and Care* (FNAE, 2017) and thus impacts provision indirectly through the curriculum, as also discussed in **Subsection 5.3.3** (pages 189-190). Articles of the UNCRC are scattered throughout the curriculum text, as I have illustrated by underlining and inserting identified Articles in brackets, in **Figure 11** on page 145. In other words, even if most educators in the four settings were not actively working from a rights-based perspective, I still expected to find some evidence of rights-informed practice because of the curricula. I therefore needed to make note of direct and indirect references to children's rights in our conversations as possible evidence of rights-informed practice.

When transcribing the interviews, indirect links to Articles of the UNCRC were noted in the left column of the interview template and if an Article was directly mentioned, it was noted in the transcribed text itself. Initial reflections were noted at the end of each individual question, see interview format in **Subsection 4.1.6** (pages 126-127) and Appendix 31-40 for interview extracts. After all interviews from one setting had been transcribed and initially analysed individually, a table was compiled highlighting what Articles had been referred to by a respondent and what Articles if any, all respondents from one setting had referred to, as an indication of a common rights-informed perspective. Responses were colour coded in green and yellow. If an Article was indirectly referred to in conversation it was highlighted in yellow and if an Article was explicitly talked about as a right it was highlighted in green, as illustrated in the marked out section of the compiled table from Setting 1 in **Table 13**:

**Table 13:** Educator data table, Setting 1 in England

Adult		Karen		Mary		Hannah		Jenny
Date		14.10.16		18.10.16		19.10.16		Opted out
1								
2								
3.1								
3.2								
3.3								
4								
5								
6								
7.1R								

## 2.4 Underlying values

The general principles of the underlying values of the National core curriculum for early childhood education and care shall be the best interest of the child as the primary consideration [Article 3.1], the right of the child to well-being, care and protection [Article 3.2], consideration of the opinion of the child [Article 12] as well as the requirement of equal and equitable treatment and the protection against discrimination [Article 2] in accordance with the UN Convention on the Rights of the Child, the Act on Early Childhood Education and Care and the UN Convention on the Rights of Persons with Disabilities.

### The intrinsic value of childhood

The task of early childhood education and care is to protect and promote the right of children to a good and safe childhood [Article 19]. Early childhood education and care is based on the concept of the intrinsic value of childhood. Each child is unique and valuable just as he or she is. Each child has the right to be heard [Article 12], seen, noticed [Article 13] and understood as himself or herself and as a member of his or her community.

### Grow as a human being

Early childhood education and care is based on respect for life, human rights and sustainable development as well as the inviolability of human dignity [29.1 (b)]. The personnel support the children's growth as human beings who strive for truth, goodness, beauty, justice and peace [Article 29.1 (d)]. Early childhood education and care respects knowledge and ability, which manifest themselves in our attitudes to ourselves, other people, the environment and information, in the way we act in our willingness to do what is right [Article 29.1 (d)]. The personnel guide the children [Article 3.3] to act based on the underlying values and discuss values and ideals. Bullying, violence, racism or other types of discrimination are not acceptable in any form or by anyone [Article 2 and Article 19].

### The rights of the child

Children have the right to express themselves, their opinions and thoughts [Article 12]. They also have the right to be understood in the different ways they are able to communicate [Article 13]. Every child has the right to good instruction [teaching], caring and encouraging feedback [Article 29.1 (a)]. Children have the right to play [Article 31.1], learn by playing and experience joy of learning, and building their view of themselves, their identity, and the world from their personal starting points. Each child has the right to experience togetherness and belong to a group [Article 15?]. Children have the right to be provided with versatile information [Article 13 and Article 17], to process emotions and conflict, and to experiment with and learn new things [Article 29.1(a) and Article 23.3].

### Equity, equality, and diversity

Early childhood education and care promotes the democratic values of the Finnish society, such as equity, equality and diversity [Article 29.1 (c)]. Children must have an opportunity to develop their skills and make choices independently of reasons associated with, for instance, gender, origin, cultural background or other causes related to the person [Article 2]. The personnel are responsible [Article 3.3] for creating an atmosphere that respects diversity. Early childhood education and care is built on a diverse Finnish cultural heritage, which continues to be formed in interaction between the children, their guardians, and the personnel.

### Diversity of families

An open and respectful attitude towards diverse families and their varying languages, cultures, worldviews and religions [Article 30], traditions and views on education creates preconditions for good educational cooperation. Children's family identity and familial relationships are supported so that each child can perceive their own family as valuable.

### Healthy and sustainable way of living

The task of early childhood education and care is to guide children towards ways of living that promote health and well-being [Article 24]. Children are provided with opportunities to develop their emotional skills and aesthetic thinking. The principles of a sustainable way of living are followed in early childhood education and care, taking social, cultural, economic and ecological dimensions into account. Early childhood education and care lays a foundation of ecosocial knowledge and ability, allowing people too understand ecological sustainability as the precondition for social sustainability and the realisation of human rights [Article 29.1 (b)].

**Figure 11:** Articles of the UNCRC embedded in the Finnish ECEC curriculum (FNAE, 2017)

In **Table 13** above, the Article referred to by all respondents was for instance **Article 3.1** as noted in green all the way across. All the interview data was coded accordingly and for consistency, the same colour coding was used for the other data sets such as the child and parent data sets as well.

The Articles the three educators in **Setting 1** in England all brought up by referring to them either indirectly or directly, based on prior knowledge or after having been introduced to the UNCRC in the interview were:

Article 3.1	Best interest of the child	Protection
Article 12	Respecting and acting on the child's views	Participation
Article 18.2	Parents have the right to appropriate assistance	Provision
Article 29.1 (a)	To develop to fullest potential	Provision
Article 42A	Knowledge, dissemination and implementation	Provision

My initial analysis of rights-based values expressed by educators in Setting 1 in England, drawing on the knowledge of the full interview conversations and the time spent in the setting, could be expressed in a formal way as follows:

Educators are committed to placing the best interest of the child at the core of practice by respecting the child's views and evolving capacities, and their right to develop to their fullest potential.

Educators recognise their role in giving appropriate assistance to parents in the performance of their child-rearing responsibilities.

The Articles the three educators in **Setting 2** in England all brought up by referring to them either indirectly or directly, based on prior knowledge or after having been introduced to the UNCRC in the interview were:

Article 12	Respecting and acting on the child's views	Participation
Article 23	Special education and care if disabled	Provision
Article 31R	Rest	Provision
Article 31P	Play	Provision

My initial analysis of rights-based values expressed by educators in Setting 2 in England, drawing on the knowledge of the full interview conversations and the time spent in the setting, could be expressed in a formal way as follows:



Educators are to the best of their ability committed to respecting and acting on the child's views, taking the child's level of development into consideration, especially the child with additional needs.

The Articles the three educators in **Setting 3** in Finland all referred to either indirectly, or directly when introduced to them in the interview, educators in Setting 3 discussed:

Article 2	Non-discrimination	Protection
Article 3.1	Best interest of the child	Protection
Article 12	Respecting and acting on the child's views	Participation
Article 28.1	Right to education	Provision
Article 31R	Rest	Provision
Article 31P	Play	Provision

My initial analysis of rights-based values expressed by educators in Setting 3 in Finland, drawing on the knowledge of the full interview conversations and the time spent in the setting, could be expressed as follows:

Educators are committed to ensuring there is no discrimination of any kind, that children are safe and feel secure and settled, *trygg*, in the setting. Recognising and providing for the child's basic needs of 'food, rest and play' is in the best interest of the child.

The Articles the two educators in **Setting 4** in Finland brought up by referring to them either indirectly or directly, based on prior knowledge or after having been introduced to the UNCRC in the interview were:

Article 2	Non-discrimination	Protection
Article 3.1	Best interest of the child	Protection
Article 19	Protection against all forms of violence	Protection
Article 24.1	Health	Provision
Article 28.1	Right to education	Provision
Article 28.2	Dignified discipline	Protection
Article 29.1 (a)	Develop to fullest potential	Provision
Article 29.1 (b)	Respect for human rights	Provision
Article 29.1 (c)	Respect for parents, own and other cultures	Provision
Article 29.1 (d)	Prepare for a responsible life	Provision
Article 29.1 (e)	Develop respect for natural environment	Provision
Article 34	Sexual abuse and exploitation	Protection
Article 36	Any other form of exploitation	Protection

Some of the Articles, although included in the table above were only read out and not elaborated on, so drawing on the knowledge of the full interview conversations and the

time spent in the setting, my initial analysis of rights-based values expressed by the educators in Setting 4 in Finland could be expressed as follows:

Educators are committed to ensuring there is no discrimination of any kind, that children are safe and feel secure and settled, *trygg*, in the setting. Getting the balance right between protecting children from any form of harm and allowing children space to develop in their independence is of utmost importance for children to develop to their fullest potential.

I believe it is no coincidence that in the two English settings, educators talked about the *child* and their rights, wants, and needs from a more individualistic, deficit perspective as many of the children were from challenging backgrounds and the educators, according to the early years curriculum, need to prepare them for compulsory education (EYFS, 2017). In the two Finnish settings there was more of a collective view of provision and a child's right to be cared for in the here and now, rather than being prepared for formal education. The educators in the two Finnish settings talked more about children's experiences in the group, the child within the collective, with a great emphasis of the children feeling safe and secure, *trygg*, a notion I return to in **Chapter 5**. Surprisingly, that there was not a single shared rights issue, when mapped against the forty-two substantive Articles of the UNCRC, that all educators across the four settings explicitly referred to, see **Figure 12** on the next page (and Appendix 58-61), despite policies and curricula in both countries being informed by the UNCRC. This is particularly interesting since the right to participation is high on the agenda in both countries, yet **Article 12** was not referred to by all educators. I can only venture a guess that this is possibly a reflection of the lack of coordinated training and ad hoc dissemination of the UNCRC. Educators therefore rely on "personal pedagogies" (van Manen, 2015: 80), that is, pedagogy based on the educator's personal values, relationship to a child, and understandings of child development, rather than a common understanding that children have particular rights as set out in the UNCRC. This concept and educator perspectives are further referred to in **Chapter 5** in connection with the five *key experiential anecdotes* or *Guiding Articles*.

#### 4.2.4 Researcher Data Set

In a sense all sets are 'researcher' data sets in that I have compiled them, but with this set I refer to my own thoughts and journal entries as well as the evolving *Children's Rights Observation Guide* (CROG). From the outset I had the desire to compile a document that could supplement a curriculum guidance, as I believe reflecting on practice using the UNCRC as a frame of reference can be a useful pedagogical exercise. There is however currently no document to show how the UNCRC can be used as a frame of reference in

UNCRC Articles Implicitly or Explicitly Addressed by Staff, Setting 1				
Adult	Karen	Mary	Hannah	Jenny
Date	14.10.16	18.10.16	19.10.16	Opted out
1				
2				
3.1				
3.2				
3.3				
4				
5				
6				
7R				
7P				
8				
9.3				
10				
11				
12				
13				
14				
15				
16				
17				
17 (e)				
18.1				
18.2				
18.3				
19				
20				
21				
22				
23				
24.1				
24.2				
25				
26				
27				
28.1				
28.2				
29.1 (a)				
29.1 (b)				
29.1 (c)				
29.1 (d)				
29.1 (e)				
30				
31R				
31P				
31CA				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41				
42A				
42C				

UNCRC Articles Implicitly or Explicitly Addressed by Staff, Setting 2				
Adult	David	Linda	Nina	Holly
Date	21.11.2016	21.11.2016	22.11.2016	Opted out
1				
2				
3.1				
3.2				
3.3				
4				
5				
6				
7R				
7P				
8				
9.3				
10				
11				
12				
13				
14				
15				
16				
17				
17 (e)				
18.1				
18.2				
18.3				
19				
20				
21				
22				
23				
24.1				
24.2				
25				
26				
27				
28.1				
28.2				
29.1 (a)				
29.1 (b)				
29.1 (c)				
29.1 (d)				
29.1 (e)				
30				
31R				
31P				
31CA				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41				
42A				
42C				

UNCRC Articles Implicitly or Explicitly Addressed by Educators, Setting 3				
Adult	Ebba	Alice	Lisa	Maja
Date	14.3.2017	16.3.2017	22.3.2017	Annual leave
1				
2				
3.1				
3.2				
3.3				
4				
5				
6				
7R				
7P				
8				
9.3				
10				
11				
12				
13				
14				
15				
16				
17				
17 (e)				
18.1				
18.2				
18.3				
19				
20				
21				
22				
23				
24.1				
24.2				
25				
26				
27				
28.1				
28.2				
29.1 (a)				
29.1 (b)				
29.1 (c)				
29.1 (d)				
29.1 (e)				
30				
31R				
31P				
31CA				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41				
42A				
42C				

UNCRC Articles Implicitly or Explicitly Addressed by Educators, Setting 4				
Adult	Elisabeth	Kerstin	Eva	Lena
Date	29.3.17	30.3.17	Opted out	Opted out
1				
2				
3.1				
3.2				
3.3				
4				
5				
6				
7R				
7P				
8				
9.3				
10				
11				
12				
13				
14				
15				
16				
17				
17 (e)				
18.1				
18.2				
18.3				
19				
20				
21				
22				
23				
24.1				
24.2				
25				
26				
27				
28.1				
28.2				
29.1 (a)				
29.1 (b)				
29.1 (c)				
29.1 (d)				
29.1 (e)				
30				
31R				
31P				
31CA				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41				
42A				
42C				

Figure 12: The four educator data sets (Appendix 58-61)

ECEC and how the individual Articles can inform pedagogical practice. I am for this purpose pooling or collating the data from the four data sets introduced in this chapter in the hope that when developed further, it can be used as a supplemental guide to early childhood curricula. I currently call this document the CROG. The first page is illustrated in **Table 26** on page 248. As it currently stands, the indicators of the five main *Guiding Articles* addressed in **Chapter 5** are more complete than other Articles such as the *Significant Articles* or indeed Articles that did not appear in the data and have therefore to date only been informed by literature. There will inevitably be some Articles that are more detailed, as they are more relevant to ECEC such as the *Guiding Articles*. This is discussed further in **Section 5.7**. It is as such an outcome of this study that is partial as it is beyond the scope of this research project to develop it further. See Appendix 62 for the version of the CROG at submission of the thesis.

## 4.3 Chapter Summary

The process described in this chapter is I believe best summarised by illustrating it through tables how it progressed from conceptually being drawn up at *Stage I*, the desk-based information gathering phase, and evolved during *Stage II*, the data collection phase, to *Stage III*, the data description and analysis phase.

In *Stage I*, the desk-based information gathering phase, the six Stakian *Conceptual Responsibilities* (Stake, 2000; 2005) were the starting point for the case study framework as illustrated in **Chapter 3 (Table 6)** on page 83) and mapped against the stages in this study in **Table 14** on the next page. However, as Stake does not discuss aspects of the analysis process in greater detail, I turned to Braun and Clarke's (2006) accessible and theoretically flexible approach to analysing qualitative data. In addition, as the *Critical Incident Technique* (Flanagan, 1954) was the inspiration for my *Significant Events Approach*, I also looked at Gremler's (2004) detailed checklist for analysing critical incidents, to guide me in making sound decisions when drawing up the analysis framework. **Table 15** on the next page illustrates how my stages map against Braun and Clarke's (2006) and Gremler's (2004) stages.

My research stages map against Stake (2000), Gremler (2004), and Braun and Clarke's (2006) five stages fairly chronologically although internally my *Stage II* and *Stage III* were quite iterative, more in line with what Creswell and Poht (2018: 185) call the "data analysis spiral" that quite accurately describes my real-world process of "moving in analytical

circles” rather than in a linear manner. The adapted analysis framework is mapped out in **Table 16** on page 150. Having said that, in *Stage IV* of my research process, as the next chapter will show, the more detailed interpretation and final synthesis of the data was quite a distinct phase in the final year of this study, when I returned to my data to really scrutinise it in relation to my research questions. I believe my methodical literature review and four distinct data sets helped set the stage for the more detailed interpretation and synthesis of the data.

**Table 14:** The six Stakian (2000; 2005) case study *conceptual responsibilities* mapped against the stages in this study

Stake's (2000; 2005) six conceptual responsibilities		My Stages	
<b>1</b>	Bounding and conceptualising the study	<b>I</b>	Desk based phase – information gathering
<b>2</b>	Selecting phenomena, or issue		Desk-based phase – designing research
<b>3</b>	Data gathering and seeking patterns of data	<b>II</b>	Data collection phase
		<b>III</b>	Data description and initial analysis phase
<b>4</b>	Triangulation of data for interpretation	<b>IV</b>	Data interpretation and synthesis phase
<b>5</b>	Selecting alternative interpretations to pursue		
<b>6</b>	Developing assertions or generalizations		Contributions to knowledge
		<b>V</b>	Reporting phase – thesis conferences, publications

**Table 15:** Illustration of Gremler (2004), and Braun and Clarke's (2006) stages that inspired this study

Gremler's (2004) CIT process and analysis checklist		Braun and Clarke's (2006) 15-point analysis checklist		My Stages	
<b>1</b>	Problem definition – research focus, questions			<b>I</b>	Desk based phase – information gathering
<b>2</b>	Study design				Desk based phase – designing research
<b>3</b>	Data collection	<b>1</b> (1)	Transcription	<b>II</b>	Data collection phase
		<b>2</b> (2-6)	Coding	<b>III</b>	Data description and initial analysis phase
<b>4</b>	Data analysis and interpretation	<b>3</b> (7-10)	Analysis	<b>IV</b>	Data interpretation and synthesis phase
		<b>4</b> (11)	Overall		
<b>5</b>	Results report	<b>5</b> (12-15)	Report writing	<b>V</b>	Reporting phase – thesis conferences, publications

**Table 16:** Data description, analysis and interpretation process (Appendix 17)

Process	Step	Criteria
<b>Transcription</b>	1	Notes taken during participant observations, recorded adult interviews, recorded parent focus group conversations, anecdotal notes from conversations with children, parents and educators, have all been written up to an appropriate level of detail
<b>Coding</b>	2	Criteria for including/excluding <i>Significant Event</i> has been determined  Each data set has been given equal attention in the coding process and usable data identified
	3	Coding process has been thorough, inclusive and comprehensive  Adult data sets have been mapped against the <i>a priori</i> 3 P's categories, subcategories and concepts from the UNCRC, and emerging indicators noted  Participant observations have been graded against the Leuven well-being scale at 5 minute intervals and assessed for significance, with <i>Significant Events</i> mapped against the <i>a priori</i> 3 P's categories, subcategories (Articles) and concepts from the UNCRC, and emerging indicators noted
	4	Relevant extracts for each data subset have been collated
	5	Iterative process, crosschecking issues between data sets
	6	Concepts are internally coherent, dependable and distinctive, and have been peer checked for trustworthiness (confirmability)
<b>Analysis</b>	7	Data have been described, analysed and interpreted for meaning and not just paraphrased
	8	Analysis and data are congruent with extracts illustrating analytic claims, and have been member checked for trustworthiness (credibility)
	9	Well-organised and logical analysis
	10	Balance between analytic narrative and illustrative extracts has been given
<b>Overall</b>	11	Enough time has been given for an adequate iterative analysis and interpretation process
<b>Reporting</b>	12-15	Rational for and approach to the analysis has been explained, language and concepts are congruent with the paradigm and positionality is explicit

In *Stage I*, while developing the research design and writing the Research Protocol, the central research question was very much in focus; the question of what *child rights pedagogy* could entail in early childhood education. As discussed in **Subsection 2.6.6** (pages 52-57) there are many definitions of pedagogy. Drawing on previous understandings, my definition in this thesis is:

Pedagogy is the interplay between values, purposes, theories, and processes that inform care, upbringing, and educational work with children.

Building on the above understanding of pedagogy, I propose that:

*Child rights pedagogy* is a value-based pedagogy informed by the UNCRC in interplay with purposes, theories, and processes that inform care, upbringing, and educational work with children.

This definition was inspired by the concept analysis (see Appendix 5) carried out in *Stage I* of this study. Much of the theoretical exploration was also carried out in this initial phase, with each of the five theory levels progressively refined as my knowledge deepened in the course of the study (Appendix 5). In *Stage II*, the data collection and data management stage, templates and tables were created to help make the analysis methodical and efficient. The data collection process was short and intense, carried out over the period of one month with approximately sixty hours contact time in each setting. There was still dialogue with each setting after the data collection phase was over, but what I would call the more active phase in the setting was quite brief, mainly due to financial reasons as previously mentioned. The process was quite straightforward in each of the settings in that I mainly joined in with the daily life in the setting while collecting data, and made anecdotal and field notes in the research journal. The most challenging and time-consuming part of this stage was the editing process of hours of footage to condense into short films for the parent focus groups.

Some initial analysis was part of *Stage III*, the transcription process, in the form of *Initial Reflections* noted in the research journal and in the box after each of the interview question (see page 126). Transcripts were sent out to the individual participants for member checking. The six parent participants responded positively to the transcripts and ten of the eleven educators taking part also responded positively. I did not get a response from one educator who left Setting 1 the week after I finished the data collection, and as I only had her old work email, I was not able to make contact with her again.

Much of this current chapter has been about evidencing the process in *Stage III*, data description and what the initial analysis revealed, to set the scene for the next stage, the more in-depth data interpretation and synthesis in *Stage IV*. What the initial analysis in *Stage III* revealed in relation to the five sub-questions concludes this chapter summary.

1. Do educators (managers, graduate and non-graduate staff) working with two-year-old children know about the UNCRC and children's rights?
2. How does the UNCRC guide practice?

The interviews and informal conversations with educators revealed there was a general awareness across the four settings that children have rights; however, as there was no explicit, systemwide approach and scarce direct reference to the UNCRC, rights-informed practice was limited to the level of the educators' personal interest and engagement with children's rights in a particular setting. Some interesting information that emerge from the interviews are referred to in **Chapter 5**.

The research conversations ended up not being the starting point of a continuing professional dialogue as initially desired. I believe as the foundational knowledge was not there, this was not possible within the allocated timeframe in each setting. Basic knowledge and understanding would have needed to be built on, before co-construction of the concept of *child rights pedagogy* could have been further explored together. As *pedagogical mediation* (Lyndon, 2019) was not part of the research design, this limitation was recognised but not pursued. I would argue that local government or municipalities should at the very least provide settings with electronic copies of the UNCRC, in full-length and in user-friendly summary versions, since both England and Finland have ratified the UNCRC. They would then be doing the minimum in fulfilling their duty to make the UNCRC known, in line with **Article 42**. I find that having a copy at hand, I am more likely to refer to children's rights when considering pedagogical questions or concerns.

In light of the partial understanding of children's rights by educators, I could have reconsidered choice of settings and looked for other settings that were more positive cases. However, as my central research question or *Issue Question* was: What does *child rights pedagogy* entail in early childhood education?, I judged after the initial analysis of data that the data sets were information rich enough to be able to answer my research questions. The limited educator knowledge was however one of the reasons why the study



gradually started shifting towards a more child-focused study. As to question 3 and 4, there was ample evidence across the four research settings of children's rights being respected.

3. What evidence is there of rights-based practice in a setting?
4. How do young children experience their rights in a setting?

There are 157 pages of *Significant, Like and Other Events* written up. However, to what extent they were evidence of what might be considered *good practice* as opposed to conscious rights-informed practice by all educators would be an interesting question to follow up on, as not all educators volunteered to be interviewed and there was a mixed understanding of what was considered rights-informed practice amongst those who did take part in the interviews. Whether explicit or not, I believe that children's experiences from a rights perspective were easily identifiable using my *Significant Events Approach* as evident in **Chapter 5**.

Trying to answer the question of how young children experience their rights from children's own perspective is difficult with this age group, because of the great variance in their verbal communication skills. In addition, even if some of the participating two-year old children were very able verbal communicators, that did not mean they wanted to answer my questions and engage in what may have seemed like an abstract research dialogue. Some children in effect exercised their right not to participate in this aspect of the study by not responding to my direct questions or suggestions of engaging in activities to elicit answers to my questions. This further strengthened my professional belief and research position that with children under three, an observation-based approach to exploring what is important to them is not only of great pedagogical value but an important method when trying to understand their experiences. Although creating opportunities for children to voice their perspectives is not only good practice but also a right, I believe that having a tool that does not rely on language alone, such as the *Significant Events Approach to Children's Rights* is necessary to give an observation the focus, and data needed, when exploring young children's interests, priorities or concerns as expressions of their rights. I hope educators will find this a user-friendly approach; however, it is not a stand-alone observation tool. I suggest it needs to at the very least be used in conjunction with the UNCRC and a guiding document such as the *Children's Rights Observation Guide* (CROG) that is currently being developed in parallel with this study. I believe this to be necessary to prevent misinterpretations and furthering misconceptions in light of the fact that educators may have limited knowledge and understanding of what a right or Article may entail. The development of this document is discussed further in chapter **Section 5.7**.

## 5. What do parents know about the UNCRC and children's rights?

The two conducted video-cued parent focus group discussions revealed very interesting snippets of information about what a small number of parents felt about children's rights; however, the intention of exploring this question at a more profound level and co-creating knowledge and understanding was not achieved for the same reason as with the educators. Basic knowledge and understanding would have needed to be built on, before co-construction of the concept of *child rights pedagogy* could have been further explored together. The parents would in effect also have needed a form of *pedagogical mediation* (Lyndon, 2019) which was not part of the research design.

In conversations with parents I came to realise that some parents need longer than just a week to get to know the researcher for deciding if they want to invest time in attending focus groups (Journal entry, 28.3.17). Parents also needed more time than I had allocated to agree on a convenient date for a longer focus group conversation than just a quick 20-minute viewing of '*A day in the life of ...*', at pick-up time. This can be considered a design limitation, too tight a research schedule and probably due to my limited research experience. This again was a reason the research shifted towards a more child-focused study rather than a co-constructed study with equal weighting of the data sets.

At the end of *Stage III*, the data description and initial analysis stage, it became apparent that the child data was the richest data set with its firsthand observations of children's experiences providing the greatest amount of information to help develop the *Issue Question* and answer sub-questions 2 to 4. The other data sets became in a sense supporting or confirmatory data. Looking for patterns across the child data, my colour tables revealed that in the 157 pages of recorded events (from the four settings), five rights or Articles were common to the sixteen focus children, cutting across all four settings in England and Finland. I decided to choose these five Articles for a more focused and deeper interpretive analysis and synthesis during *Stage IV*. These five Articles became what I call *Guiding Articles* for early childhood, and are at the core of the next chapter, introduced in the form of five *experiential anecdotes*, or what Stake would call vignettes (1995). These five experiences are the *key experiential anecdotes* referred to above (page 138). I find the use of *key experiential anecdotes* or vignettes a useful way of analysing and reporting data (Erickson, 2012) as well as a way of placing the issue and reader in context, and in the process help educators engage with an abstract concept such as rights in a more accessible way.

## 5 DATA INTERPRETATION AND SYNTHESIS

### Understanding experiences from a child perspective

In **Chapter 3** I identified this study as a case study extended to several cases and as such a collective case study (Stake, 1995) as illustrated in **Table 7** below.

**Table 7:** Illustration of the issue in context

My study is also an instrumental study, as my study was undertaken to understand something more than just children's rights within the particular case or setting itself (page 84). That is, in each of the settings, children's experiences of rights together with educator and parent data (if at hand) was pooled, rather than looked at individually within their bounded systems. Each case was instrumental to learning about children's rights and *child rights pedagogy* in ECEC, rather than learning about the setting per se. The issue was as such more important than the bounded system. Because the four cases are instrumental cases I have chosen to report on each case using one issue from the case, rather than reporting on the individual case, or how the setting as a unit engaged with children's rights. I use the five common rights that emerged from the data in relation to all the children in the study, the five *Guiding Articles*, as five separate sections in this chapter to advance an understanding of *child rights pedagogy* in early childhood, the central issue under investigation. The connection between the individual cases is as such the *Guiding Articles*.

I originally intended to have four sections, one representing each of the four cases; however, as five *Guiding Articles* emerged, two sections relate to Setting 4. As the settings per se were not the focus of the study but the larger issue under investigation, I deemed

it appropriate to report back on the individual cases by focusing on the *Guiding Articles*. The five *Guiding Articles* that were identified from the observational data, common to all the focus children in the four settings, are introduced in the form of five *key experiential anecdotes*. In each of the five stories, two from England and three from Finland, a specific child's experience is the starting point for illustrating how a particular Article, or an aspect of a right, can be interpreted and understood in ECEC. *Experiential anecdotes* are particularly well suited for framing the Articles by placing the reader, researcher, higher education staff or early childhood educator in a familiar context where they can draw on their own experiences, and thus making the rights the anecdotes represent more accessible to them. I think it is important to find a way to make data accessible as educators throughout my MA and PhD studies have repeatedly said they struggle to 'translate' the Articles to relatable experiences in their daily interactions with children. Presenting the *Guiding Articles* through *experiential anecdotes* is as such a way of giving meaning to the Articles and the UNCRC by showing how they are related to, and can influence pedagogical practice in ECEC.

The *key experiential anecdotes* were chosen because they represent *extreme cases* within the data set of *significant events*. This follows a similar rationale as in *extreme case sampling*, where the focus is on selecting case examples that are unusual or unique in that they may be particularly troublesome or enlightening (Patton, 1990). This is done in order to develop a richer, more in-depth understanding of a phenomenon of interest, in my case a particular Article or aspect of a right. According to Gerring (2007), who equates *extreme* with *unusual*, what is of interest in *extreme cases* is the rareness, not the intrinsic positive or negative value of the *key experiential anecdote*. I believe typical cases would only have given a general understanding of a particular right whereas choosing *extreme cases* give a better indication of the scope of an Article. It could be argued that I should have chosen a second experience to represent the other end of the continuum; however, I believe it would not have added any more clarity or insights than the accompanying discussions around the chosen experiences already do.

After all the observations had been written up, and the *Significant, Like and Other Events* analysed and collated for each setting, the common *Guiding Articles* emerged when looking across the four colour tables (Appendix 50-53). I initially started writing up the *key experiential anecdotes* chronologically, starting with Setting 1 and Setting 2; however, as there is no hierarchy of importance per se between the individual narratives or *Guiding Articles*, I think it does not matter which order they are presented in. I believe it is what they exemplify that matters. The *key experiential anecdotes* are written up as five separate

anecdotes with one child's experience at the centre whose experience exemplifies that particular *Guiding Article*, see **Table 17** below for contextual information.

Each of the five *Guiding Article* are discussed in separate **Sections (5.1 – 5.5)**, with each section following the same structure. The *key experiential anecdotes* is followed by the UNCRC Article statement it relates to, as stated in the UNCRC (UN, 1989), with a brief introductory clarification of the Article by the well-known global children's rights research, policy and advocacy organisation *Children's Rights Information Network* (CRIN) and also relevant clarifying *General Comment* by the *UN Committee on the Rights of the Child* (hereafter *the Committee*). A short interpretation of the *key experiential anecdote* and related *experiential anecdotes* from the other three research settings are then presented to further support the understanding of the particular Article in question. Similarities and differences between the settings in England and Finland are then explored before a general conclusion is drawn on how to understand the Article from an early childhood perspective. In the final section of each child's experience, other Articles that emerged from the data relating to the child in the individual section are also highlighted to show how the different Articles, or rights, interrelate. **Table 17** on the next page provides contextual information regarding each of the five children in the *key experiential anecdotes*. Data about the sixteen focus children can be found in Appendix 67. The *key experiential anecdotes* are about the experiences of: Luke, Jessica, Danny, Emma, and Billy in the following order:

- **Section 5.1** Luke (2 years 6 months) a mainly silent child, whose experiences illuminate **Article 13** – freedom of expression – as revealed in my observations in Appendix 42, pages 200-203, 205 and 207.
- **Section 5.2** Jessica (2 years 6 months) who experienced an unhappy event, illuminating **Article 3.3** – suitability of staff – see Appendix 43, page 224.
- **Section 5.3** Danny (2 years 4 months) and William (2 years 11 months) who shared a convivial friendship, illuminating **Article 31** – play – as revealed in my observations in Appendix 44, pages 231, 233, 234 and 236.
- **Section 5.4** Emma (2 years 1 month) a content child, whose experiences illuminate **Article 3.2** – protection and care necessary for well-being – as evident in her high level of well-being, see summary table in Appendix 64.
- **Section 5.5** Billy (2 years 9 months) a child thriving outdoors, whose experiences illuminate **Article 29.1 (a)** – the purpose of education – as revealed in my observations in Appendix 45, pages 243, 244 and 245.

In **Section 5.6** all the *Guiding Articles* and *Significant Articles* are synthesised, drawing on Mark Frezzo's work and his sociological perspective and interpretation of the concept of *rights bundling* (2015). The concept of *rights bundling* is a known concept within property law (ibid.), and has in theory been applied to conceptualising children's rights in educational contexts by Lundy (2007), although it has not previously been recognised as such. The concept of *rights bundling* is applied to the data from this study when conceptualising educator-child relationships, freedom of expression, outdoor learning, friendship and *trygghet*. In **Section 5.7** the tables of indicators relating to each of the *Guiding Articles* are used to exemplify what the *Children's Rights Observation Guide* can look like in relation to all the Articles of the UNCRC, when developed further after the completion of this PhD study. A summary concludes this chapter, referring back to the research questions and what the more in-depth interpretation revealed.

**Table 17:** Contextual summary of the five key *experiential anecdotes*

Child	Luke	Jessica	Danny	Emma	Billy
Age	2 years and 6 months	2 years and 6 months	2 years and 4 months	2 years and 1 month	2 years and 9 months
Setting	Setting 1 England	Setting 2 England	Setting 3 Finland	Setting 4 Finland	Setting 4 Finland
Date of anecdote	17.10.2016	25.11.2016	13.3 and 15.3.2017	27.3 to 31.3.2017	28.3.2017
<b>Vignette</b>	A mainly silent child	An unhappy experience	A convivial friendship	A content child	A child thriving outdoors
<b>UNCRC Article</b>	<b>13</b>	<b>3.3</b>	<b>31P</b>	<b>3.2</b>	<b>29.1 (a)</b>
Classification	Participation	Protection	Provision	Protection	Provision
Type of right	Freedom of expression	Institutional standards	Engagement in play	Protection and care for WB	Goals of education
UNCRC description	In any media of a child's choice	Suitability of staff	Importance to WB and development	Appropriate measures necessary	Develop to fullest potential
Interpretation	Child and children's perspective	Relationships and attachment	Friendship bond	Safe, secure, and settled	Indoor and outdoor affordances

Having in **Chapter 2**, through the literature, given the theoretical foundation for how children's rights can be understood in ECEC, and in **Chapter 3** and **4** discussed one way of researching the very young child's rights, the focus now shifts to the children, in trying to interpret and understand their everyday experiences of rights in childcare.

## 5.1 Luke's Experience – Article 13 – Freedom of Expression

Setting 1, England 17.10.2016

Most children are inside playing as it has started to rain. Only Karen (educator) is outside with Luke and a couple of older girls. I am in the home corner playing with Liam. It is quite noisy in the room from the hustle and bustle of playing children, and also because Brianna is in today. Through the hubbub, a noise suddenly catches my attention. Luke is standing, 7-8 meters away by the open doors leading to the small garden. He is gesticulating and looking at me excitedly, eyes wide open, smiling broadly. He is obviously trying to tell me something, but he can tell I don't understand what he, with his actions and facial expressions, is trying to say. Luke is wriggling the fingers of his right hand above his head. When he realises I am not going to get it, he points out the door, and I finally get it, exclaiming: "*Oh, it's raining!*" Luke nods energetically and wriggles his fingers even more vigorously above his head. I say: "*It's pouring, is it?*" He laughs out loud, nodding, and waves for me to come. I get up, and Luke runs out the doors, turns around, looking back to see if I'm following. I call out: "*I'll just get my coat!*" Luke comes back in, waiting patiently for me, and we go out together. We stand in the rain, with our faces turned up. Luke giggles with pleasure as the raindrops hit his upturned face. He then grabs my hand and with quick steps pulls me towards a huge puddle, which he jumps into with a big splash. He looks at me expectantly, pointing to the puddle, jumping up and down, and waves for me to join in. I call out: "*But I haven't got wellies!*" Luke stops jumping, stands still in the puddle, looking at my feet, then runs up to me, grabs my hand, pulls me along, through the double doors, into the room, and up to the shoe racks. He walks up and down, looking carefully at all the wellie pairs, and picks out the biggest size he can find; child size 10. I lift up my left foot. Luke places one wellie on the sole of my shoe, sees it is much too small, looks up at me, and shrugs his shoulders with an apologetic smile. He puts the wellies back on the rack, grabs my hand and we run back outside. Luke jumps in the puddle again, splashing me, as I on purpose stand a little too close. I pretend to be dismayed at getting splashed. He laughs with delight, and with a mischievous smile, jumps up and down, splashing me again (SE 38, Appendix 46).

### Article 13

The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

CRIN (2018) states under **Article 13**:

It is by expressing their feelings and opinions that children are able to describe the ways in which their rights are respected or infringed and learn to stand up for the rights of others.

CRIN further states it is everyone's responsibility to encourage children to express themselves and that play, **Article 31P**, should be seen as one of the ways in which children develop their ability to express themselves.

In *General comment No. 7: Implementing Child Rights in Early Childhood* (UN, 2005: 6-7), *the Committee* also talks about respecting the views and feelings of the young child in reference to many of the Articles of the UNCRC and that:

the right of participation requires adults to adopt a child-centred attitude, listening to young children and respecting their dignity and their individual points of view. It also requires adults to show patience and creativity

When I was a nonparticipant observer, or what I prefer to call a *peripheral participant observer*, as I would always stop my research to interact if invited or needed (by children and adults alike), I was able to notice details that sometimes go unnoticed when you are in the thick of things as a member of staff, such as Luke's little flick of his right index finger when he tried to draw attention to something. Reflecting on this, I could not help thinking we need to take more *notice* of, and appreciate children's non-verbal communication or body language and vocal sounds to live up to **Article 13** and a child's right to express themselves in any media of their choice, especially the early verbal or quiet child.

#### 5.1.1 Interpreting Luke's Experience

During the whole research process, I only ever heard Luke say four words (yes, no, me, Mummy), yet he was a very competent communicator. His preferred mode of communication, both in the setting and at home, was through hand gestures and a highly sophisticated 'facial vocabulary', and the very characteristic little flick of his right index



finger to draw attention to something. From a phenomenological point of view, the question to ask is: “**what is this experience like?**” (van Manen, 2017b: 811). What is it like for Luke, at the age of two, to be able to express himself and communicate in his preferred style? Judging by his laughter and body language, his level of well-being was highest when I used language to annotate what he was, or we were doing together, with non-verbal communication, and at no time tried to coax him to use words to respond. I believe, to feel acknowledged or noticed, and understood as a unique individual within the collective is important for a child’s sense of belonging and developing self-esteem, and as such **liberating**. It is liberating to be able to experience that all feelings and experiences as expressed through body language and non-verbal vocal sounds are validated and respected. However, in the hustle and bustle of the busy, noisy setting, adults and children alike often missed Luke’s attempts at communicating, and his desire for sharing experiences. In my position as an observer rather than a member of the team, I was in a privileged position not only to be able to take the time to observe everyday practice as it unfolded without any daily responsibilities educators carry, but also at times be invited by the children to share their experiences as what Corsaro (2018: 55) calls an “atypical adult”, a non-authoritarian, playful adult. As mentioned in **Chapter 3**, my intention was to be an observer on a continuum from *peripheral participant* to *atypical adult participant*, participating to the extent I was invited to, and when not invited, to be as unobtrusive as possible and only intervene if a child was getting upset or in danger. Luke, knowing he was one of ‘my’ children that I was observing more than some of the other children, did draw me into his play by for instance offering me cups of ‘tea’ when I was observing him playing at the water tray, or as when he invited me to join him outside.

### 5.1.2 Related Experiential Anecdotes from the Other Three Settings

It was not uncommon in Setting 2 for educators to ask children to stop making non-verbal vocal sounds, that educators saw as making ‘noises’, as they well-meaningly tried to encourage children to use their developing language skills. It was apparent across the two English settings that verbal language was favoured; however, I believe this often inadvertently invalidated children’s emotions and had an impact on the child’s well-being (SE 41, 145-146, LE 52, Appendix 47):

Experiential Anecdote 22.11.16 (SE 41) Setting 2, England	(WB score 1)
Lunch is over. The six children all ate the freshly prepared food with great appetite. It was again a calm, unhurried and pleasant experience where the children interacted with the adult as she was serving them. When all the children have finished their fruit, Holly, the adult sitting with the children for lunch today, fetches the ‘wet wipes’ for the children to clean their faces. As most of the children have been attending the nursery since they	

were babies, they are used to the routine and they sit quietly, waiting to be handed a wet wipe. Holly lets the children have a go at wiping their faces first but then helps some of the children to make sure their faces are clean. Before wiping their faces, she says: “ready?” Some children moan and grimace, pull away a bit and make some quietly complaining noises. Holly says: “*remember talking voices inside!*”

**Experiential Anecdote 25.11.16 (SE 145-146) Setting 2, England (WB score 5/1)**

Nina (educator) swaps places with Holly (educator) and sits down on the floor by the low table where children have been playing various board games for quite some time. As the current bingo game is nearing its end, Jessica suddenly starts singing: “*it’s time to finish now*”, the song they usually sing at tidy up time when the morning or afternoon session is coming to an end and children are supposed to finish what they are doing. Nina joins in, as Jessica adds the hand movements to the words, and there is a sense that not only the game but also the play at the table is over too. Ollie makes a sad, disappointed noise. Sally (educator) who is sitting at the table nearby swivels round on her chair and asks Ollie why he is making such a noise? Ollie looks dejected.

During my observations, it tended to be the same children who were experiencing this kind of response. They of course also had positive experiences when communicating with educators:

**Experiential Anecdote 23.11.16 (LE 52) Setting 2, England (WB score 2/5)**

Three boys are sitting on low chairs by the shelf unit in the block area. They are pushing cars along the top surface, as I have seen the boys do on previous occasions. Ollie gets upset about something. (He is sitting next to Chris, and Chris does tend to tease Ollie at times). He swivels round on his chair, looking towards Nina (educator), who is on the other side of the room. Ollie looks tense and expresses his discontent through a whining sound that catches Nina’s (educator) attention. She walks over to see what is up. She talks calmly with the boys and makes suggestions, looking to solve the issue together, for the play to be able to continue. Ollie relaxes and looks happy with Nina’s positive intervention. The boys resume their associative car play, making car noises, talking to themselves, and pushing the cars along the top of the shelf unit again, as Nina leaves the block area.

The event could have ended very differently if Ollie again had been asked why he was making such a ‘noise’ but his feelings were validated, the issue was acknowledged and a solution found so the play could continue, with everyone involved noticed and heard (**Article 13** and **Article 12**).

Although the educators in the two settings in Finland never asked children to stop making ‘noises’, I observed a related issue. Children’s sometimes loud non-verbal vocal sounds appeared to be interpreted as a reflection of a child’s challenging temperament, as

opposed to a legitimate reaction to what the child was experiencing as an unwanted or unpleasant event (SE 84, Appendix 48):

**Experiential Anecdote 17.3.17 (SE 84) Setting 3, Finland (WB score 1)**

There are four children present today when breakfast is being served. Stefan, Martin and William are sitting at the middle table eating porridge but Isabella is left playing in the hall for a little while, as she does not like eating porridge and tends to protest loudly if staff try to insist. Isabella is therefore usually coaxed to the table when the children have finished their porridge and are onto their crispbread with a choice of various toppings. She usually does not mind having crispbread with a glass of milk. To allow for a normal morning routine, I try to stay in the background but Isabella keeps following me. In the end Alice (educator) scoops Isabella up in her arms and puts her in a highchair. On this occasion Isabella does not put up a fight or protest, but she does not look happy, glaring at Alice, clutching her little toy horse in one hand, while sucking her thumb. However, as Ebba (educator) places the crispbread in front of her and simultaneously tries to take the little toy horse away, Isabella protests loudly and venomously in her own made up language.

Alice mentioned later that day that being an only child, Isabella is used to doing what she wants, and is therefore quite a challenge to the team (Journal entry, 17.3.17). Similarly in Setting 4 (SE 72, Appendix 49):

**Experiential Anecdote 29.3.17 (SE 72) Setting 4, Finland (WB score 1)**

I am filming Lena (educator), sitting at the top round table, doing Easter projects with children 1:1, first Emma and then John. Billy can be heard crying in the background. I can hear Elisabeth (educator) saying something (inaudible) to Billy and then there is a crash, as if a toy has been flung. Billy's crying and complaining escalates. Elisabeth brings him to the square table to sit and calm down (on time out?). He cries and calls out: "*Nä, jag vill inte!*" [No, I don't want to]. I move around a bit so he is not being filmed. Elisabeth suggests something but Billy again says: "*Nä, jag vill inte!*" and continues crying and moaning. Elisabeth eventually walks away and Billy slides off the chair, lying face down on the floor, crying quietly. I believe the conflict had something to do with asking Billy to go on the potty because the adult felt he needed to try, and he was insisting (as he often does) that he did not need to go, getting angry for being asked about it (again). Billy eventually calms down, gets up, and walks up to Lena and says to her: "*jag vill inte*" [I don't want to]. Lena acknowledges his comment with a nod, and Billy stands and observes the activity going on at the table. When John is done, Lena taps the chair next to her and Billy climbs up to continue work on his Easter project with Lena.

Later that day Elisabeth mentioned Billy had had an off day (Journal entry, 29.3.19). The child's temperament was again implied as the issue. My notes from the observations (Appendix 45, page 252) however indicate that it was the potty-training routine that was causing tension. Although the goal of education (**Article 29.1 (a)**) is for the child to develop to their fullest potential, and potty training is an aspect of that development in the life of

children in childcare, it could be argued that for some children routines can be experienced as disempowering. If, as was the case on occasions in Setting 2 in England (SE 44, Appendix 47) and Setting 3 in Finland (SE 15, Appendix 48) as well, children's comments and vocal sounds are dismissed or overruled by adults (in these observations about children not wanting to go on the potty) adults in effect disregard the child's right to be heard and have a say in line with **Article 12** and **Article 13**.

### **5.1.3 Similarities and Differences**

As illustrated above, the children in the English settings tended to be asked to 'use their words' to communicate, and although the children in the Finnish settings were not asked to use words and expected to express themselves with language, their strong emotional expressions, positive and negative, still seemed to be endured at times, rather than valued as valid forms of expression or communication. Both issues are as such about the child's choice of expression and can be seen to exemplify aspects of **Article 13** in early childhood.

### **5.1.4 Interpreting Article 13 – Freedom of Expression**

All the anecdotes and interpretations may seem to be narratives and interpretations of what might be considered 'good practice', which they are; however, I believe they need to be seen as more than that. I propose they should be seen as reflections of rights. Luke, Harry and Ollie, Isabella and Billy, all had the right to express themselves in whichever way they chose to (**Article 13**), to be respected and noticed by important adults in their settings, who have the knowledge to extend their learning and social development, aware of how a disability or limited language skills may disadvantage them (**Article 3.3**). Interestingly, there was at least one child in each of the four research settings who had more limited language than expected for their age, who often conveyed their feelings and responses to experiences in non-verbal ways and were therefore seen as challenging. In other words, the children had similar experiences as an age group, or social group, in both countries of how some adults clearly valued spoken language over non-verbal communication despite the young age of the children, yet seven of the eleven educators interviewed, directly or indirectly recognised children's right to freedom of expression. Karen from Setting 1 in England stated in our interview (Appendix 31, question 3b, page 146) that with this age group, recognising children's feelings or expression rights, to her meant giving children choices and supporting them particularly when resolving emotionally charged issues:

It's allowing them freedom of speech and freedom to feel how they feel. If they are angry, it's acknowledging: "oh, you're angry" and allowing them to

express themselves really. Recognising ... coming to a solution with them.  
So, talking about it with them ...

Ebba from Setting 3 in Finland (Appendix 36, question 3a, page 177) said very poignantly: “even if they are young, they have a right to their feelings.” Yet, because the UNCRC did not actively inform policy, practice in line with **Article 13**, the child’s right to freedom of expression was in all settings dependent on “personal pedagogy” (van Manen, 2015: 80), that is, an educator’s life experiences and emotional make up, their personal values, relationship to a child and personal understandings of child development, rather than an understanding that children have this particular right. This is something David from Setting 2 in England recognised in our interview (Appendix 34, question 2a, page 161):

I think it [UNCRC] informs through our own perspectives and beliefs, and I think it informs through the fact that it’s within *Every Child Matters* and those sorts of [policy documents].

David and his colleague Linda spoke extensively about valuing different forms of communication in line with my interpretation of **Article 13** as presented in this section; however, with a subtle difference. They valued different forms of communication, drawing on their personal experiences and pedagogical expertise rather than from a rights-based perspective therefore limited to their own practice, or *personal pedagogy*, more in line with a *needs-based* approach rather than because children are *entitled* to express themselves in their preferred way.

Analysing the interviews, it became clear that the UNCRC did not directly inform policy or practice in any of the four research settings. There was some individual knowledge about, and an appreciation of the UNCRC that influenced practice in an implicit way. I would argue that a more explicit organisation-wide approach to children’s rights would possibly flag up pedagogical issues such as that around freedom of expressions and the right to non-verbal expressions (**Article 13**). This could prevent inconsistent experiences as in the case of Ollie, in the *experiential anecdotes* above.

An important clarification that needs to be made here, is that this Article is not about pretending to know what children are thinking and feeling, pretending to know their *lifeworld*, but about acknowledging that non-verbal communication or body language and vocal sounds are integral to working with children under the age of three. It requires *pedagogical tact and sensitivity* on the part of the adult (van Manen, 2015) when trying to the best of their ability to notice or observe and interpret children’s *lifeworld* through their

expressions of experiences, from the “outside in”, what Sommer et al. (2010: iv) call a *child perspective*, as opposed to *children’s* [own] *perspective*, that is, from the “inside out”. It is in the earliest years of childhood often the main way adults can try to make sense of children’s experiences (Clark, 2004; Clark et al., 2003; Kalliala, 2014; Quennerstedt, 2016) and in the process respecting **Article 13** and liberating children from the feeling of being lesser individuals because they do not express themselves linguistically. This is in line with what Sumsion and Goodfellow (2012: 318) call “looking and listening-in”, observational-related ways of making meaning of children’s experiences. Although Elwick et al. (2014: 196) do concur that young children express themselves through their bodies and behaviour, they caution that “it is profoundly difficult, if not impossible, to know how infants experience their worlds with any certainty.” They (ibid.: 202) state:

When researchers [and educators] have to rely on non-verbal expressions and behaviour as their only means of accessing infants’ experiences, they must draw on their personal knowledge and/or theoretical understanding of infants (development, language and capacities) to *construct* plausible interpretations of ‘infants’ perspectives’.

They therefore suggest we need to recognise that an interpretation is an adult construction of a child’s *lifeworld* or reality. Elwick et al. (2014), just as Sommer et al. in their 2010 book, suggest quite critically that a *child perspective* is objectifying children since very young children cannot give verbal clarification and feedback to an adult’s interpretation. I would however argue that a *children’s perspective* could equally be accused of objectifying children if used tokenistically and children’s contributions not genuinely valued. Interestingly, I felt that throughout their excellent book, there seemed to be some ambivalence between the three authors with regards to the value of the two concepts, with Sommer seemingly sceptical about the value of a *child perspective* and Pramling Samuelsson (2010: 166) more sympathetic towards it:

it is possible to trace the very youngest children’s perspectives, acted out bodily by them ... children’s creation of meaning is seen in their actions, in their bodily expressions, as well as their verbal ones.

Where I do agree with Elwick et al. (2014: 202) is that, “there will always be an inherent uncertainty that must be acknowledged”; however, I challenge the notion that seeking to find out what the trigger is behind a *significant event*, trying to understand the reality of child’s expressions and experiences, is objectifying that child. Of course, there is always the possibility that adults may have misinterpreted an experience, but is that not one of

the conditions of being human? If we acknowledge this uncertainty and interpret children's expressions with pedagogical tact and sensitivity, I propose that using an approach in line with the *Significant Events Approach* to interpret experiences in children's everyday lives is credible.

Drawing on my data, the aspects or indicators that emerged in relation to the right as articulated in **Article 13** are listed in no hierarchical order in **Table 18**.

**Table 18: Article 13 indicators**

Concept	Article 13		
<b>Freedom of Expression</b>  Choices of how to express oneself	Posture	Non-verbal actions, gestures	Touch
	Eye gaze, eye contact or looking away	Facial expressions, smiling, frowning etc.	Pedagogical referencing
	Being sad	Complaining sound	Whinging (with words)
	Crying	Screaming	Being angry
	Being humorous	Giggling	Laughing
	Screeching with pleasure	Singing	Silence
	Makaton actions	Own 'made up' language	Mark making
	Imitating adult behaviour	Joining in when asked to by adult, assent	Not joining in when asked to, dissent

I propose that to validate the young child's innate desire to communicate (Trevvarthen, 2011), children have a right to different forms of expression. Work or research involving children under the age of three in particular necessitates acknowledging *listening* (**Article 12**) and *noticing* (**Article 13**) as separate but interconnected concepts of participation for a more nuanced analysis, interpretation and understanding of young children's experiences. **Article 13** is often confused with **Article 12** (UN, 2009) but there is a subtle difference. **Article 12** is specifically about eliciting children's views and being involved in decision-making processes, giving due weight to the views the child expresses, whereas **Article 13** is about freedom to express oneself whether or not it involves ensuing actions (UN, 2009). Both Articles are important in ECEC; however, in Luke's experience and the anecdotes above, it was about children being able to express themselves and not being restricted in the way they expressed their emotions and views. I believe that **Article 13** is therefore an important *Guiding Article* in early childhood.

### 5.1.5 Other Important Rights to Luke

As the of the children in this study were children under three, who had not yet got the ability to fully articulate their *lifeworld* or subjective perspectives in words, I found a phenomenologically inspired perspective, in analysing experiences and events, useful. Interpreting experiences, returning to the phenomenological origin of the term *lifeworld*, and expanding on it to include the terms *life conditions* and *life interactions* helped me analyse Luke's experiences in a more nuanced way, drawing out the personal, relational and material or external circumstances of events. In Luke's case although one of the most important rights for him in the setting was to be able to express himself in his distinctive way (**Article 13**) in his *life interactions* with others, data also showed the importance to him of being able to pursue his own interest in his play with water (**Article 31P**), inside and outside (*life conditions*). The challenge for educators was to extend this interest, almost fixation, in a meaningful way, a point his Mum brought up as she felt Luke was left at the water tray too much of the time and that he was therefore possibly not getting the most out of his day, or *life conditions*, and thus not developing to his full potential (**Article 29.1 (a)**). Luke did seek the company of three other boys he knew well, when he wanted to play with others (**Article 31P**), but only after a long stint at the water tray inside. Luke was fortunate to have a secure bond with Karen, his key person (**Article 3.3**) who knew and understood him well as evident in their *life interactions*, seemingly accurately interpreting his subjective *lifeworld* without Luke using spoken language. She was very able (**Article 3.3**) in bridging Luke's silent world and his friends' noisy one, supporting their play and development so as not to leave Luke behind or Luke being disadvantaged by his disability (**Article 2**) (SE 1-4, Appendix 46). The importance of the educator-child relationship as identified in **Article 3.3** is another of the Articles that came up in all the children's stories across the four research settings and is the Article at the core of the next key *experiential anecdotes*. However, Jessica's experience is an unsettling anecdote in that it is the only one of the five key *experiential anecdotes* that involves an unhappy turn of events. For a while I was not sure if I should include it; however, I decided in favour of it for several reasons, not least to be consistent with my selection criteria, but also because I believe it is a powerful anecdote that provokes much consideration for young children like Jessica, as well as her key person Holly, the two people at the core of the experience.



## 5.2 Jessica's Experience – Article 3.3 – Suitability of Staff

Setting 2, England 25.11.2016

It's late morning and most children are playing outside. Bella decides to stay inside this morning and is sitting on the floor in the construction area, playing with blocks and cars. Jessica is standing nearby, tired and seemingly bored, holding her trusted Teddy in her arms. After a moment of looking around, Jessica walks up to Bella, her best friend in the whole world, but Bella does not seem to take any notice. Out of the blue Jessica smacks Bella over the head. Bella looks up, surprised and a bit annoyed, with a look of "Oy!" on her face, but she does not seem too bothered. Holly, Jessica's key person, calls out in disbelief with an incensed look on her face. She gets up from where she was tidying up nearby and storms up to Jessica, snatches Teddy out of Jessica's hands and with quick steps walks towards the main door of the room and throws Teddy into the hall. She pulls the door firmly shut behind her. Jessica gasps and stutters: "*But ... but ... I need Teddy!*" to which Holly responds: "*Well you shouldn't hit your friends!*" Holly pulls Bella onto her lap and says: "*it makes Bella sad when she gets hit.*" Holly demands Jessica either gives Bella a cuddle, or strokes her over the head, to make amends. Jessica stays standing still so Holly takes Jessica's hand and moves it over Bella's head in a stroking motion. A tear rolls down Jessica's cheek as she again utters: "*But ... but ... I need Teddy!*" Holly says: "*No Teddy!*" but suggests that she can get *Doggy* instead, a setting toy sitting in the home corner. Jessica sinks down on her knees, her shoulders shaking as she cries quietly. She glances up at Holly who ignores her, and then over her shoulder, across at me where I am sitting on the sofa, in the corner of the room, with my notepad in my lap. I give Jessica a faint smile. At this moment the room leader walks in and Holly walks over to her and explains what had just transpired. Whilst listening in on the adult conversation, Jessica slowly edges closer to Bella, and joins in her play (SE 171, Appendix 47).

Later that afternoon, as I am playing with Jessica, I ask her what she likes at Nursery? With a big smile she exclaims: "*Bella!*" Apparently, she had said to her Mum this morning that she wanted Bella for Christmas. As I ask Jessica if there is anything she doesn't like at Nursery, she looks away and mumbles something that sounds like Teddy, which surprises me as I know she loves her cuddly toy as much as she loves Bella. I ask again, as I did not hear what she was trying to say. Jessica looks up at me, holds my gaze, and quietly and very seriously she says: "*Teddy ... Teddy taken away.*" (Appendix 27, pages 135-136).

### Article 3.3

States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

When it comes to interpreting this Article, CRIN (2018) only makes clarifying comments in relation to **paragraph 1**, that children's interests should be at the forefront of all decisions that affect them, with no reference or clarification to the other two paragraphs, as is often the case, as **Article 3** is usually only linked to **paragraph 1**, and referred to as the 'best interest principle'.

Even more surprising is that this is also the case in *General comment No. 7: Implementing Child Rights in Early Childhood* (hereafter *General comment No. 7*). The Committee does recognise the importance of close relationships between children and “key people, most often parents, members of the extended family and peers, as well as caregivers and other early childhood professionals” (UN, 2005: 4). However, apart from that, there is only one brief indirect reference to **Article 3.3** in *General comment 7* when it is stated the need that:

staff possess the appropriate psychosocial qualities and are suitable, sufficiently numerous and well-trained. Provision of services appropriate to the circumstances, age and individuality of young children requires that all staff be trained to work with this age group (UN, 2005: 11).

There is therefore a need to highlight this particular Article further, and what it means especially in relation to very young children.

#### 5.2.1 Interpreting Jessica's Experience

The question troubling me immediately after the above event was if punishing a two-year-old could ever be warranted? In both my personal and professional opinion, my answer is no. Responding to unwanted behaviour and setting limits is one thing. Reducing a child to tears is something different and in my interpretation of **Article 28.2** does not qualify as *dignified discipline*. What constitutes *dignified discipline* can however be seen as a contested area, as what one professional considers appropriate another may not. In this event it is not just about what van Manen (2015: 78) calls “pedagogical tact” as in intuitive sensibility and sensitivity, at a more profound level it was about the relationship between Jessica and her key person (**Article 3.3**), about what Page (2018: 126) calls “professional love”, an aspect of attachment-based pedagogy, that I will get back to in **Subsection 5.2.2**.

Working with young children is very demanding and challenging and, in my experience, not enough is done to support educators working with young children in exploring their values and views of children and childhood that subconsciously guide practice. I return to this in **Subsection 5.2.4**. From a phenomenological point of view, the question I again ask is: “**what is this experience like?**” (van Manen, 2017b: 811). What is it like for Jessica, at the age of two, to be punished by her key person? Judging by her comments and body language, I believe, punishment leads to anxiety and a loss of trust. It is as such **unsettling**, where challenging experiences could be **affirming**. It is unsettling as a child can never be sure how the adult is going to react to ‘transgressions’. It has to be acknowledged here though, that in the event above, my presence may have made the situation worse as Holly may have felt she needed to respond with authority to Jessica’s (mis)behaviour.

When Holly and I spoke about the research process a few days later, I invited her to be candid with me, but she did not bring it up. I felt because I had in that moment been there as a *peripheral participant observer*, not a *pedagogical mediator* (Lyndon, 2019), it was up to Holly to raise it, if she wished to discuss it with me, and I respected her choice not to. Holly equally did not say there were any events or observations she did not want included in the research. She did say that she had at times felt under some pressure when being observed but that overall having taken part in the research had been ‘fine’, and that she had greatly enjoyed viewing the resulting video footage (Journal entry, 7.12.16). I therefore felt comfortable including the event as described, having tried to do right by both Jessica and Holly. This event however reinforced my conviction that there needs to be on-going mentoring and coaching support for educators in the field, for educators to be able to continue their personal and professional development (Doan, 2013; Gasper and Walker, 2020), to be able to deliver on **Article 3.3** and children’s right to suitable staff and competent supervision.

### **5.2.2 Related Experiential Anecdotes from the Other Three Settings**

As mentioned above, **paragraph 3** is a rarely mentioned part of **Article 3**, as **Article 3** is always referred to as the ‘best interest principle’, yet **paragraph 3** is hugely important as it is fundamentally about quality provision. The concept of quality in early childhood has long been debated by eminent scholars (Dahlberg et al., 1999; Moss and Pence, 1994) and although relevant to children’s rights, beyond the scope of the current discussion. The focus is instead on one aspect, the relational aspects of this Article, and what might constitute ‘suitable staff’, as that is the aspect that emerged from the data. In all four research settings the adults were in the position of being ‘judge, jury and executioner’ in

many instances, which is inevitable when you have a group of two-year-olds in a small space, having to share the environment, resources and the attention of friends and adults. Occasionally educators get it wrong but more often than not they get it right (SE 1-4, Appendix 46):

**Experiential Anecdote 17.10.16 (SE 1-4) Setting 1, England (WB score 5/1/4)**

Luke is playing in the block area with Karen, his key person. He is holding 5 small cylindrical wooden figures or *people* in his hands, clutching them to his chest, but struggles to hold on to them. Karen asks him if he's got them all. Luke nods and walks over to Karen who is holding a large cardboard tube. He drops the wooden *people* down the tube, one by one, and watches them roll. After dropping all five *people* down the tube and watching them roll down and out with great pleasure, Luke runs around to pick them up. A child joins in and picks one up. Luke looks annoyed, not too pleased that someone else has one of 'his' *people*. Karen asks if it's ok. Luke does not respond. Luke quickly grabs his wooden *people* as they are rolled down the tube, clutching all five of them to his chest again, looking defiant. Karen makes some suggestions to include other children and keep the play going. A child approaches Luke with an outstretched hand as if intending to take one of the *people*. Luke swiftly moves away and Karen suggests they can find something else to roll down the tube. They find a car but after it rolls down the tube, the other child turns towards Luke and approaches him, cornering him between the block unit and the wall. Luke is trapped, staring intently at the other child as if to 'will' them away. With his back against the unit Luke pushes the other child away while trying to hold on to 'his' *people*. Karen makes sure the other child is ok first, and then talks calmly with Luke. She asks: "*did you not want to share your people?*", recognising what happened without making Luke feel bad about it, yet not condoning pushing. Luke drops one of the *people* he was clutching, and then lets go of all of the *people*. Karen says: "*you had five.*" Luke nods. They count out five and Luke seems happy when he picks them up. Karen hands the sixth wooden figure, that Luke had picked up while playing, to the other child saying to Luke: "*shall we let someone else have that one?*" Luke smiles and nods. Both children are happy and play resumes.

Not only does this interaction show how important the pedagogically sensitive adult is in supporting and developing play situations (**Article 31P**) but also how a child, like Luke, who does not communicate with words, needs the adult to at times step up and speak for him by verbally annotating play and interactions. Luke tried unsuccessfully with his facial expressions and body language to communicate with others, but his silent communication fell on deaf ears, or more precisely, unseeing eyes. The well-being of everyone was important to Karen and with her realistic expectations of sharing at the age of two, and great personal and professional understanding of child development, Karen handled the situation with pedagogical tact and sensitivity. The children could trust Karen to treat them kindly and fairly, and when not by the water tray, I often saw Luke by Karen's side, where I presume, he felt safe and secure. I would describe this sense of security as grounded in what Page (2018: 126) calls "professional love", an aspect of attachment-based pedagogy centred on the three concepts of love, intimacy, and care (Page and Elfer, 2013). This *professional love* was evident in many of the *significant events* observed in the course of this study, sometimes in barely perceptible gestures (SE 58, Appendix 48):

**Experiential Anecdote 15.3.17 (SE 58) Setting 3, Finland (WB score 5)**

Like the other day, William is getting dressed very independently. I tell him how impressed I am the way he systematically first lays out his clothes on the floor and then patiently puts on layer after layer. He manages most by himself, except for the mittens and his hat. He stands patiently waiting to get help, holding his hat and mittens in his hands. Ebba (educator), aware he has been waiting, turns toward him to help him, when she has finished helping another child. She gently tugs at the zip first, that William then pulls to the top. They chat but as Erik is still crying, I cannot hear what they are saying, as Ebba helps William with the hat and mittens. When ready, Ebba smiles, says: “så, färdig” [there, ready], and gives him a gentle pat on the back. William looks up at Ebba, and smiles, before dashing out the door.

Children were often the initiators of intimate moments: Alex when pushed over, crawled up into Hannah’s, his key person’s lap to be comforted, Olivia when tired, needed a cuddle and a quiet moment with Ebba, Billy climbed up in Elisabeth’s lap while waiting his turn at a game, and Jessica for no apparent reason when playing with playdough climbed onto Jimi’s lap and squealed with pleasure at being squeezed in a tight hug. These were, usually brief, universally intimate moments evident across the four settings. Although children’s independence and self-regulation was much encouraged across all four research settings, there was one event where the adults seemed to accept children’s intimacy unreservedly; when reading together. John had figured this out, and he often, several times a day, brought books for adults to read and to cuddle up to (SE 18, Appendix 49):

**Experiential Anecdote 27.3.17 (SE 18) Setting 4, Finland (WB score 5)**

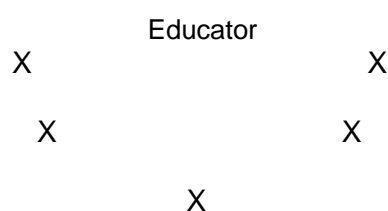
Eva (educator) is reading with John on her left and Emma and Mia on her right. They are sitting very close together even though there is plenty of space on the large sofa. John and Emma are totally absorbed by the book, both children making animal noises, keen to turn the pages, and respond to Eva’s questions. John is at one point kneeling, leaning on Eva, with his head on her shoulder, whilst listening intently.

The emotional complexity of educator-child interactions in early childhood needs more attention, and more needs to be done about the “lack of recognition of the complex nature of professional roles in attachment work” (Page and Elfer, 2013: 556). **Article 3.3** can as such be seen to be as much about the child’s right to *suitable staff* as it is about the educator’s right to support in fulfilling this right.

### 5.2.3 Similarities and Differences

As mentioned above, many activities and routines led by educators were the same in both countries. Children arrived in the morning, with some separating from their parents more

easily than others, comforted and helped to move on by educators, some educators engaged more with the children than others, and throughout the day snack and mealtimes were important events. One noticeable difference, particularly interesting at mealtimes, is the furnishing and the ensuing dynamics. In Finland children sat with the educators around square or round adult size tables with adult size chairs for the educators and easy access highchairs for the children, that they were lifted up onto or could climb up themselves. In England it is common to have mainly child size furniture in the room with, for instance, low horseshoe shaped tables where the adult sits on a low chair in the middle, with the children opposite the adult.



The horseshoe furniture created a very distinct power dynamic favouring the adult, whereas with square or round tables no one was more in the centre than anyone else. The horseshoe table created a very adult-centric experience that the children even tried to challenge. Jessica asked me to take the central adult seat at the table one lunchtime, when I sat down on a chair along the outer arc. I said it was for Holly, who was just bringing in the food trolley. I can only speculate why Jessica asked me; was it because I was not a child and it is the children who usually sit along the outer arc; or was it to challenge Holly's authority (OE 47, Appendix 47); or was it one way of showing she saw me as part of her everyday *life conditions* now? What was evident was that children rarely sat down on the central chair, even when the table was set up for activities, and if they did, they were gently moved aside, to make space for the adult, when an adult joined the table. I now wonder if when Bella and Jessica pulled chairs up to the top of the horseshoe, in line with the adult, if it was their way of trying to place themselves in a more powerful position? This is one example of how in the two English settings the adults were very much at the heart of experiences, even if the settings had what they considered a child-centred approach. In the two Finnish settings the opposite was almost the case, where the educators took on more of a supervisory role. When activities were offered in Setting 3 and Setting 4, activities were often used to calm children down when they became a bit too exuberant, rather than for the pedagogical aspect of the activity itself (OE 101, Appendix 49). This did on occasion happen in the two settings in England too, but overall the educators there created a learning environment or *life conditions* for children and *life interactions* to be able to engage in something together, a shared learning experience, which I rarely observed in

the two Finnish settings, apart from at *circle time*. I interpret these two distinctive ways of engagement as linked to the purpose of the organisation and its underlying values and ethos. Although the roles of the adults seemed culturally pre-determined (care versus outcome driven), what they had in common was that the educators were *implementers* (Jerome, 2016), implementing a curriculum, see **Subsection 5.2.4** below for a more detailed discussion. In all four settings, adopting more of a *child perspective* and *children's perspective* (Sommer et al., 2010) would possibly not only respect children's rights more but could also distribute power and possibly create a more *symmetrical* relationship (Christensen and Prout, 2002) between adults and children. I believe a rights-based perspective would, through awareness of **Article 3.3**, more purposefully make us question what we might understand by the notion of *suitability of staff* in early childhood.

#### **5.2.4 Interpreting Article 3.3 – Suitability of Staff**

How are we to interpret **Article 3.3** and children's right to suitable staff and competent supervision? In this subsection, interview data is again included in the interpretation of this Article. As I have stated in my chapter in the *Routledge International Handbook on Children's Rights* (Cole-Albäck, 2019), it needs to be recognised that educators working with children are part of children's *life conditions*, and their *life interactions* have bearing on children's subjective reality, their *lifeworld*. This carries with it a responsibility to reflect on the impact interactions and relationships may have on children. Nowhere is it more important than in countries like England, where young people, sixteen years and up, children themselves in effect, can work with children with only very basic childcare qualifications (DfE, 2019). Malaguzzi (1994: 52) once said to an audience of education professionals:

There are hundreds of different images of the child. Each one of you has inside yourself an image of the child that directs you as you begin to relate to a child. This theory within you pushes you to behave in certain ways; it orients you as you talk to the child, listen to the child, observe the child.

I believe like Malaguzzi that the worldview or underlying set of beliefs and values educators hold about children, childhood, and early education, guide all interactions consciously or subconsciously, and ultimately impact children's well-being, learning and development. They therefore need to be brought to the fore and explored, because for children to develop to their full potential (**Article 29.1 (a)**) they need to feel safe, and secure in a setting, or *trygg* as previously mentioned. *Trygg* and *trygghet* are a difficult words to translate into English but is about the child's sense of simultaneously being physically safe and feeling emotionally secure (Norlander, 2015), a concept I will return to. I believe this

can only happen with knowledgeable, self-aware and reflective educators, which I see as fundamental aspects of **Article 3.3**. Drawing on Jerome's (2016) three perspectives, educators may however simply see themselves as *implementers* of an early childhood approach or prescribed curriculum. This is, in my opinion, problematic for the reasons given above. At a more reformist level, according to Jerome, educators may see themselves as *collaborators*, seeing children, childhood, and the purpose of education in a more contested light, reflecting more consciously on policies and the curriculum, with the desire to choose to develop aspects of the curriculum that speak to them personally or professionally, consciously or subconsciously, and seeking the collaboration of others in developing practice. They are, as such, gatekeepers to experiences based on their worldview or underlying set of beliefs according to Jerome. I believe many settings are in this position, engaging with aspects of for instance children's rights, selectively, and apolitically, as is currently evident in England and the discourse of 'voice' (Kellett, 2014; Lansdown, 2011; Lundy and McEvoy, 2011; Mayne et al., 2018; Tisdall, 2012). Educators however who look at early childhood education within a political context, and get involved in "debates about what education is for, who should control it, and what values should inform it", Jerome (2016: 150-152) calls "change agents". This requires a shift in perceptions and engagement with the curriculum and children. It is only awareness and work at this level that has transformative potential because it recognises the political nature of ECEC.

Looking back at my observations, Holly was not alone, as mentioned above, in being an *implementer*, providing education and care for the children along the curriculum guidelines and established practice in the setting, seemingly not reflecting on how the *life conditions* they shared and how their *life interactions* impacted children's *lifeworld*. There was for instance a presumption in the two settings in England that, if a setting has a good reputation, as in a *Good* or *Outstanding* Ofsted rating, and the adults are caring and nurturing, then rights-respecting practice automatically follows suit. A colleague of Holly's said in our interview (Appendix 35, question 2b, page 168):

I think ... if you're in a good setting, and you've got practitioners that want to be there ... it's not just a job, like you would pick some other job ... I think, it [UNCRC] naturally does it [informs practice]. Without you necessarily being aware of it.

I can put my hand on my heart and say a lot of the staff here are champions of children's rights without necessarily knowing they are doing it ... because they care, they nurture.



And Nina was absolutely right. I think all educators across the four settings would say they cared deeply for the children, but there are two issues at stake here. Firstly, implicit knowledge needs to be transformed to explicit knowledge so it can be reflected on and engaged with more actively. Secondly, I contend that an ethic of care is not equivalent with rights respecting practice, nor enough to make an adult working with children in early childhood *suitable* in line with **Article 3.3**, as evident in often adult-centric practice.

Although Mary from Setting 1 in England held a similar opinion to Nina, she also reflected on the burden it placed on her and colleagues (Appendix 32, question 2a-2b, page 150):

Everything that we do has to be right for children, which is not necessarily right for adults. Our setting is very child centred. The focus is on the needs of the child. That is difficult sometimes but that's the policy ... it's hard work [here] sometimes because it is so child orientated.

Just like Nina, Mary said (Appendix 32, question 4f, page 153):

The adults have got to [want to] be here, wanting the best for the children, and respecting the children which is why good practice is modelled [by senior educators] ...

Mary went on to say (Appendix 32, question 4f and 4c, page 153):

If adults put themselves first, putting strange views first ... come with baggage ... It is the view of the adult that is going to make it right [or wrong] for the child.

I actually think it [a rights-based perspective] would be really useful because in too many settings children still aren't first. We are all bogged down with: you've got to do the EYFS, you've got to do Ofsted, you've got to do ... This [UNCRC] is actually what we're missing.

Having said that, Mary still felt a rights-based framework was more for others, who had a lesser Ofsted rating, than for themselves. David from Setting 2 in England (Appendix 34, question 4g, page 165), like Mary also suggested that a rights-based approach would benefit poor quality settings, more so than settings that are already rated *Outstanding*:

I think it is a way of promoting better practice in settings that are of poor quality.

The biggest difficulty advisory teachers have with a setting of poor quality is ... on the whole they [all] have the same issue ... the issue is a complete lack of vision and lack of underpinning philosophy for the setting ... So these settings need to develop and understanding of child development, how

children learn, essentially also this [rights-based] stuff. So in that way, it [UNCRC] can be a very important tool ... in developing a philosophy.

A rights-based approach to ECEC was as such suggested as a tool for introducing a direction or philosophy to settings struggling to meet English standards.

In Setting 3 in Finland Lisa linked suitability of staff directly to qualifications rather than the ethos of a setting (Appendix 38, question 2c, page 187):

We aim to have early years teachers, at least one, preferably two, in all [three] departments. But, in order for [older] early years educators to remain [employed till retirement], we have [currently] fewer teachers [than we aim for].

Quality was as such linked to the qualification level of educators, and regular inset days were seen as very important for continuing professional development. I believe this is particularly important in educational settings in Finland where staff retention is high and many work till retirement age. Inset days are a way of keeping educators up to date with changing policies and curricula (Appendix 38, question 3c, page 188):

We have pedagogical conversations, where we look at the setting culture, and the daily routines. We have a co-ordinator who sends out questionnaires and we hold conversations around these.

We [as a setting] take notes and submit them to the [local authority] coordinator. The coordinator gathers all the opinions around the municipalities ... it is all collated and there is a blog that we can access, to read [all responses] ... [from this] they draw up the local [pedagogical] plan.

Lisa also talked about more specific aspects of quality such as intra-personal qualities required when working with young children, the notion of *närvaro*, of being present in the moment, or mindful: (Appendix 38, question 3c, page 189):

When we are with the children then we should be mindful. If you are not mindful [*närvarande*] and percipient [*lyhörd*] then you will not get the children involved.

The notion of being mindful and percipient in our *life interactions* with children was also something brought up in the interview with Elisabeth in Setting 4 in Finland who said (Appendix 39, question 1c, page 192) “we need to be percipient to children’s expressions”.

**Table 19: Article 3.3 indicators**

Concept	Article 3.3		
Suitability of Staff  Pedagogical relationships	Responds positively to child	Does not respond to child	Responds critically, insensitively to child
	Educator is involved	Educator is disinterested	Educator explains before acting
	Educator does not explain before acting	Professional love, attachment	Intimacy
	Typical powerful adult	Atypical playful adult	Educator expectations
	Mindful <i>Närvarande</i>	Percipient <i>Lyhörd</i>	

Drawing on my data, the aspects or indicators that emerged in relation to the right as articulated in **Article 3.3** are listed in no hierarchical order in **Table 19**. I assert that early childhood educators must see themselves as more than *implementers* and constantly reflect on their values and views of children, childhood and the purpose of education and care, as their relationship to children can have a major impact on children's *lifeworld* as evident in the observations across all four research settings. One way to aid this process is by looking at interactions in a more relational way. Spyrou (2017), Professor in Anthropology and Sociology at the European University Cyprus, urges researchers and academics to move on from the past child-centred approach in interpreting and understanding children and childhood, to a more *relationship-centred* understanding. He advocates for a relational sensibility that I referred to as *pedagogical tact* and *sensitivity* (van Manen, 2015) in Luke's experience.

I propose that **Article 3.3** is important in how we understand the other two paragraphs of **Article 3** in that the child's best interest (1) and well-being (2) can through the paragraph about institutional quality and the qualifying comment on *suitability of staff* and *competent supervision* (3) be understood as including a more relationship-centred perspective in early childhood. I believe **Article 3.3** is therefore an important *Guiding Article* in early childhood as it can be seen to bring child-educator relationships to the fore in conversations about quality in institutional settings.

### 5.2.5 Other Important Rights to Jessica

My observations revealed that relationships, or *life interactions*, were particularly important to Jessica. Some young children get on with their day quite independently, adapting well to their *life conditions* in a setting, but more frequently than not, the key person is an important person in a child's life at this young age in childcare. In fact, Lisa in Setting 3 felt

the key person was always the most important person to two-year-old children in childcare, more important than friends, something I am not sure about (email correspondence, 31.10.17). The reason I question this is because I think of the child that does not bond with their key person. What is then in the child's best interest (**Article 3.1**), to try to find another key person or foster developing friendship bonds between children? Or both? Is there a backup plan for that in settings, so that the child can develop to their fullest potential (**Article 29.1 (a)**)? For Jessica for instance, the connection to adults (**Article 3.3**) was particularly important on the days when her best friend Bella was not attending (SE 6, Appendix 47). On those days, I observed Jessica standing around, staring into space, clutching her big teddy and sucking her thumb. In my reflection to *significant event 6*, I noted that it is inevitable that there are moments in the day when children are not engaged or involved in play or activities, but Jessica had long moments of total inactivity and what looked like utter boredom even if her key person was present, and often only came to life (**Article 3.2**) during brief moments when other adults interacted with her (**Article 3.3**). In Jessica's case her state of mind also depended on how much rest she had had (**Article 31R**) something that again is very child dependent, but I still wondered how many of these kinds of days Jessica has? The contrast was striking when Bella was attending, as Jessica's well-being scores were much higher when they were playing together (**Article 31P**) or even just sitting close together at lunchtime, enjoying the freshly prepared meals (**Article 24.2**), together with the rest of the children. On their poster: *The child's right to early childhood education*, the Finnish National Agency for Education (Utbildningsstyrelsen, 2017b) seem to recognise the importance of peers by stating one of the rights is being together in a group *and* to make friends (Appendix 63). I therefore wonder if the most important person in the nursery or pre-school can in effect sometimes be another child. We possibly need to reconsider how we provide for young children and maybe consider not only "organising for intimacy" as advocated with regards to the key person approach, for building relationships between adults and children (Goldschmied and Jackson, 2004: 40-42), but also *organise for intimacy* between young children, to support their budding friendships. **Article 31P** and the importance of early friendship is the next Article discussed and illustrated through Danny's experience, another of the Articles that came up in all the focus children's observations.

## 5.3 Danny's Experience – Article 31 – Play

Setting 3, Finland 13.3.2017 and 15.3.2017

Danny (2 years 4 months) attends nursery every day but arrives at different times depending on his parents' work schedules. His friend William, who is almost three attends three days a week and tends to arrive before Danny, impatiently waiting, keeping an eye on the front door to catch Danny the moment he walks in through the door. It has happened that William has told Danny's parents off for keeping him waiting for too long; last time was a whole 10 minutes! If they arrive before breakfast, the boys sit together for breakfast and if Danny arrives after breakfast, then they launch straight into their usual morning routine: the car race. Danny likes the blue and white police car and William the red and white ambulance. They push their cars along the floor with great speed and agility, swerving in and out of children, from room to room, skidding between furniture, making engine sounds, and usually end up under the central table in the middle room. Sometimes educators remind them to be careful around the little ones who are toddling about, but the boys don't really need the caution, as they are very aware of their surroundings. Danny sometimes takes 'pit stops' at the Duplo table and plays with the farmhouse for a bit, or joins a group of children being read to by an educator. If Danny stays for too long at an activity, William will call: "*Danny, kom nu!*" [Danny, come now!]. Danny usually responds with: "*Jag kommer!*" [I'm coming!] but if William has to wait for too long, he will join Danny at what has distracted him from their play, before enticing him to resume the car race. On the occasions when Danny takes a longer 'pit stop', Oscar sometimes takes Danny's place. I think Oscar would quite like to turn the duo into a trio, but the special bond is definitely between Danny and William, and the car race is their 'thing'. But when playing outside, they tend to include Oscar more, like when rolling vehicles down from the top of the playground slide, sliding down after them, collecting the vehicles, running back up the few steps, and rolling them down the slide again (SE 3, 8 and 11, Appendix 48).

#### Article 31P

States Parties recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

**Article 31** can in effect be seen as five separate albeit interconnected aspects as it covers the right to: rest; leisure; play; recreational activities; and cultural life and the arts. To make the distinction, I identify each aspects with capital letters behind the Article number: R, L, P, RA and CA, as evident in the box above; **Article 31P**. Issues around rest, **Article 31R**, was observed in relation to some children, as was the enjoyment of cultural activities and art, **Article 31CA**, but none in relation to leisure or recreational activities as my observations were carried out within the regular attendance hours. Leisure and recreational activities were therefore not included in the summary document illustrated in **Table 11** (page 133). Since the only concept that all focus children across the four research settings had in common was play, **Article 31P** is the focus of this section. As it is not an objective of this study to argue for or promote the important place of play in children's learning and development in early childhood, defended by eminent scholars like Sutton-Smith (2006), Bruce (2011) and Moyles (2015), I begin by offering a definition of play, and the position taken by UNICEF, CRIN and *the Committee*, before focusing on one aspect that came out strongly in Danny's, and several of the other children's play experiences; friendship.

UNICEF (2007b: 471) defines play in early childhood as: "unstructured and free from adult direction (although it may be facilitated and overseen by adults)". UNICEF (2007: 472) further stated in 2007, unfortunately still relevant today:

Few countries give adequate priority to children's right to "play". The haphazard, anarchic nature of play contributes nothing obvious to the nation's economy or international profile. However, play does contribute a great deal to children's physical and psychological health. Many social skills, such as negotiation, sharing and self-control, are gained through unsupervised play with other children. In terms of physical development, it is essential that children spend time exercising their bodies.

Although the range of children's play is enormous and ever changing, children's basic play needs are relatively simple. All that is required is safe, accessible space for children's use, preferably containing possibilities for creating or changing things, for exploring and physical exertion.

CRIN (2018) frankly states that adults often perceive children's right to play as a luxury,

although CRIN sees play as “essential for children to advance and experiment with their capacities, develop social skills such as compromise and negotiation, and form relationships with others.” To change the negative perception, or lack of awareness of the importance of play to children’s well-being, *the Committee* published *General Comment 17: the right of the child to rest, leisure, play, recreational activities, cultural life and the arts* (UN, 2013: 6):

While play is often considered non-essential, the Committee reaffirms that it is a fundamental and vital dimension of the pleasure of childhood, as well as an essential component of physical, social, cognitive, emotional and spiritual development.

*The Committee* has long valued and promoted free play as evident in their *General Comment 7* from 2005:

Play is one of the most distinctive features of early childhood. Through play, children both enjoy and challenge their current capacities, whether they are playing alone or with others. The value of creative play and exploratory learning is widely recognized in early childhood education. Yet realizing the right to rest, leisure and play is often hindered by a shortage of opportunities for young children to meet, play and interact in child-centred, secure, supportive, stimulating and stress-free environments (UN, 2005: 15).

I believe many settings in Europe would not identify with this statement and would insist children in their settings are playing and interacting in child-centred, secure, supportive, stimulating and stress-free environments; however, I have observations from all my research settings of adult-centricity, uncertainty, dullness, and high stress moments that if identified (using my approach) could be the stimulus for interesting rights-based reflections on provision.

### **5.3.1 Interpreting Danny’s Experience**

The anecdote about Danny and William is not only about play but I believe fundamentally also about early friendship, and how play is a vehicle for entering into and developing peer relationships, and vice versa. But before discussing friendship bonds as an important aspect of this Article, a qualification is needed for why I believe we should pay more attention to the link between friendship and play in early childhood, and take friendship into consideration when conceptualising **Article 31**.

Already in 2005, *the Committee* recognised in *General Comment 7* (UN, 2005: 4) the growing body of theory and research confirming that “young children are best understood

as social actors whose survival, well-being and development are dependent on and built around close relationships”, and amongst important relationships peers are mentioned, as are parents, members of the extended family as well as caregivers and early childhood educators. In the same document *the Committee* also affirms the importance of play in social development. However, much research on children’s friendship bonds and close relationships to peers have been with school aged children (Dunn, 2004). Dunn however recognises that “important relationships with other children begin very early” (ibid.: 2) as evident in their play. Carter and Nutbrown (2016) also recognise the important link between friendship and play in their research with children aged five and six. They suggest educators should adopt what they call a “pedagogy of friendship in early childhood” (ibid.: 410) which they suggest has three features: developing educator knowledge, valuing children’s friendships and giving children time and space to make and maintain friendships in their play.

Dunn (2004) makes an important distinction between learning social skills through play and developing an intimate bond to another child, which even though an aspect of social development is subtly different. She (2004: 3) states: “friendship is indeed a forum for developing social skills and understanding of another person, but it is much more”. I agree with Dunn that developing an intimate bond to another child is more than developing social skills. I also believe this is something that should be recognised with very young children as it begins to emerge in their play, especially in light of the fact that in Europe today, whilst recognising inter-country variations, a growing number of two-year-old children attend childcare services because of societal changes in family structure and labour market conditions (Bradshaw et al., 2015; OECD, 2018). How these experiences impact young children’s development is important as according to Dunn (2004: 5) “a friendship is usually a child’s first close relationship outside the family, and it can be very different in nature from family relationships with parents or brothers and sisters”. I believe educators need to recognise this aspect of play more with children under three and actively create a supportive environment for friendship bonds to flourish, actively “organising for intimacy” (Goldschmied and Jackson, 2004: 40-42) as previously mentioned, as I believe it to be important for children to be able to develop to their fullest potential in childcare (**Article 29.1 (a)**).

I therefore suggest play, and **Article 31P**, need to be considered in a new light, taking these relatively recent shared group experience into consideration, and the remarkable relational capacities of children under three. These capacities need to be valued and supported more, to enrich children’s everyday experiences, and as the foundation for



healthy relationships later in life (Wittmer, 2012). Shin (2010) also recognises the importance of early peer relationships and friendships in children's social and emotional development and believes this has not been studied enough. When exploring infant friendship, Shin puts forward five dimensions of early friendship to consider: reciprocity, affection, caring, joint play, and humour; all dimensions evident in Danny and Williams relationship.

With all the above in mind, posing the phenomenological question: “**what is this experience like?**” (van Manen, 2017b: 811), I wondered what it is like for Danny, at the age of two, to be able to spend extended periods of time in free play, able to choose between what is set up by adults or to follow his own explorations, to play on his own, or in parallel and together with his close friend William? Judging by his involvement and well-being when Danny and William were playing together, I believe having a close friend was of great importance not only to Danny, but in effect to both boys. It was a pleasure to observe how Danny was often experiencing high levels of well-being and what Laevers et al. (2012: 11) would define as being “like a fish in water”; content and cheerful, at ease and open, interested and happy, when playing with his friend William. Recognising children as highly social beings, seeking a sense of belonging to a community from the very beginning (Trevvarthen, 2016), I believe companionship between children is a hugely important concept even at this very young age. Just as with Jessica in the previous section, the days William was not in the setting, Danny’s days did not seem as meaningful. His level of well-being was average on those days according to my observations (Appendix 44, page 246 and 248) whereas on the days William was there, their shared play experiences were full of fun and closeness (SE 6 and SE 42, Appendix 48). The companionable moments created a sense of belonging and *gemenskap*, togetherness, that was **convivial**. Danny and William were not alone in experiencing this conviviality in their play. There was also a special friendship bond between Erik and Isabella in this setting (SE 96, Appendix 48):

Experiential Anecdote 17.3.17(SE 96) Setting 3, Finland	(WB score 5)
It is almost lunchtime. The last couple of children are walking in from outside, get undressed in the hall, and wash their hands in readiness for lunch. Isabella and Erik are washing their hands together at the sink, and after drying their hands on paper towels, come out of the bathroom holding hands. They stop in the middle of the hall, Erik looks up at Isabella with a big smile. They get distracted and start playing with some toys that have been left in the hall, but are called to their tables for lunch. As they continue walking over, Erik suddenly turns around and gives Isabella a long hug. Isabella hugs him back. Erik laughs, lets go, grabs Isabella's hand again, and they run into the middle room for lunch.	

There was no mistaking the joy Erik had being with his best friend this morning. In addition, there was also a close relationship between Stefan and Martin (both 2 years and 4 months) in this setting. On one particular morning they spent more than half an hour playing with jigsaw puzzles, sitting close together, chatting to each other in two-word utterances. They swapped pieces, pointed out to each other where a particular piece should go, or found a piece the other was looking for and handed it over. Later that same morning when outside, they first pushed two trucks around the garden and then went to the small climbing structure, scrambling up the few steps, sliding down, up and down, screeching with pleasure as they, deliberately, followed each other too close down the slide, landing on top of each other at the bottom (SE 82, Appendix 48). In this setting there were three distinct friendship pairs in the under-threes group of twelve children. This consolidated my personal and professional belief that early friendship is more widespread than recognised and ought to be seen as central to the quality of children's lived experiences in group care (Dunn, 2004). I therefore suggest early friendship bonds should be seen as an increasingly important aspect when conceptualising **Article 31P** in early childhood, even in provision for children under three.

### 5.3.2 Related Experiential Anecdotes from the other Three Settings

There was evidence of deep friendship bonds or companionship between children across all four settings (SE 69, Appendix 46):

<b>Experiential Anecdote 21.10.16 (SE 69) Setting 1, England</b>	<b>(WB score 5)</b>
The doors to the outside have been opened. Karen (educator) is setting up the outside environment with the help of a few children. Blake runs out at the heels of another child [who was not in yesterday]. Blake loves playing with this child and does not let him out of his sight. Blake runs along the block path and sits down on the back of the large wooden truck, the other child has sat down on. Blake's whole face is beaming as they play together, pushing themselves along on the truck, in the small outdoor space. Blake frequently glances up at his friend, leaning forward, smiling. His friend smiles back.	

Although Blake was content enough most days at pre-school, just like Danny, it was with Alan he seemed to be the happiest and his involvement and play most social, taking cues from his older friend as they were playing, just like Bella and Jessica in Setting 2 (SE 96, Appendix 47):

<b>Experiential Anecdote 24.11.16 (SE 96) Setting 2, England</b>	<b>(WB score 5)</b>
Bella has finished her snack and joins Jessica who is already in the home corner. There are two old home phones on a small table. Jessica is holding one handset to her ear and Bella picks up the second of the handsets and pretends to talk into it, just moving her lips, but without making any vocal sounds. She looks over at Jessica and says: " <i>Hi Daddy!</i> " Both girls then hang up. Bella waits a little and then picks up the handset again	

and says to Jessica who had started walking away: “It’s *Granddad!*” Jessica responds: “Ok!” and returns to pick up the other handset. They are having serious conversations on the phone, using real and pretend language, gesticulating and walking around the home corner, while holding these phone conversations. Bella and Jessica end up by the doll’s bed, continuing their phone conversations as they start playing with the doll.

Just like between Blake and Alan, there was a lot of eye contact between the girls, Bella often checking in on how Jessica was responding to her attempts at extending and introducing a more social or dramatic aspect to their play (Broadhead, 2006). I call this *companionable referencing* akin to *social referencing* (Hertenstein, 2011) when children, in this case Bella, observed and regulated her play according to Jessica’s responses, as it seemed important to Bella for the play to continue. There were times when Jessica or other children did not respond to Bella’s attempts and she looked disappointed, seemingly not quite knowing what to do (SE 77, Appendix 47). Amusingly, I observed a similar phone conversation as in the *experiential anecdote* above, in Setting 4 in Finland, some months later (SE 16, Appendix 49). The two girls in Finland were also re-enacting this common phenomenon or widespread real-world experience in Europe today.

Of the sixteen focus children across the four research settings, six children (more than 1/3) had what could be classified as a best friend; another child that they cared for deeply as shown through acts of kindness and humour, affectionate displays and in their choice of play companion (Shin, 2010) (SE 20-23, Appendix 49):

<p><b>Experiential Anecdote 28.3.17 (SE 20-23) Setting 4, Finland (WB score 5)</b></p> <p>Breakfast time is coming to an end. The children are waiting at their tables to do the usual tank you chant, before being excused. Emma looks at Sophia, leans in and starts saying nonsense words. Sophia, who had been sitting, slumped on her chair, staring into space for a while, is immediately game. The girls engage in playful nonsense word exchanges, both laughing out loud in merriment. When breakfast is over and they have recited the thank you chant together, the girls slide off their chairs and run off to the small indoor slide, running up the three steps, sliding down, and running back up again, at quite some speed. Up and down, up and down, with great agility and joy.</p>
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In addition to friendship bonds or companionship between two specific children in the above setting in Finland, the two-year-olds in Setting 4 really enjoyed each other as a group too, particularly noticeable when they were playing together outdoors. The indoor space was quite narrow (rather than small) and not really conducive to playing together as a group, with a large sofa and three adult size tables with chairs occupying much of the space. The adults also tended to keep the activity level, or energy level down by engaging with children one-on-one or by setting up play activities on tables (OE 101, Appendix 49).

Outside was a different matter. There was a very large outdoor area and the children had complete freedom to use it as they wished. The play equipment such as multiple swings, seesaws that four children could fit on, multiple resources such as ride-on vehicles to push oneself along on, and so forth, enough for everyone, meant the children often rode along together as a group or when it had snowed, had a sled each, enjoying going down a small hill together. It was in effect quite extraordinary to see these two-year-old children involved for long periods of time in highly social play, engaging with each other as a group or weaving in and out of each other's play, with no adult input (Appendix 45, page 256 and SE 84-85, Appendix 49). The importance of outdoor affordances is evident in Billy's experience in the last key *experiential anecdote*.

I do acknowledge that play with same age children in organised group care comes more naturally for some than others. Some children are more hesitant than Emma in the last anecdote. Lave and Wenger's (1991: 29) concept of "legitimate peripheral participation" can thus also be extended to childcare "communities of practice" (Wenger, 1998: 72). "Communities of practice are groups of people who share a concern or passion for something they do and learn to do it better as they interact regularly" (Wenger, 2011: 1). Some children in other words may initially be observers on the periphery, in need of more time and support than others to settle and learn how to access other children's play and in developing friendships, as was evident in for instance Setting 1 in England (LE 12, Appendix 46):

<b>Experiential Anecdote 17.10.16 (LE 12) Setting 1, England</b>	<b>(WB score 3)</b>
Blake is in the block area, where he has been playing with Jenny (educator) for a while. Jenny is sitting on her knees on the brown rug. Blake is rolling cars down a bamboo gutter and they are exploring the speed at which the cars roll down, depending on the angle of the gutter. Liam enters the block area but stays standing, a few feet away. After observing and edging a bit closer, Liam picks up a cardboard tube and a Brio train engine. He rolls the train down the tube, observes it rolling off along the floor. Blake briefly looks over at Liam. Liam turns towards Jenny and Blake who are again busy with the car and bamboo gutter. Liam drops the cardboard tube, hesitantly walking away, glancing over his shoulder at Blake and Jenny as he walks away. Blake is on his tummy, observing closely how the cars roll down the gutter. Jenny reaches over and adds the cardboard tub to the end of the bamboo gutter. Liam comes back a minute later, observes again for a bit and then tries to join in with the Brio train, but neither Blake nor Jenny acknowledge Liam's attempt. Liam steps back, and stays observing their play.	

Liam very carefully tried to enter Blake's play but would have needed a little help from Jenny to succeed (**Article 3.3**). Jenny's pedagogical choices were to either protect one child's (Blake's) play or including another child in the play (Liam) but with the risk of disrupting Blake's flow. Although it is important to protect children's play it is equally

important for educators to open up possibilities to develop children's play (Broadhead, 2006) (**Article 31P**) and in the process potentially develop relationships and friendships, as well as other skills (**Article 29.1 (a)**). It is quite the balancing act between interacting in a pedagogically tactful and sensitive way and interfering in children's free play (Fisher, 2016).

In all settings, the children were able to play with their preferred friends, but there did not seem to be an active role on the part of educators to nurture or support the development of friendship per se. One afternoon, on the playground, a parent shared with me her wish for her child to develop deeper bonds with other children and that she had brought this up with the educators, but had been told that this was not to be expected with such young children (Journal entry, 15.3.19). Yet, I would argue that "organising for intimacy" (Goldschmied and Jackson, 2004: 40-42) as mentioned in relation to Jessica and also Danny's experience, supporting children in developing relationships through play, is not only an important pedagogical issue, that was not very visible in the four research settings, but also I believe an important aspect when conceptualising **Article 31P**.

### 5.3.3 Similarities and Differences

In the EYFS curriculum, the English statutory framework for children birth to five, one of the *Early Learning Goals* is about playing and making relationships. The expectation is that by the age of five (DfE, 2017: 11):

Children play co-operatively, taking turns with others. They take account of one another's ideas about how to organise their activity. They show sensitivity to others' needs and feelings, and form positive relationships with adults and other children.

In the *Finnish National Core Curriculum for Early Childhood Education and Care* there is also reference to play and relationships. Under the heading "Community encouraging play and interaction" (FNAE, 2017: 32), the curriculum emphasises the importance of play to children's well-being and learning, and that educators and children should have the opportunity to "experience the joy of doing things together and playing together". What is unclear is if they mean this in relation to educators and children as well as between children themselves. The following paragraph does state that educators should "support the emergence of peer relationships among children and foster friendships" (ibid.); however, friendship and play are not directly linked, only implicitly referred to throughout the curriculum document.

Both countries recognise the importance of play and positive relationships in early childhood, yet despite evidence of strong early friendship bonds, the focus was in reality more on the adult-child relationship, rather than fostering companionable learning and play between the children, citing the age of the children and different attendance days as some of the reason (email correspondence with educators in Setting 3, 31.10.17). I found this surprising in Finland in particular, in light of the paragraph mentioned above about the educator's role in supporting the emergence of peer relationships. Just as I argue that *Children's Rights Education* should be introduced from birth, I equally believe developing early friendship bonds should be nurtured from the moment children start developing an interest in being with particular children. Affection, friendship, and a sense of belonging are after all basic human needs (Maslow, 1943) very relevant in group care, and I believe by extension an aspect of **Article 31P** as evident in their play.

As to play in general, the way the children played in their free play was very much the same in both countries. There were similar experiences of enjoying music and dance together, dressing up, play in the home corner, as well as some structured play with adults, or what Ridgway et al. (2015: 6) call "pedagogical play", play as a means to furthering children's development (**Article 29.1 (a)**). The distinctive difference was how the environment was set up and resourced (**Article 29.1 (a)**) and how much the adults joined in with children's play (**Article 3.3**). There was much more planning and activities set up for the children in the two English settings that can be seen as quite typical in England, with distinct areas of learning for children to explore. Despite the two English settings being child friendly environments, they were more adult-centric in that the educators were almost at all times involved with the children or at the very least nearby, with very little space for children to be together away from the adult gaze, in other words, not much space for children's privacy in their play (**Article 16**). This is something older children (5-6 year-olds) in Carter and Nutbrown's study (2016) identified as very important for making and maintaining friendship. In Setting 2 in fact, when the adult had to leave, the children were often not able to maintain the play (LE 78, Appendix 47). This was not the case in the two Finnish settings where the children seemed to be able to maintain play, with or without adult involvement, in fact they were frequently supervised from a distance and left to their own devices, especially outdoors. The free play outdoors in effect seemed to be free from adult involvement much of the time (**Article 3.3**). This adult-free play outdoors seemed to bring about a different kind of social interaction and risky play and as such, development (**Article 29 (1) (a)**), discussed more in relation to Billy's experience (**Section 5.5**).

### 5.3.4 Interpreting Article 31P – Play

**Article 31** is a hugely complex Article with its five aspects. In the preceding subsections the focus was on play and friendship, based on the data that emerged from the observations. I will therefore in this subsection start by looking at interpreting the right to play more broadly before focusing on the relational aspect of it that emerged from Danny's and other children's experiences. I again draw on some of the interview data in the interpretation of this Article. Most educators brought up children's right to play although there were arguably different understandings of what is meant by play. Interestingly, two educators did not mention play at all during the whole interview; one educator in England and one in Finland.

**Article 31P** does not stipulate what is to be understood by play, whether along UNICEF's (2007b) understanding as unstructured and free or in line with the EYFS (2017) where play is linked to effective teaching and learning, in other words as a means to delivering the curriculum. In the Finnish core curriculum for ECEC both the intrinsic value of play, or *free play*, and play as a means to delivering the curriculum are both recognised (FNAE, 2017: 23):

In early childhood education and care, it is necessary to understand the intrinsic value of play for the children as well as the pedagogical significance of play in learning and children's holistic growth and well-being.

The two curricula suggest as such that **Article 31P** can be understood to contain two distinct concepts of play: "free play" (UNICEF, 2007b: 471) characterised by play free from adult direction and play as a means to furthering children's development, what Ridgway et al. (2015: 6) call "pedagogical play" (**Article 29.1 (a)**). These two types of play were recognised by the educators. Karen in Setting 1 in England mentioned how she had seen the early years curriculum change over time, becoming more formal, but how she tried to blend the two forms of play, taking the cue from children and then seeing how she could fulfil pedagogical expectations as set by the curriculum (Appendix 31, question 4f, page 147):

I'm all for learning through play. So, just go and play, and we'll see where it takes us, and we'll learn as we go along.

David from Setting 2 in England, was quite concerned about what constitutes play especially in relation to children with additional needs (Appendix 34, question 2d, page 163):

The right to play ... we often hear words to the effect of “some of these children [with SEN] can’t play” or “don’t play”, when in actual fact I think it’s interpreting what they are doing, or what that really means, because they may not be playing in any generally conceived idea of what play is, but they are still doing that [playing].

David was as such alluding to the judgments we pass on what we socio-culturally consider constitutes ‘quality’ play that may inadvertently be discriminatory or exclusive (**Article 2**). Linda (Appendix 34) and Nina (Appendix 34) from Setting 2 also brought up the point that **Article 31P** is the one right they saw may be the one that conflicts the most with other rights, especially the need to rest (**Article 31R**) and best possible health (**Article 24**), which may mean to insist on a child having a nap, or to give a child an ultimatum to have to wear a coat on a bitter cold day if they want to play outdoors (SE 30, Appendix 47).

In Setting 3 in Finland, play was very much seen as a basic need (Maslow, 1943). Ebba said quite simply that what children need, and she felt have a right to is: “food and rest and play” (Appendix 36, question 2c, page 174), which she considered basic needs at the age of two. Alice in Setting 3 in Finland added another dimension to play as observed in the two Finnish settings but not so much in the English settings, she felt children have a right to privacy in their play (**Article 16**). Alice also felt adults should not interfere too quickly in disputes, to allow children the opportunity to learn to resolve issues between themselves, already at this age (Appendix 37). Alice did acknowledge that this was her personal position, her *personal pedagogy*, and in her opinion dependent on the tolerance level of individual educators. When it comes children’s right to play, educators in Finland would most likely agree with Kerstin in Setting 4 in Finland, who said she felt it was good that children start formal schooling at seven so that “they have had time to play”, and with play she was referring to *free play* (Appendix 40, question 2c, page 196). In addition, based on my observations, a further distinction to be made is between indoor play and outdoor play, as outdoor play had an almost transformational effect on some children, as evident in the last key *experiential anecdote* of this chapter, Billy’s experience (**Section 5.5**).

Kerstin’s point about having time to play is important not only from a developmental perspective in relation to the number of years children are provided with a play-based curriculum but also in relation to the structure of the day. Without awareness or knowledge of the importance of early friendship, time and space may not be provided for relationships to develop, as the focus has so far been on the child-key person relationship with children under three. I initially conflated companionship or friendship bonds, and secondary attachment (Bolwby, 1974); however, after conversations with Peter Elfer (2017) and Jane



Barlow (2018) at the EECERA conferences in Bologna and Budapest respectively, I am inclined to make the distinction in line with their thinking, that the key-person-child relationship has an element of *duty of care*, that companionship or early friendship bonds do not include. Children care, and they care deeply, but because of their young age they do not have a *duty* to care like a caregiver or key person has (Bowlby, 1974; Elfer and Page, 2015). Elfer does however recognise in a paper from 2006 the importance of peers when there is not a secure secondary attachment to a key person. I can now in hindsight only speculate if this was maybe the case with Jessica, Blake, and Isabella, that they had not bonded with their key person and the relationship to another child was therefore all the more important. I believe both a close relationship to a key adult (**Article 3.3**) and friendship bonds are crucial to children's well-being (**Article 3.2**) in childcare as my data indicate, which is why I suggest **Article 3.2**, **Article 3.3** and **Article 31P** to be important *Guiding Articles* in early childhood.

On a side note, I initially considered friendship possibly an aspect of **Article 15**, the right to meet with other children and to join groups and organisations; however, in private conversations with lawyers I came to agree that **Article 15** needs to be understood in the spirit in which it was created – freedom of association – and although it could be argued we choose to be together with likeminded people, this may, but need not necessarily involve friendship, whereas *free play* and friendship are deeply intertwined. We must as such respect the essence of an Article even though we are encouraged by authors like Jerome (2016) to actively engage with the UNCRC, to explore contextualised interpretations of children's rights within national and institutional circumstances.

Drawing on my data, the aspects or indicators that emerged in relation to children's right to play as articulated in **Article 31P** are listed in no hierarchical order in **Table 20** on the next page.

I propose that to recognise children's innate desire and also right to play (UNICEF, 2007b), we need to make a distinction between *free play* and *pedagogical play* as well as recognising where play occurs, such as indoors or outdoors, for children to really benefit from the right to play (**Article 31P**). Lisa from setting 3 in Finland said: "many say that play is 'the work of the child', but it is not ... it is play" (Appendix 38, question 2c, page 187). I agree with Lisa and believe conflating *work* and *play* devalues *free play*. **Article 31P** is therefore an important *Guiding Article* in early childhood as it requires reflecting on why play is important and what we mean by play in ECEC.

**Table 20: Article 31P indicators**

Concept	Article 31P		
Play           Enjoyable experiences	Solitary play	Child-child 1:1	Small group (SG)
	Whole group (WG)	With adult	Without adult
	Protecting play	Need support to join in play	Need support to maintain play
	Child excluded	Play hindered	Play interrupted
	Legitimate peripheral participation	Child specific play; idiosyncratic	Free flow
	Child initiated; adult invited to join in	Pedagogical play with adult	Quality of play, repetitive vs. creative
	Culturally (in)sensitive	Areas of provision; affordances	Outdoors; risky play
	Indoors	Under constant adult supervision	Supervision from afar
	Privacy in play	Togetherness <i>Gemenskap</i>	Reciprocity
	Affection	Caring acts	Humour
	Intimacy	Friendship bond(s) Best friend	Social play along continuum

### 5.3.5 Other Important Rights to Danny

My observations revealed that the friendship between Danny and William was very important to Danny. Interestingly, in an email correspondence almost two years later, Danny's Mum mentioned that the boys still love playing together and that on the days William is not there, Danny says the day at nursery was: "tråkig" [boring/dull] (email 14.12.2018). This companionship, the *life interactions* between Danny and William are as such important to Danny's well-being (**Article 3.2**) and overall development (**Article 29.1 (a)**). What originally brought the boys together was their keen interest in vehicles. The toys in the setting or *life conditions* are as such also important to Danny in childcare (**Article 29.1 (a)**). Even the children as young as one in Engdahl's (2012) research used toys as play invitations, intentionally seeking out other children as play companions (*life interactions*) using toys. This is interesting in my opinion as there were far fewer toys in the two Finnish settings compared to the two English, and it made me wonder afterwards if children purposefully left the two big vehicles for Danny and William to play with as I cannot recall seeing any other children playing with the vehicles.

Danny's *lifeworld* at the age of two, at a time when he only used one and two word utterances to express himself (**Article 12**), was not directly accessible to us adults;

however, attention to his non-verbal communication and actions (**Article 13**), his high level of well-being when with William were clear indications of what was important to him. In this setting, with an ethos of long uninterrupted periods of free-flow play (Bruce, 2011) (**Article 31P**), Danny and William had extended periods of time to play, an important aspect according to Wittmer (2012) for developing social skills and friendships, and I also believe a factor important to young children's well-being in childcare. **Article 3.2** and the protection and care necessary for children's well-being is the next Article discussed and illustrated through Emma's experiences.

## 5.4 Emma's Experience – Article 3.2 – Protection and Care Necessary for Well-being

Setting 4, Finland 27-31.3.2017

Emma's days in childcare are filled with positive experiences and she seems to be enjoying life in the setting to the full. Emma invests 100 per cent of herself in all that she does whether a 1:1 activity with an adult; a chick-art project this week as Easter is just round the corner; playing in the home corner with Mia; or reading books with Eva (educator) and other children, always absorbed by the storyline, responding with words and sounds, keen to turn the pages and answering questions asked. Although Emma happily played with anyone, adults and children alike, Sophia is the friend she enjoys joking around and being mischievous with, and whom she, on the sofa during circle time today, spontaneously gave a kiss to. The routines seem to be in synch with Emma's personal needs for 'food, rest and play'; happily eating what is served; first to be ready for naptime; and cheerful and ready for afternoon play when woken up at two o'clock every afternoon. She seems to enjoy *life conditions* and *life interactions* as much indoors as outdoors. One of the two-year-olds' favourite equipment outside is the two-person seesaw. Today Mia, Billy and Emma are the first ones on the seesaw when the children go outside. Emma and Mia are in the seats at either end with Billy sitting in the middle, facing Emma. Billy and Emma are making chanting sounds and smiling at each other as they go up and down, up and down. As the children slow down, Billy slides off, turns around, and gets back on again, facing Mia this time. Emma slides off and lets John take her seat before climbing back on, facing John. The children get on and off with care yet confidence, giving each other the time to find their balance before the action starts. They all seem to enjoy the physical challenge from the smiles on their faces and the excited sounds they are making. There seems to be a mutual understanding that the two-person seesaw is actually perfect for four children. Although they are experiencing the activity together, they are individually challenged. It is for instance more of an effort for Emma to actually get onto the seat as she is the youngest and smallest, but once on, she and Mia are initially responsible for how high or fast they go, and who can get on or off, as they are the ones in the seats whose feet reach the ground and therefore in control (SE 1-4, 23, 32, 52-53, 81 and 91, Appendix 49).

#### Article 3.2

States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

**Paragraph 2** of **Article 3**, the protection and care necessary for well-being, just like **paragraph 3** of this Article, a child's right to suitable staff discussed above, is rarely referred to as a right when **Article 3** is mentioned. In fact, not even CRIN (2018) gives **paragraph 2** any greater recognition on their website, yet well-being has become a concept gaining more and more attention through reports such as UNICEF's *Innocenti Report Card 11* on children's well-being in rich countries (UNICEF, 2013) and UNICEF's *Innocenti Report Card 14* on children's well-being in the context of sustainable development (UNICEF, 2017). I address tensions between the two concepts, children's rights and well-being, in **Subsection 5.4.6** below when interpreting this Article more closely.

*The Committee* has however long recognised well-being as an important aspect of rights rights in early childhood and the importance of relationships to the well-being of young children (UN, 2005: 4):

The Committee notes the growing body of theory and research which confirms that young children are best understood as social actors whose survival, well-being and development are dependent on and built around close relationships. These relationships are normally with a small number of key people, most often parents, members of the extended family and peers, as well as caregivers and other early childhood professionals.

There is as such an intimate link between **Article 3.2**, and the previously discussed Article, **Article 3.3** (suitability of staff) and the right to play, **Article 31P**.

#### 5.4.1 Interpreting Emma's Experience

Although well-being is a very individual internal state, uniquely experienced at a given moment in time, in Emma's case, all the high scores of 5 on the well-being scale, 31 of the 33 *significant events* registered, were when being together with others, peers (**Article 31P**) or adults (**Article 3.3**) (Appendix 64). In Emma's case there was no one particular child, adult or activity that was the catalyst the week I was in the setting, but a contributing factor seemed to be Emma's temperament, as was the case with Adam's in Setting 2. Both were

easy-going children, easy to please, easy to engage, quick to laugh, and quick to forgive, but apart from an agreeable personality that elicited positive responses from others, I was wondering what else was at the core of Emma's daily experiences in the setting that supported her high level of well-being at the age of two? My question from a phenomenological perspective "**what are these experiences like?**" (van Manen, 2017b: 811) was a very difficult question to answer, and I feared possibly not as in the previous experiences definable in one word, as there is no consensus around a single definition on, or understanding of well-being.

The observations suggest Emma seemed to thrive on the regular routines, the environment was for her developmentally stimulating, and she appeared safe and secure in the company of her peers and educators whom she seemed to like and who generally responded positively to her. Going over the observations, I kept returning to the notion of *trygghet* mentioned above, and the need for children to be and feel *trygg* in their setting and in their relationships to key people in their lives, adults and children alike (**Article 3.3**). As already mentioned, *trygghet* is a concept difficult to translate into English, but in addition to being physically safe and feeling emotionally secure, I would now also propose being *settled* as an aspect of *trygghet*. Being physically **safe**, feeling emotionally **secure** and having **settled** in the setting or daghem was the impression Emma gave in her interactions with others. These three qualities of *trygghet* I see as such as important aspects of the notion of well-being and feeling 'like a fish in water' (**Article 3.2**).

#### **5.4.2 Related Experiential Anecdotes from the other Three Settings**

To get a balanced and structured account of the protection and care necessary for children's well-being, my three qualities of *trygghet*, being safe, feeling secure and settled, are used to frame the discussion. Keeping children physically safe, nurturing emotional security and helping children settle in the setting were aspects of children's reality evident in all four settings; however, there are some tensions with regard to keeping children safe (**Article 19**) and encouraging children's autonomy (**Article 5**); getting the balance right between safety and encouraging calculated risk-taking. Keeping young children safe has for instance been a particular concern in England since the tragic death of eight-year-old Victoria Climbié in 2000, at the hands of her guardians (Laming, 2003). Ensuing safety regulations and an increasingly risk averse society can however negatively impact children's experiences. Calculated risk-taking needs to be part of early childhood *life conditions*. Many early years teachers consider learning to take calculated physical risks important for taking academic risks in other areas of learning (Stephenson, 2003). Risky play is also considered important "because it teaches children about limits, motivates them

to do things differently, and improves their self-belief” (Wilkinson, 2015: 69). Despite known positive benefits, there are barriers to risky play, that the children in Setting 4 loved so much, such as educator fears (**Article 3.3**) and access to a challenging outdoor environment (**Article 29.1 (a)**).

The children in Setting 1 had for instance a very small, flat outdoor space with very limited possibilities for physical challenges, whereas although Setting 2 had access to a much larger outdoor space, it was not very challenging, being flat and dominated by a large sandpit. However, Setting 2 also had a great soft play area where the children could challenge themselves more and learn to take calculated physical risks. Once when Bella lost her footing, Holly (educator) was there to lend her a hand and make sure she felt safe again, and encouraged Bella to get straight back to challenging herself physically again (**Article 3.3**) (Appendix 43, pages 221-222). It was fascinating to see how cautious Bella could be in the two-year-old room and its connected outdoor environment (SE 71, Appendix 47) yet almost uninhibited, challenging herself physically and taking much greater risks in the soft play environment (SE 159, Appendix 47). The transfer of risk taking to other environments was not yet evident with Bella. It was however still physically beneficial, creating moments of high levels of exuberance and well-being for Bella and her best friend Jessica (**Article 3.2**) (Appendix 43, pages 220-222).

Although Setting 3 had a large, slightly hilly outdoor area, the challenges were limited to a small climbing structure with a slide and a collection of low boulders to climb on. The setting with the most potential for physical risk taking was by far Emma’s setting, yet I did not witness any accidents as the children, even the very young like Emma, very ably negotiated the large outdoor playground and woodland space, that afforded great moments of high well-being (**Article 3.2**), as Billy’s experience also illustrates in the next section (**5.5**). Safety requires as such a fine balancing act between potentially protecting children too much and allowing too much risk that leads to accidents and children not being safe or feeling secure.

Children’s sense of emotional security is I believe very much connected with relationships to the adults in the setting and if children can form close relationships with educators, as discussed in relation to Jessica above (**Article 3.3**), and children have a sense of belonging to the peer group as discussed in relation to Danny too (**Article 31P**). There is, I believe, a great link between **Article 3.2** (well-being) and **Article 3.3** (suitability of staff) (SE 69-70, Appendix 48):

**Experiential Anecdote 16.3.17 (SE 69-70) Setting 3, Finland (WB score 5)**

Breakfast time is almost over. Only Isabella and Stefan are still eating at the table. Stefan is singing to himself as he is licking the butter off his crispbread. Olivia, who arrived early today, seems a bit tired. She walks round the table and climbs up onto Ebba's (educator) lap. She sits very still, leaning in close to Ebba. Ebba wraps her arms round Olivia and they have a long cuddle while they wait for Stefan and Isabella to finish their breakfast.

As to feeling settled, Liam's experiences are in stark contrast to Emma's. Despite great concern and efforts by educators in Setting 1, Liam was just not settling. There were tearful separations every time at drop off, and many moments of anxiety during the day when he would ask "Mum, yeah?" and needed to be reassured his Mum would come and pick him up a little later (Appendix 42, page 208). One lunch time was particularly difficult for Liam (SE 81, Appendix 46):

**Experiential Anecdote 21.10.16 (SE 81) Setting 1, England (WB score 1)**

The whole-group session is coming to an end, and the children going home before lunch, go to the cosy area near the door, waiting to be collected. Liam believes he is going home and moves towards the cosy area. Mary (educator) calls him back, saying he is staying for lunch. Liam cries inconsolably when he realises, he is not being picked up yet. His key person talks to him calmly, and tries to comfort him while leading him towards the other side of the room where the children's lunch boxes have been placed on a square table, and where the other children in his key group have sat down. Mary reminds him kindly to go and wash his hands before sitting down. Liam complies but is still crying when he comes back from washing his hands. He eventually settles and starts nibbling at his lunch.

Anxiety was experienced by some children to varying degrees across all four research settings: Andy in Setting 2 and Erik in Setting 3 also found separating from their parents hard, and Mia in Setting 4 apparently stood clutching the lamppost in the forecourt of the setting for the first six months of outdoor playtime (Journal entry, 29.3.17). A big challenge is how to settle that inconsolable or highly anxious child, especially the one who does not have a close relationship with any of the educators in a setting (**Article 3.3**), nor feels a sense of belonging to the group (**Article 31P**), as was the case with Alana in Setting 1 (LE 83, Appendix 46).

I believe, it is only when a child feels safe and secure that they can settle and really develop to their fullest potential (**Article 29.1 (a)**), as was the case with for instance Adam in Setting 2, Danny and William in Setting 3, and Emma in Setting 4, as evident in their consistently high levels of well-being (**Article 3.2**), positive *life interactions* (**Article 3.3** and **Article 31P**) and involvement in all aspects of their *life conditions* (**Article 29.1 (a)**).



### 5.4.3 Similarities and Differences

The concept of well-being was not discussed much by educator across the four settings. The concept of best interest was far more articulated (**Article 3.1**), which although intimately linked to well-being is not interchangeable. My data from all four settings suggest there is a link between **Article 3.2**, the protection and care required for children's well-being, and the notion of *trygghet*, being safe, feeling secure and having settled, all I believe greatly dependent on close relationships to adults **Article 3.3** (suitability of staff), and friendship bonds to peers, **Article 31P** (free play), for children to be able to develop to their fullest potential, **Article 29.1 (a)**. This cut across the two cultural contexts but being *trygg* and working towards this as a process and a goal was much more at the fore in the two settings in Finland, as evident in the interview data.

### 5.4.4 Interpreting Article 3.2 – Protection and Care Necessary for Well-being

The word well-being comes up three times in the English EYFS curriculum (DfE, 2017), twice in relation to safeguarding issues and once in relation to the level of staff competence in the English language required to ensure the well-being of children. The word itself did not come up in conversations with educators in the two settings in England where they were more inclined to express it as Mary from Setting 1: "wanting the best for children" (Appendix 32, question 2d and 4f, pages 150 and 153). This was also the language her colleagues Karen (Appendix 31) and Hannah (Appendix 33) used. There is just a risk when talking about what is *best for children*, if disconnected from rights, that it can be very subjective and even paternalistic, as in 'adults know best', whereas protection and care necessary for well-being can be assessed with observation tools such as for instance the Leuven well-being scale (Laevens et al., 2012), to get more of a *child perspective* (Sommer et al., 2013).

In Setting 2 educators also expressed their concern for children in line with *what is best for children* independent of rights (Appendix 34), although Nina (Appendix 35, question 3a, page 170) did explicitly make links between the two:

Two-year-olds may not necessarily know when they need to rest and you may have to really balance their decision and their choices and their right to make these choices, against what you know is good for their health and well-being.

In the Finnish ECEC curriculum (FNAE, 2017) the word well-being appears thirty-nine times; however, only under two subheadings are there indications as to how to understand

this concept in relation to children's direct experiences. Children's well-being is in the Finnish ECEC curriculum said to be promoted by providing children with:

- A healthy, safe and physically active lifestyle (**Article 24.1-2, Article 19, Article 29.1 (a)**)
- Opportunity to rest (**Article 31R**)
- Nutritious food (**Article 24.2**)
- A stress-free environment (**Article 19**)
- Opportunity to concentrate – I believe better translated as high involvement (**Article 29.1 (a)**)
- Flexible routines (**Article 29.1 (a)**)
- Opportunity for all forms of play (*pedagogical* and *free*) (**Article 31P**)

The Finnish ECEC curriculum is in other words suggesting **Article 3.2** or the notion of well-being in early childhood education is linked to an active lifestyle, opportunity for deep involvement, a stress-free environment with flexible routines, food, rest and play (as Ebba mentioned) which can be directly linked to **Article 19, Article 24, Article 29, and Article 31**, as I have noted in brackets next to each point above. Interestingly this section does not refer to the importance of relationships, which is however addressed in section 2.3 (FNAE, 2017: 32) that states staff have a duty to develop trusting relationships with children, and in section 3.1 they also stipulate staff should: “support the emergence of peer relationships among the children and foster friendships”. These relational stipulations are not however directly linked to well-being and **Article 3.2**, which is what I am suggesting.

The best interests of the child were also at the fore in the two Finnish settings but they in addition talked about the importance of children being *trygg* (physically safe, emotionally secure and settled). Ebba in Setting 3 said she felt it was obvious that the best interests of the child should be at the core of all actions concerning children (**Article 3.1**) and that “children should have the right to a trygg everyday life” (Appendix 36, question 1a, page 172). Ebba's colleague Alice explained that:

All we do here is for the best of the children, talking with the parents; everything is for the best of the child. We say that we must work for ‘*little Lisa to have a good experience*’ ... we work with the parents, have conversations with them, so that little Lisa will be and feel trygg and have a good experience [in the setting]. That is what our work is about (Appendix 37, question 2c, page 180).

From a child's perspective Alice equated being and feeling *trygg* with a child expressing: "it feels good to be here", in the setting. Lisa said the concept of *trygghet* is regularly revisited in what they call *pedagogical conversations* and inset days (Appendix 38, question 3, page 188).

In Setting 4 the best interest of the child was also brought up, and Elisabeth also added that: "The most important thing, I think, is that children have the right to be trygg" (Appendix 39, question 1a, page 191). I mentioned that this word was not used as such in the UNCRC but Elisabeth insisted that *trygghet* is a broad concept that can be quite inclusive in its use. This made me engage with the notion of *trygghet* more, and looking through my data and Emma's experiences in particular, I have begun to link *trygghet* to the protection and care necessary for children's well-being (**Article 3.2**).

Drawing on my data, the aspects or indicators that emerged in relation to children's right to protection and care necessary for their well-being as articulated in **Article 3.2** can be understood, in no hierarchical order, to include the indicators in **Table 21**.

**Table 21: Article 3.2 indicators**

Concept	Article 3.2		
Well-being	Physically safe	Emotionally secure	Settled
Protection and care	Socially accepted	Intellectually stimulated	Contextual
	With adult(s)	With another child(ren)	On their own

I propose that children under **Article 3.2** could be understood to have a right to be safe, feel secure and settled, socially accepted and intellectually stimulated through pedagogical and free play, in relationship with other children and adults.

#### 5.4.5 Other Important Rights to Emma

Emma being just 2 years and 1 month still relied much on non-verbal communication to communicate (**Article 13**) although she was beginning to use simple utterances more frequently in her *life interactions* (**Article 12**). Being from a bilingual Finnish/Swedish speaking home, Emma used words from both national languages but seemed to favour Finnish. The setting was however not a language immersion setting or dual language setting but a Swedish speaking setting where Finnish speaking children attend because their parents want their child exposed to the country's second national language (**Article**

30). The Swedish-speaking educators tended to speak Swedish only; however, if they saw a child was struggling, they occasionally spoke some Finnish and then reverted back to Swedish. I came to believe that this is actually quite important as a child has the right to information they understand. It is as such a fine balancing act between keeping to the setting's language tradition, and making sure children have access to information to be able to make informed choices (**Article 13** and **Article 17**). I base this on experiences with Sophia more so than Emma, but my argument is equally valid in relation to Emma. I found it fascinating that Sophia, Emma's good friend in the setting, who had initially been a bit reserved with me, completely changed after I spoke to her in Finnish one day. She looked at me in total surprise, as up till that point I had only spoken Swedish with her. This moment with Sophia was a very significant moment in our short relationship, from whence she started speaking to me in both languages and began to fully trust me, trust that I would be able to understand her and be there for her if she needed me (LE 105, Appendix 49). As Emma was one of my focus children, but Sophia was not, and I had interacted with Emma more, I believe Emma had worked out I understood both languages before Sophia did. I have come to believe it is very important to occasionally communicate in the child's preferred language, to foster the bilingual child-key person relationship and the development of close relationships (**Article 3.3**). Of the five children who often played together outside (**Article 31P**), only John was from a monolingual, Swedish-speaking family, but as Emma and the other children still relied much on non-verbal communication (**Article 13**), the different home languages did not appear to currently be a barrier to the children in this friendship group.

#### 5.4.6 Well-being and Children's Rights in Tension

A necessary theoretical discussion to have in relation to **Article 3.2** is how *well-being* has become a concept in its own right. There are *well-being* policy and practice frameworks, as evident in Scotland, diverging from the child rights discourse. Tisdall (2015a; 2015b) very coherently discusses the commonalities and tension between the two discourses, and is critical of how they are often casually paired together in both academic literature and policy discussions. Tisdall advises that a choice has to be made as to which is the primary framing for policy and practice, because they are not equivalent concepts, each with its distinct advantages and disadvantages (2015a) briefly discussed below.

Children's well-being has become a popular research concept as for instance evident in the previously mentioned UNICEF Report Cards (2013; 2017). The well-being discourse has according to Tisdall (2015a) a strong academic heritage within a predominantly quantitative paradigm, which is also my understanding from attending the *VII International*

*Conference on Childhood Studies* in Åbo, Finland, in 2016 where I had the opportunity to become more familiar with Professor Ferran Casas and Professor Jonathan Bradshaw's work on child well-being and the *Children's Worlds* project (Ben-Arieh et al., 2014; Bradshaw and Rees, 2018; Casas and Gonzalez-Carrasco, 2019; Rees and Main, 2015). Although I consider the *Children's Worlds* project a hugely important study, one of its limitations from my perspective is that early childhood is not included for what I presume are age related reasons, as the research is questionnaire based. The three age groups studied are eight, ten, and twelve. The appeal of the well-being discourse however is that it addresses relational aspects (Lundy, 2014) such as love, attachment, and friendship and can as such be seen as broader and more relational than the children's rights discourse. In addition, the well-being indicators are more measurable, quantifiable, and seem to satisfy current preferences for evidence-based, quantifiable data (Tisdall, 2015b).

The children's rights discourse, within the more general framework of human rights law and other international treaties (OHCHR, 2014) on the other hand, has a more philosophical history, and research has tended to be more qualitative in nature (Lundy, 2014; Tisdall, 2015a). This is considered a drawback in today's evidence-based climate and partiality for impact data, as is the legal language of rights that may be perceived as confrontational (Tisdall, 2015a). However, Tisdall correctly points out what Freeman expressed already a long time ago, that no other approach has the "moral coinage" the rights discourse has (Freeman, 1983: 2). A well-being framework lacks the strength of entitlements and state accountability (Lundy, 2014; Tisdall 2015a).

Although "children's rights can include much of children's wellbeing; [and] children's well-being can include much of children's rights" (Tisdall, 2015a: 818), I believe the primary framing for policy and practice in early childhood should be a children's rights framework because it changes how we think about children from a needs-based, well-being paradigm, to a more agentic view of children where children are *entitled* to being respected as beings of equal worth to adults, rather than *deserving*, depending on needs. However, for this perspective to evolve, all adults working with or for children need to be trained and supported in developing their knowledge of children's rights and the UNCRC. It is interesting to note how in Scotland the development of the *Children and Young People (Scotland) Act 2014* gradually evolved and moved away from potentially a rights-based framework to simply being rights-informed, to more of an outcome-based well-being approach. Although the *Act 2014* refers to the UNCRC and children's rights, and supporting documents informing the development of the Act, such as Aldgate's (2013) detailed document mapping rights to the well-being indicators, still available on the

government website, the more recent supporting documentation, *Understanding Wellbeing*, does no longer align the well-being indicators to the rights under the UNCRC (Scottish Government, 2018). Arguments against a rights-based framework that need to be addressed more actively are: local applicability, (unfounded) litigation fears, resistance to some social and economic rights (such as the right to play), lack of impact data, and lack of legal support (Tisdall, 2015b). At the ROCK (2018: 12) annual conference Lundy also cautioned that:

A diluted approach to child rights (“child rights light”) is unlikely to garner support from those whose expertise lies in human rights generally and the [UN]CRC in particular. It is unfortunate then that references to the [UN]CRC in discussion about well-being are sometimes very loose or inaccurate, seemingly deployed as an international policy backdrop or to give pseudo-legal legitimacy to existing well-being approaches rather than indicative of any real attempt to engage with the [UN]CRC and its reconceptualization of the child as a holder of rights.

The concept of well-being appears as such to be taking on a life of its own, independent of the rights discourse, despite also being a concept within the UNCRC as evident in **Article 3.2**. Interestingly Morrow and Mayall voiced concerns in 2009 about the lack of criticality of the burgeoning well-being discourse; the hegemony of quantitative data; as well as how well-being was measured and operationalised in research. Morrow and Mayall (2009) suggest we should not only recognise that the concept of well-being is actually ‘muddy’, but also question what is being measured and the claims made based on the collected data. They suggest for instance that what is being measured in the UNICEF (2013) report on child well-being feeds into a deficit model of children and childhood and there is therefore a need for a more balanced discussion. This could be achieved, Morrow and Mayall propose, by combining qualitative and quantitative data and using the UNCRC as an instrument for social change. Although I agree with Morrow and Mayall that we should try to capitalise on the strength of both frameworks, a choice still needs to be made as to which is the organising framework; children’s rights or well-being (Tisdall, 2015b).

Morrow and Mayall (ibid.) in addition feel the current well-being discourse is too decontextualised and disconnected from adulthood in line with Spyrou’s (2017) thinking mentioned above. They suggest children’s well-being needs to be assessed taking interconnections and interdependencies of childhood and adulthood into consideration to be more considered. In other words, existing indicators could be complemented with children’s experiences and viewpoints. I believe this more relational and contextual

approach is in line with my understanding of **Article 3.2**. I agree with Morrow and Mayall that the current well-being discourse risks being too individualistic, too subjective, and potentially depoliticises children's lives. The political nature of early education is more evident within a child rights framework. Tisdall (2015b: 785) suggests that we need to "use the "soft power" of promoting awareness and understanding of children's rights to forward children's rights as a policy and practice framework", and I would add to recognise the political nature of the social construction of childhood.

In the final key *experiential anecdote* we stay in Setting 4 and meet Emma again together with her small group of friends and discover how *free play* in the outdoor environment can be transformational. Billy's experience is about how outdoor affordances can support children's development (**Article 29.1 (a)**) in a way the indoor environment cannot.

## 5.5 Billy's Experience – Article 29.1 (a) – Aims of Education – Develop to Fullest Potential

Setting 4, Finland 28.3.2017

As you walk over the large forecourt, past the big climbing structure and slide, seesaw and sandpit, wooden playhouse and swings, you come to a long wooden fence with a gate. This crisp winter morning the gate is ajar and Billy, John, Emma, Sophia and Mia run through the gate, into the woodland area. They run right to the edge of the wood and climb onto a large rock. They look out over the woodland and from where they stand, Billy, the chieftain, suddenly screams: "*Lion!*" The other children join in:

John: Aaaaah!

Emma: Raawr! Lion! Aaiieek!

Sophia: Lion!

Billy: Lion!

Billy, 2 years 9 months, jumps off the rock and lands ably on his two feet, Sophia, 2 years 11 months, with a big stick in her hand, follows suit with an elegant high jump. Emma, just 2 years 1 month, jumps off, stumbles, falls to her knees, and picks herself up while John, 2 years 9 months, carefully jumps off last. I watch the children run and stumble off into the distance, away from the 'lion'. From where I stand I can just about see Sophia jump over a large stone, Billy stumble past a tree, over an icy patch and onto a small rock. Emma is jumping on and off big stones, weaving in and out of trees, over roots, and brushed by branches in the wild vegetation. Sophia leads the way for a while, looking for safety, but trips over a root, falls, and Billy takes the lead again. John follows cautiously a little behind. All the while Mia has been watching the spectacle from the middle of the woodland, not sure she wants to be chased by a 'lion'. Moving slowly, looking over her shoulder towards the forecourt, and back at the group of children a few times, Mia then decides to leave, to make sandcastles in the semi-frozen sandpit on the forecourt instead. The children running away from the lion clamber onto another big boulder and finally find safety, and time to catch their breath. The chieftain looks very pleased (SE 37, Appendix 49).



#### Article 29.1

States Parties agree that the education of the child shall be directed to:

**(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;**

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

As evident above, **Article 29.1** consists of five subparagraphs; however, reference is usually mainly done to **subparagraphs (a) to (c)**. CRIN (2018) essentially paraphrases rather than interprets these three subparagraphs by stating that:

A good quality education has to be about promoting rights not only in what is taught but also in how it's taught. This recognises that children are individuals and education should be directed towards each child's personality, talents and abilities. In other words, education should help children to become well rounded people and develop respect for the people and world around them, as well as teach them how to write and add up.

In the first of now twenty-four *General Comments*, the guidance on how to interpret **Article 29.1**, *the Committee* (UN, 2001: 2) specifies:

The goal is to empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence. "Education" in this context goes far beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society.

Much of the focus in *General Comment 1* is on **subparagraph 1 (a)** and children's general development. This is also the case in Billy's anecdote, where an aspect of **Article 29.1 (a)** is the focus; however, I will be discussing **subparagraph (b)** in the final chapter.

### 5.5.1 Interpreting Billy's Experience

Throughout the whole lion chase there was no adult in the woodland area. They were on the forecourt, keeping an eye - a very distant eye - on the children. The children were free to play in the natural environment, developing social and physical skills, making choices and taking chances together, without adult interference or intervention; a deliberate *laissez-faire*, and full awareness and acceptance on the part of the educators of the possible consequent bumps and bruises (**Article 19**). In a conversation with the manager in Setting 4, she agreed with my interpretation of the event and said: "If everything is going well, children are left to play, we give them space" (Personal communication, 16.4.2019). From a phenomenological point of view, the question once more is: "**what is this experience like?**" (van Manen, 2017b: 811). What is it like for Billy, at the age of two, to be able to run free (physically and emotionally), being physical, loud and exuberant, with some distance from the adult gaze? For Billy, playing (**Article 31P**) and learning outdoors (**Article 29.1 (a)**) was **challenging** and **rewarding**, allowing him to be fully himself in a way the more confining indoor environment did not allow (**Article 3.2**). Access as such, to a challenging outdoor environment in early childhood could be seen as an important aspect of **Article 29.1 (a)** for some children to really be able to develop to their fullest potential and not be discriminated against due to their age or temperament (**Article 2**); in this case a summer born boy. When I showed the children the clip, they laughed, made roaring sounds and stomped their feet. It seemed to be their favourite clip, this one and other clips involving risky play also evoked strong responses from the children. Emma, John, Sophia and Billy screech with pleasure when they saw the clip with them rolling down the rocky slope on the ride-on vehicles, pretend-crashing into each other, and falling over (SE 106-108, Appendix 49). These were large motor skill experiences only possible outdoors and therefore arguably an aspect of quality outdoor affordances in ECEC (**Article 29.1 (a)**). As much as I personally and professionally promote outdoor play as fundamental for children to develop to their fullest potential, it has to be recognised that not all children enjoy playing outdoors. In fact, there was again a child in each of the four setting that did not: Liam (Setting 1), Jessica (Setting 2), Isabella (Setting 3) and Mia (Setting 4), who had to be cajoled to join the other children outside. Once outside they were usually fine, but it was not their preferred environment.

On a side note, as I had been following the children, filming them from a distance the morning of the lion chase, I started wondering: was I the 'lion'? I asked the children the following day when we watched the clip together. Looking up at me with a surprised look on his face Billy answered: "No. Lion angry."

### 5.5.2 Related Experiential Anecdotes from the other Three Settings

The anecdote illustrates one way in which the indoor and outdoor environments or *life conditions* differ and influence children's experiences and development. The outdoor environment obviously allows for children to be physically more active and exuberant whereas the indoor environment is more conducive with controlled play, often arranged in areas of provision such as a home corner, book area, construction area, art area and so forth, equipped depending on a setting's philosophy and financial resources. Setting 1 for instance had a huge, well planned and well resourced indoor space, but a very small outdoor environment with flower beds, vegetable planters, a mud kitchen, a small artificially turfed area and space for a Tuff Tray that was used for various activities. The limited outdoor space could not be helped, but fortunately the setting had access to a *Forest School* site, which was the only time the children were able to engage in gross motor activities. However, one of the parents mentioned the children had not been to *Forest School* 'for ages' (Appendix 24). The children were therefore experiencing mainly indoor like activities both indoors and outdoors.

Setting 2 had a purpose built, well-resourced room for the two-year-olds with direct access to a large outdoor space that allowed for gross motor activities such as running, jumping, throwing and kicking balls, but there was no playground equipment. It was as such a safe outdoor space with limited possibilities for risky play. As previously mentioned, what the setting did have was a challenging *Soft Play* area indoors where children were able to take more calculated risks. Interestingly, Bella was equally cautious outdoors as indoors, for instance when walking on a low plank path in the sandpit, compared to when in the *Soft Play* area where she always was a much more daring child (SE 159, 161, 166, Appendix 47):

<b>Experiential Anecdote 25.11.16 (SE 159, 161, 166) Setting 2, England (WB score 5)</b>
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While Holly (educator) sorts out Jessica's hair and hair clip, she calls out: " <i>Ready, steady, go!</i> " to Bella who is standing on top of the soft play equipment, waiting in anticipation as Holly is calling out, and confidently jumps off the edge with a high jump.
---

Bella scrambles up to the edge again, where Jessica is now waiting. They stand on the edge together, waiting for Holly to count. Holly counts down from 3 and they jump up high, with big smiles, before landing safely.
--

The children also play hide and seek in and behind the large soft play equipment, Bella screeching with pleasure, and throwing herself about when being found.
--

Both Finnish settings had small indoor slides the children could use for some more large-scale play indoors, and Setting 4 had some exercise mats too, but it was outdoors that

more high-spirited and energetic risky play could take place. Setting 3 had a toddler scale climbing structure, a rocker and roundabout but also large glacial boulders the two-year-olds could explore as well as a fairly large area the children could roam over, and play away from the immediate adult gaze. In this setting the children also have access to a woodland area but depending on how harsh the seasons are the climate does reduce the frequency of visits in the middle of winter. The age of the children is also a factor. If the children in the group are more towards two than three years of age and some children really need their midday sleep, they tend to visit the woodland area less frequently even though the educators really value how outdoor affordances allow for a different kind of play some children really need (SE 81, Appendix 48):

**Experiential Anecdote 16.3.17 (SE 81) Setting 3, Finland (WB score 5)**

It is time to go in for lunch. Most children are inside, getting changed out of their snowsuits. Martin and Stefan are at the top of the small climbing structure. They, throw themselves down the slide, not waiting for the other one to get out of the way, crashing into each other, climbing over each other, laughing with pleasure, the last ones still playing outside.

The adults in Setting 3 also kept at a 'safe distance' from the children. Alice mentioned recently, just like the manager from Setting 4 above that: "If everything is going well, you let them be" (Journal entry, 15.3.19). It was really fascinating to see how the different environments brought out specific aspects of children's characters, which just shows how for children to develop to their fullest potential (**Article 29.1 (a)**) 'one size' does not fit all.

### 5.5.3 Similarities and Differences

The big difference between the two settings in England and the two in Finland with regards to this Article was how the outdoor environment was kept safe and secure in the two settings in England but arguably limiting children's opportunities to learn to take calculated risks when developing their gross motor skills. In the Finnish settings, although the notion of *trygghet* and the desire for children to be and feel safe and secure is at the core of practice, there were still more opportunities such as climbing over boulders and playing on larger playground equipment to challenge the children and allowing them to take calculated risks. It was far more acceptable for children to get bumps and bruises in the two settings in Finland but the trade-off clearly considered worth it, well aware that the children were at no time in danger.

### 5.5.4 Interpreting Article 29.1 (a) – Aims of Education

Looking closer at the indicators that emerged from the data in relation to **Article 29.1 (a)**,

as illustrated in **Table 22** on page 216, I see three main topics: the national curriculum; child-centredness that is fundamentally about relationships; and the environment (indoor and outdoor affordances), in other words, indications of some of the *life conditions* (Lebenslage) and aspects of *life interactions* (Lebensinteraktion) necessary for children to develop to their fullest potential.

Firstly, the curricula (*life conditions*) in England and Finland are distinctly different, and have therefore logically different impact on children's experiences. The prescriptive English *Early Years Foundation Stage* curriculum (DfE, 2017) with its emphasis on *school readiness*, and *Early Learning Goals* expected to be achieved before Year 1 creates an environment where children are assessed, as opposed to *provision* being assessed, as is the case in Finland. The main implication of this in my opinion is the impact it has on the adult-child relationship. In England where educators constantly have to think about measurable progress, I believe inadvertently fosters more adult-centric interactions or *pedagogical play* provision and experiences (as described above). Mary from Setting 1 (Appendix 32, question 3a, page 151) said because of the low socioeconomic area they are located in:

I know we've never sent a child [to school] with [having reached] the *Early Learning Goals* across the board, but we are going to find a child's key strength and develop that to their fullest potential.

Hannah from the same setting added that (Appendix 33, question 4d-e, page 157):

If you've only got a child coming in when they are fully funded at three, and if they are borne in August, you only have [them for] three terms. You've only got thirty-eight weeks to get all that information into them. Whereas if you have a child on two-year-old funding, you can [potentially] have them for two years [before they go to school]. You get so much more into them.

An interesting choice of words, *getting more knowledge into the children* ... Both Mary and Hannah were as such focused on closing the already apparent attainment gap and getting the children as ready as possible for school at the age of four. This *readiness for school approach* was not mentioned in Setting 2 in England, that was however located in a more diverse area, and the notion of *school readiness* was not at all on the agenda in the two Finnish settings where the talk was all about *trygghet* and basic needs such as "mat och vila och lek", "food and rest and play" at this age, according to Ebba (Appendix 36, question 2c, page 174).

Secondly, on the topic of child-centredness, *the Committee* already emphasised this aspect in their very first *General Comment* (UN, 2001: 4) as one of the aims of education:

Consistent with the Convention's emphasis on the importance of acting in the best interests of the child, this article [Article 29.1] emphasizes the message of child-centred education: that the key goal of education is the development of the individual child's personality, talents and abilities, in recognition of the fact that every child has unique characteristics, interests, abilities, and learning needs.

However, Power et al. (2018) suggest that child-centred education is not without its problems, as it can actually disadvantage some children as evident in their three-year evaluation of the *Foundation Phase* in Wales. They conclude that although their data suggest a child-centred pedagogy is overall associated with increased child well-being in early childhood, it appears to be favouring some children over others. Girls and more privileged children seem to benefit over disadvantaged working class children, boys in particular, because children in settings in more disadvantaged areas seem to experience a narrower curriculum. With that, Power et al. mean they observed more adult-directed interactions and less warmth and encouragement in more disadvantage areas. I would interpret this to mean that they are suggesting the problem is located in the educator's adult-centric *personal pedagogies*, which I see as unhelpful in the broader discussion on child-centredness. In fact, I question the usefulness of this commonly discussed dichotomy of adult- versus child-centred pedagogies as it polarises the discussion in an unhelpful way and could do with being more critically discussed, not only in relation to this Article but also in general. Maybe we need to consider that the concept of *child-centeredness* has served its purpose and shift the focus to a more sociological and *relationship-centred* view of children and childhood, in line with Spyrou's (2017) thinking. There appears to be a gradual move away from this child-centred, individualistic thinking towards a more relational pedagogy (Asplin, 2011; Morrow and Pells, 2012; Papatheodorou and Moyles, 2009; Spyrou, 2017) or *relationship-centred* practice in education. A *relationship-centred* approach fits well with the notion of *trygghet* as mentioned in Setting 3 and Setting 4, as children can only be and feel *trygg* in safe and secure relationships to educators (*life interactions*). "This is what our work is about" said Alice in Setting 3 (Appendix 37, question 2c, page 180). A more *relationship-centred* paradigm would also open up the possibility of seeing more clearly what my data is suggesting, the importance of peer relationships to two-year-old children's development, as discussed above in **Sections 5.2** and **5.3**.

Thirdly, as to the environment or *life conditions*, the observations revealed clear difference in children's play behaviour indoors and outdoors, both with distinct affordances. Unless there were special arrangements such as a gym mat, a small slide or a designated soft play area, the indoor environment involved fewer physical challenges and more sedentary play and learning. Outdoors the challenge of getting the balance right between safety (**Article 19**) and encouraging calculated risk-taking in an increasingly risk averse society has already been mentioned in relation to Emma above (**5.4.2**). It was interesting to note that both the oldest and the youngest of the focus children in Setting 4, Billy (2 years 9 months) and Emma (2 years 1 month) thrived in their big outdoor environment. Interestingly, Hansen Sandseter and Ottesen Kennair (2011) suggest there is an evolutionary function to children seeking out risky play and they point out the possible negative consequences on future coping behaviour, due to the increasing lack of opportunity for children to engage in age appropriate risky outdoor play. I believe the many benefits of risky play to child development are in no doubt (Bilton, 2010; Brussoni et al., 2015; Hansen Sandseter and Ottesen Kennair, 2011); however, it is as with so many of children's experiences in early childhood wholly dependent on adult perspectives (**Article 3.3**), and access to a challenging outdoor environment. It could be argued that children's natural urge for risky play (Hansen Sandseter, 2009; Hansen Sandseter and Ottesen Kennair, 2011) could be seen as an aspect of **Article 31P** and the child's right to play, and right to develop to their fullest potential (**Article 29.1 (a)**) within a safe yet challenging outdoor environment, even for the very youngest in ECEC.

An aspect not yet mentioned in relation to the indoor and outdoor affordances or *life conditions*, is the resources. Resources played a central role in how children engage with each other and with the adults as already mentioned in **Subsection 5.2.3** in relation to furniture design and lunchtime interactions. If the resources were easily accessible on low tables or open shelves, it encouraged children's independences and decision making in what interests to explore (**Article 5**); however, this was not always the case. In Setting 3 in Finland the books were for instance on the top shelf of a wall unit, as previously mentioned, and the children had to ask for them to be able to look at them. This led to Martin pushing a chair towards the shelves one day saying: "book", indicating he wanted one. On another occasion another very independent two-year-old tried to climb the shelves to reach them (SE 50, Appendix 48). On a subsequent visit to the setting two years later, I noticed the books were now kept in an easily accessible book box on the floor and when I asked why they had previously been kept out of reach, Alice (educator) answered: "Go figure!" (Journal entry, 15.3.19).

Broadly speaking, I am back to the notion of quality, saying **Article 29** can be said to be about the right to quality education from birth (UN, 2005). Suffice to say, interpretations of **Article 29.1** have been discussed within the scope of my data, which is linked to **subparagraph (a)**, and whilst recognising its incompleteness, necessarily limited for a measured discussion within the scope of this thesis.

Drawing on my data, the following aspects or indicators that emerged in relation to observations linked to two-year-old children and the right as articulated in **Article 29.1 (a)** can be understood, in no hierarchical order, to encompass the indicators in **Table 22**:

**Table 22: Article 29.1 (a) indicators**

Concept	Article 29.1 (a)		
<b>Aims of Education</b>  Indoor and outdoor affordances	Resources accessible	Resources inaccessible	Routines work well
	Routines are challenging	Transitions	Staff expectations
	Time to explore	Being outdoors	Pedagogical knowledge
	Child on their own (involved)	Child on their own (uninvolved)	2 children together (1:1)
	SG of children on their own	Adult nearby responding	1:1 interaction with adult
	2 children with adult	Small group with adult	Whole group activity
	Ratios	Rewarding experiences	Challenging experiences
	Knowing child's interests	Child centred	Relationship centred

I propose that to recognise children's right to develop to their fullest potential, children need to be in a challenging and rewarding environment, on a physical, social, emotional and cognitive level. Between the four research settings, **Article 29.1 (a)** featured over 600 times in the *significant events* documented. **Article 29.1 (a)** is as such an important *Guiding Article* in early childhood.

#### 5.5.5 Other Important Rights to Billy

My observations revealed that Billy was the happiest, most challenged and connected to other children when outdoors. There were several interactions that ended in tears indoors (**Article 3.2** and **Article 3.3**) but only one tearful incident happened outdoors. The indoor incidents seemed to be around transition points, like using the potty before going outside, settling down for lunch or at naptime. Something was not working for him in the indoor *life conditions* and *life interactions* but I was there for too short a time to ascertain what it could



have been. Billy also had more positive *life interactions* with his peers outdoors than indoors. Despite observing several tearful incidents, Billy was a very engaging child who really enjoyed playing in a small group (**Article 31P**), and his desire to be in charge only came to fruition outdoors, where he was able to engage in more boisterous and risky play, challenging himself (and others) physically (**Article 19**) and taking pride in his abilities (Appendix 45, page 256). It really seemed to be in his best interest (**Article 3.1**) to be outdoors as much as possible, at this point in time in his development (**Article 3.2**). Two years on, when I saw him again, he seemed much more content and settled indoors, when we sat down to watch some of the footage from 2017. He smiled readily, made comments and asked questions, laughed with Sophia, as we were watching clips they were in from two years ago (Journal entry, 16.3.19). Now, as then, he seemed to be keen to communicate his thoughts (**Article 12**) and seek information (**Article 13** and **Article 17**), to make sense of his experiences.

The five main Articles explored in this chapter were Articles that all sixteen focus children had in common, across the four research settings, which is why I classify them as *Guiding Articles*, Articles that that may be universal and can guide how we reflect on pedagogy and children's experiences in ECEC. Looking more closely at these Articles, taken together, the questions that came to mind was: what do these rights address? Have they got something in common? Drawing on Frezzo's (2015: 42) work and his sociological perspective on human rights, Frezzo suggests that by examining how different types of rights are connected in theory and practice, we may refashion existing conceptions of human rights, "imagine new ways of interpreting or augmenting the existing rights canon". One way of augmenting the existing rights canon is through "rights bundling" (ibid.). The purpose of *rights bundling* according to Frezzo is to effect change. This is discussed in relation to my data in the next section and as a structured way of synthesising my data as well as giving credibility to the *Guiding Articles* and their related indicators that were identified in each of the *key experiential anecdotes*.

## 5.6 Rights Bundling

This section is mainly informed by Frezzo's (2015) work and his interpretation of *rights bundling* from a sociological, human rights perspective. Frezzo recognises that the concept of rights bundling is nothing new. Rights bundles, "parcels of interconnected rights", (ibid.: 4) have long been used to explain the complexity of property law; however, his sociological interpretation is quite novel. *Rights bundling*, according to Frezzo is a way

of translating international declarations and conventions or treaties to specific circumstances and in the process possibly influence policy and law.

Frezzo's (2015) sociological perspective of human rights consists of four concepts. They can be understood in relation to children's rights in educational contexts as follows:

1. Rights conditions – circumstances that have led to objections by vulnerable groups or in the case of children, circumstances that led to adults drafting the UNCRC on behalf of children.
2. Rights claims – the process of how NGOs have engaged with rights in accordance with their objectives, demanding protection and entitlements for a particular group, such as Save the Children or UNICEF and their child rights agenda.
3. Rights effects – outcomes of how the attainment of rights changes institutions and social relations, such as UNICEF's *Rights Respecting Schools*.
4. Rights bundles – examining how different types of rights are interconnected and cut across categories, both in theory and practice.

This approach necessitates imagining new ways of interpreting rights instruments. Frezzo uses Amnesty International as an example of how they have used *rights bundling* to effect change and improve social and economic conditions for minority groups across the world by bundling the right to food and water, the right to adequate housing, the right to health and development, and the right to education.

Frezzo argues we need the concept of *rights bundling* because the previous generations of declarations, conventions or treaties, although the foundation of the human rights discourse, do not adequately resolve new issues. He believes *rights bundling* can be a way of furthering various more current debates. In other words, Frezzo uses his four concepts as a way of reinterpreting and creating new rights in response to new issues and concerns.

In the case of the UNCRC, children's rights are thirty years old, and in our rapidly changing world some aspects of *life conditions* and *life interactions* are also not adequately covered, as issues or concerns have changed or emerged since the original drafting process in the 1980s. The three Optional Protocols (OHCHR, 2019c) that have been adopted since the ratification of the UNCRC are evidence of the inclusion of more rights for children since 1989 to reflect changing childhoods. Examples, of other more recent concerns not adequately covered by the UNCRC, that Professor Michael Freeman (2015) mentioned in

his second *Hamlyn Lecture* in November 2015 are for instance sexting or the needs of migrant or gay children. The concept of *rights bundling* is therefore an interesting concept in relation to children's rights when exploring contemporary issues, priorities and concerns.

The formulation of a *rights bundle* involves three steps (Frezzo, 2015):

1. The identification of an issue that has not been addressed sufficiently by existing rights.
2. The demonstration of how the issue cuts across two or more categories of rights.
3. The articulation of a rights claim.

The important question to me, researching children under three, was how to identify rights issues that are genuine issues for this age group? In other words, how can we make sure an issue, priority or concern we choose to *bundle* is from a *child* or *children's perspective* (Sommer et al., 2010) and not only issues we adults, personally or professionally consider important? I wanted to try to avoid the "adult construction dilemma" as discussed by Tobin (2013: 412); the adult identification of children's issues without involving children. I propose that one way of doing this is by using my *Significant Events Approach to Children's Rights* as this approach identifies what are important issues, priorities or concerns to young children as expressed through their strong emotional involvement. My *Significant Events Approach* also contextualises the rights discourse to local circumstances, something Kerstin in Setting 4 suggested is necessary for educators to understand how rights are relevant to practice, let alone making rights relevant to a cohort of children. A *Significant Events Approach* to children's rights listens to children (**Article 12**) and also takes note of children's non-verbal communication (**Article 13**) when identifying issues, which are both necessary to take a *child perspective* and respecting *children's perspectives* (Sommer et al., 2010).

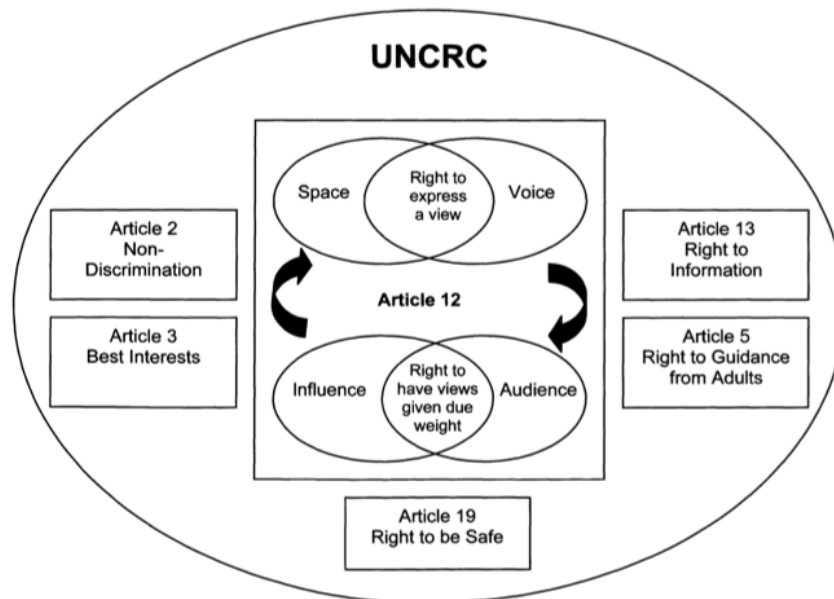
When I originally applied my data to the *bundling* process in 2018, the first *rights bundle* I explored was a *relationship bundle*. **Table 23** illustrates how I formulated it but I will explain why I in 2019 came to question my original formulation.

**Table 23:** Relationship bundle

Relationship Bundle	
<b>Step 1</b>	<p><b>An issue that has not been addressed sufficiently by Article 3.3 of the UNCRC:</b></p> <p>Children's secondary attachment bonds to adults.</p>
<b>Step 2</b>	<p><b>The categories the issue cuts across:</b></p> <p>Article 3.1-3 – well-being and suitability of staff – Protection right  Article 12 – respect for children's views – Participation right  Article 13 – freedom of expression – Participation right  Article 29.1 (a) – to develop to fullest potential – Provision right  Article 31P – play – Provision right</p>
<b>Step 3</b>	<p><b>Translating the issue into a rights claim:</b></p> <p><i>States parties recognise the right of the child to such protection and care as is necessary for the child to form attachments to staff in institutions, services and facilities responsible for the care and protection of children.</i></p>

With this *rights bundle* I wanted to give greater recognition to the now widely accepted fact that children are social beings from birth with an innate desire to connect (Trevvarthen, 2011) and with emotional needs for meaningful relationships (Page, 2018). I believed the adult-child relationship to be so vital to children's well-being and healthy development in ECEC it warranted being considered a right. I saw this *rights bundle* as a subparagraph to **Article 3.3**. However, by doing so, I in effect encourage the notion that anyone can create rights as they see fit outside of the existing legal system, which is problematic. As previously mentioned, Optional Protocols have been adopted to legitimately recognise contemporary or changing childhood circumstances. I still felt there was something relevant to the notion of *rights bundling* and upon reflection, I would argue that, even if not referred to as such, that the much-acclaimed Lundy (2007) model of child participation can be seen as a *rights bundle*, a reformulation of the right to participation as articulated in the UNCRC, see **Figure 13** on the next page.

In a private conversation with Professor Laura Lundy (17.7.2019), she agreed with my suggestion that her model of child participation could in fact be seen as a *rights bundle*. It was when studying it closer, I realised Lundy's model is drawing on existing Articles or rights in the UNCRC and conceptualises participation in relation to them. I believe the way I had been exploring adult-child relationships may have been in too liberal a way, not initially recognising the fact that building on a treaty like the UNCRC is a negotiated



**Figure 13:** The Lundy Model of Child Participation (Lundy, 2007)

process, not a unilateral creation of new rights or Articles. Approaching my data from within the UNCRC, not wanting to challenge its integrity but working with it, I therefore suggest that my *relationship bundle* can be reframed as conceptualising **Article 3.3**, illustrated in **Figure 14** on the next page. This conceptualisation links the universal *Guiding Articles* with what I call the setting specific *Significant Articles* identified in this study, thus contextualising children's rights. The shaded Articles are the *Guiding Articles* and the Articles illustrated in white represent relevant *Significant Articles* as identified in this study. Some (hexagonal) areas have been left empty for symbolic reasons, for the possibility of expanding on this conceptualisation in future studies. Conceptualising **Article 3.3** in this way respects the origin of children's rights or Articles as expressed in the UNCRC but aligns **Article 3.3** with a more situated understanding of adult-child relationships in early childhood. Step 1 and Step 2 of Frezzo's approach to *rights bundling* are adhered to; however, a new rights claim is not proposed under Step 3, but a conceptual statement is articulated, in this example recognising the fact that children are social beings from birth with emotional needs for meaningful relationships (Page, 2018) and a desire to connect with adults (Trevvarthen, 2011). It can be articulated as follows:

**Figure 14:** Conceptualising **Article 3.3** (relationship bundle)

**1. An issue that has not been addressed sufficiently by Article 3.3 of the UNCRC:**

Children's bond to adults.

**2. The Articles and categories the issue cuts across:**

- Article 3.1 – Protection
- Article 3.2 – Protection
- Article 12 – Participation
- Article 13 – Participation
- Article 19 – Protection
- Article 29.1 – Provision
- Article 31P – Participation

### 3. Translating the issue into a statement:

It is in the child's best interest and for the protection and care necessary for the child's well-being that adult-child relationships, as expressed by the child verbally and through non-verbal communication, in pedagogical and free play, shall be a primary consideration in order to support the child in feeling safe, secure and settled [*trygg*]; for the child to be able to develop to their fullest potential.

Although formulated using language from the UNCRC to clarify how adult-child relationships can be conceptualised as an aspect of **Article 3.3**, this statement in Step 3 is a rights-informed value statement rather than a rights claim as it is my interpretation and contextualisation of how to understand a particular Article. It does however show the interconnection of the various articles of the UNCRC, contextualised to ECEC. The following examples follow the same format and at the end of this section I link all the examples together in a concluding paragraph, explaining how this theorising links in with the *Children's Rights Observation Guide* (CROG).

The second example from my data conceptualises **Article 13** and could be called an *expressions bundle* with a focus on non-verbal communication as a facet of **Article 13** as illustrated in **Figure 15** on the next page. Following the three step formulation, it can be articulated as follows:

#### 1. An issue that has not been addressed sufficiently by Article 13 of the UNCRC:

Valuing non-verbal communication and body language as legitimate forms of expressions.

#### 2. The Articles and categories the issue cuts across:

- Article 2 – Protection
- Article 3.1 – Protection
- Article 3.2 – Protection
- Article 3.3 – Protection
- Article 29.1 – Provision
- Article 31P – Provision

#### 3. Translating the issue into a statement:

So as not to be discriminated against, it is in the child's best interest and for the protection and care necessary for the child's well-being that educators value

different forms of communication, as evident in the child's pedagogical and free play, in order to support the child in feeling safe, secure and settled [*trygg*]; for the child to be able to develop to their fullest potential.

**Figure 15:** Conceptualising **Article 13** (expressions bundle)

Data from this study further suggest outdoor learning also needs to be considered a facet of **Article 29.1**, as illustrated in **Figure 16** on the next page. This conceptualisation recognises that for children to develop to their fullest potential, children's diverse needs to learn and develop in different environments needs to be acknowledged more. This conceptualisation recognises the unique affordances of the outdoor environment and children's need for safe yet challenging outdoor experiences, not addressed sufficiently under **Article 29.1** nor adequately addressed in *General Comment 1: the aims of education* (UN, 2001). Following the three step formulation, it can be articulated as follows:



**Figure 16:** Conceptualising **Article 29.1** (outdoor learning bundle)

- 1. An issue that has not been addressed sufficiently by Article 29.1 of the UNCRC:** Outdoor learning.
- 2. The Articles and categories the issue cuts across:**
  - Article 2 – Protection
  - Article 3.1 – Protection
  - Article 3.2 – Protection
  - Article 3.3 – Protection
  - Article 12 – Participation
  - Article 13 – Participation
  - Article 16 – Protection

- Article 19 – Protection
- Article 29.1 – Provision
- Article 31P – Provision

### **3. Translating the issue into a statement:**

So as not to discriminate against different ways of learning, it is in the child's best interest and for the protection and care of the child's well-being that outdoor affordances are a primary consideration, taking the child's views and non-verbal communication into account, as evident in pedagogical and free play, by adopting a balance between safety, challenge, and privacy in outdoor play; in order for the child to be able to develop to their fullest potential.

My data further support the notion that friendship bonds between children is an issue that has not been addressed sufficiently by the UNCRC, and could be seen as a facet of **Article 31P** – a child's right to play – with friends. This issue is also about relationships, as the first example but in relation to peers. With very young children, this hinges on the understanding by educators that meaningful friendship bonds can develop as early as in the second year of life, which was the case in this study for as many as a third of the focus children. This issue could be illustrated as in **Figure 17** on the next page and formulated within **Article 31P** as follows:

#### **1. An issue that has not been addressed sufficiently by Article 31P of the UNCRC:**

Early friendship bonds between children.

#### **2. The Articles and categories the issue cuts across:**

- Article 3.1 – Protection
- Article 3.2 – Protection
- Article 3.3 – Protection
- Article 12 – Participation
- Article 13 – Participation
- Article 16 – Protection
- Article 19 – Protection
- Article 29.1 – Provision

**Figure 17:** Conceptualising **Article 31P** (friendship bundle)

**3. Translating the issue into a statement:**

It is in the child's best interest and for the protection and care of the child's well-being that adults working with children take note of, protect and support the child's developing friendship bonds as expressed by the child's verbal and non-verbal communication and evident in their free play, by creating opportunities for making and maintaining friendships; in order for the child to be able to develop to their fullest potential.

The above examples illustrate how the concept of *rights bundling* can be used to develop an understanding of, and contextualise an Article of the UNCRC. Issues are conceptualisations of the identified *Guiding Articles*, in combination with the *Significant Articles* that emerged in this study. There is one more *Guiding Article* to be conceptualised,

**Article 3.2** – children’s right to protection and care necessary for their well-being – that I have left till last as it is, I believe the most complex of the *Guiding Articles*. The distinction that again needs to be made here is that it is not the concept of well-being per se that is under scrutiny but the *protection and care* necessary for the child’s well-being. I believe this is very proficiently articulated in Scotland’s well-being policy and practice framework – *Getting it Right for Every Child* (GIRFEC) – enshrined in the *Children and Young People (Scotland) Act 2014*. This framework is informed by children’s rights as mentioned in **Subsection 5.4.6** (page 204), but framed around eight well-being indicators commonly referred to by the initial letters; SHANARRI, see **Table 24** on page 230 (Children and Families Directorate, 2016; 2018). The table is illustrative of how intimately connected the concepts of well-being and children’s rights are and why it is so easy to conflate them.

The eight well-being indicators can be seen as conceptualising **Article 3.2**. Aldgate (2013) has mapped children’s rights against these eight indicators as I have illustrated in the right-hand column of **Table 24**. The Article number in bold are the Articles identified as either a *Significant* or *Guiding Article* in this study. What becomes evident from analysing the table is how the identified *Significant* and *Guiding Article* are interconnected with the *protection and care* necessary for the child’s well-being and by extension the notion of *trygghet*, the child feeling and being, safe, secure and settled. I therefore see *trygghet* as an aspect that conceptualises **Article 3.2** and the protection and care necessary for a child’s well-being. The eight indicator statements could theoretically be used in Step 3 for the issue statement; however, staying with the same format as used in the previous conceptualisations, I give it my own interpretation too. So, in relation to this final *Guiding Article*, my data support the notion that the concept of *trygghet* (noun) or the child feeling and being *trygg*, safe, secure and settled, as illustrated in **Table 24**, can be conceptualised within **Article 3.2**, as illustrated in **Figure 18** on page 231. Following the three step formulation, it can be articulated as follows:

**1. An issue that has not been addressed sufficiently by Article 3.2 of the UNCRC:**

*Trygghet* – state of being and feeling safe, secure and settled

**2. The Articles and categories the issue cuts across:**

- Article 2 – Protection
- Article 3.1 – Protection
- Article 3.2 – Protection
- Article 3.3 – Protection
- Article 5 – Participation

- Article 12 – Participation
- Article 13 – Participation
- Article 16 – Protection
- Article 17 – Participation
- Article 19 – Protection
- Article 23 – Protection
- Article 24.1 – Provision
- Article 24.2 – Provision
- Article 28.2 – Protection
- Article 29.1 – Provision
- Article 31 – Provision

### 3. Translating the issue into a statement:

It is in the child's best interest and for the protection and care necessary for the child's well-being that adults working with children support the child in being and feeling safe, secure and settled – *trygg* – by respecting the child as a person of equal worth, with individual needs, priorities, and concerns within a collective, and with a unique past and a specific present; in order for the child to be able to develop to their fullest potential.

By conceptualising Articles of the UNCRC in the context of ECEC in this way, I am moving away from what Jerome (2016: 145) calls a “legalistic perspective”, away from a simple technical implementation of the UNCRC or pragmatic process of managing change without questioning how it relates to the wider educational discourse. I admit it is quite a free interpretation of the UNCRC but not unlike how the *Committee* and UNICEF also have in the past more freely interpreted and elaborated on for instance **Article 29** (goals of education) according to Jerome (ibid.). What also has to be recognised is that engaging more freely with the UNCRC as I propose can be seen as controversial as it is about more than a simple apolitical implementation or teaching and learning about rights (Jerome, 2016), but also about recognising the political nature of ECEC with the vested interests by various stakeholders in this contested space or interface of often conflicting visions. The approach promoted in this thesis is in line with a social justice approach that challenges an individualised, competitive, consumerist model of education (ibid.) in favour of a more relational, egalitarian ideology that leads to different processes and outcomes as for instance documented by UNICEF UK (2019c).

Another important reason for conceptualising Articles of the UNCRC as I have done with the *Guiding Articles* and the identification of situated *Significant Articles* is because this

**Table 24:** The eight well-being indicators in the GIRFEC framework (Children and Families Directorate, 2018)

Indicator	Getting it Right for Every Child (GIRFEC)	Articles of the UNCRC
<b>Safe</b>	Protected from abuse, neglect or harm at home, at school and in the community.	11, <b>19</b> , 22, 32-38
<b>Healthy</b>	Having the highest standards of physical and mental health, access to suitable healthcare, and support in learning to make healthy, safe choices.	<b>3</b> , 6, <b>24</b> , 39
<b>Achieving</b>	Being supported and guided in learning and in the development of skills, confidence and self-esteem, at home, in school and in the community.	4, 18, <b>28</b> , <b>29</b>
<b>Nurtured</b>	Having a nurturing place to live in a family setting, with additional help if needed, or where not possible, in a suitable care setting.	4, <b>5</b> , 18, 20, 21, 25, 27
<b>Active</b>	Having opportunities to take part in activities such as play, recreation and sport, which contribute to healthy growth and development, at home, in school and in the community.	<b>31</b>
<b>Respected</b>	Having the opportunity, along with parents and carers, to be heard and involved in decisions that affect them.	<b>2</b> , <b>3</b> , 4, 8, <b>12</b> , <b>13</b> , 14, <b>16</b> , <b>17</b> , 18
<b>Responsible</b>	Having opportunities and encouragement to play active and responsible roles at home, in school and in the community, and where necessary, having appropriate guidance and supervision, and being involved in decisions that affect them.	<b>3</b> , <b>12</b> , 14, 15, 40
<b>Included</b>	Having help to overcome social, educational, physical and economic inequalities, and being accepted as part of the community in which they live and learn.	<b>3</b> , 6, 18, <b>23</b> , 26, 27

goes some way towards addressing the *adult construction dilemma* mentioned in **Subsection 2.7.6**. I believe that it is not enough that well-meaning adults, academics and educators alike, cherry pick Articles they deem important to children's experiences in ECEC without taking more notice of what is actually important, of priority or concern to the children in their settings as well. After thirty years of research, I deem purely academic debates on children's rights have run their course and a more contextualised or situated conversation is needed. Engaging with *Guiding Articles* and the identification of situated *Significant Articles* as presented in this thesis is compatible with any early years curriculum; the EYFS; the Finnish National Core Curriculum for ECEC; Pedagogy-in-Participation; Reggio Emilia and so forth; however, for this to happen in more than an ad hoc manner in ECEC, spurred on by passionate individuals, educators need a basic knowledge of children's rights and how they are through the UNCRC part of a wider human rights framework. This responsibility lies firmly with central and local government, and

**Figure 18:** Conceptualising **Article 3.2** (*trygghet* bundle)

institutions offering courses relating to children and childhood. *Children's Rights Education* should as such be part of initial training programmes and continuing professional development programmes in ECEC.

## 5.7 Children's Rights Observation Guide (CROG)

For my comparative MA study, I developed a *Children's Rights Rating Scale* (Cole-Albaeck, 2012) to fulfil the following purposes; as a self-assessment tool by settings taking part in my study; as a researcher tool for assessing practice; and for triangulation purposes. My intention had been to develop this tool further; however, at the outset of my PhD study I had begun to question the value of rating rights respecting practice; what purpose would a score serve, especially when much rights-informed practice is implicit? Was my next purpose not more about facilitating the child rights discourse by illuminating how the UNCRC could be used a frame of reference to guide pedagogical practice? As this was the case, I felt a score, or a rating scale was of little interest, especially since educators in Sweden had voiced reservations to using rating scales during my MA study (ibid.). Questioning the value of rating rights-informed practice, as well as possibly limiting the scope of my audience by going down the route of a rating scale, I decided to play with the idea of developing an observations guide instead, that can sit alongside any curriculum to inform practice. Towards the end of my PhD study, I felt my decision had been correct as it is also congruent with my political stance that research and practice in ECEC is a political endeavor, with the children's rights discourse challenging current trends such as the marketisation and standardisation of education (Jerome, 2016), which rating scales are more aligned with.

The purpose of the CROG, set up in 2015, was as mentioned in **Subsection 4.1.8** (page 128-131) to pool any relevant data from the literature with data from practice and experiences observed in the research settings (Appendix 62). The five *Guiding Article* indicator tables derived from each of the *key experiential anecdotes* (**Figure 19**) are examples of how data informed the CROG and in turn can inform how to understand aspects of Articles and conceptualisations of issues to guide pedagogical conversations and further develop a more context-related construction of *Children's Rights Education* in ECEC.



Concept	Article 3.2		
Protection and care Well-being	Physically safe	Emotionally secure	Settled
	Socially accepted	Intellectually stimulated	Contextual
	With adult(s)	With another child(ren)	On their own
Concept	Article 3.3		
Suitability of Staff  Pedagogical relationships	Responds positively to child	Does not respond to child	Responds critically, insensitively
	Involved	Disinterested	Explaining before acting
	Explaining before acting	Professional love Attachment	Intimacy
	Typical powerful adult	Atypical playful adult	Expectations
	Mindful <i>Närvarande</i>	Percipient <i>Lyhörd</i>	
Concept	Article 13		
Freedom of Expression  Choices of how to express oneself	Posture	Non-verbal actions, gestures	Touch
	Eye gaze, eye contact or looking away	Facial expressions, smiling, frowning etc.	Pedagogical referencing
	Being sad	Complaining sound	Whinging (with words)
	Crying	Screaming	Being angry
	Being humorous	Giggling	Laughing
	Screeching with pleasure	Singing	Silence
	Makaton actions	Own 'made up' language	Mark making
	Imitating adult behaviour	Joining in when asked to by adult, assent	Not joining in when asked to, dissent
Concept	Article 29.1 (a)		
Aims of Education	Resources accessible	Resources inaccessible	Routines work well
	Routines are challenging	Transitions	Staff expectations
Indoor and outdoor affordances	Time to explore	Being outdoors	Pedagogical knowledge
	Child on their own (involved)	Child on their own (uninvolved)	2 children together (1:1)
	SG of children on their own	Adult nearby responding	1:1 interaction with adult
	2 children with adult	Small group with adult	Whole group activity
	Ratios	Rewarding experiences	Challenging experiences
	Knowing child's interests	Child centred	Relationship centred
Concept	Article 31P		
Play	Solitary play	Child-child 1:1	Small group (SG)
	Whole group (WG)	With adult	Without adult
	Protecting play	Need support to join in play	Need support to maintain play
	Child excluded	Play hindered	Play interrupted
Positive relationship centred experiences	Legitimate peripheral participation	Child specific play; idiosyncratic	Free flow
	Child initiated; adult invited to join in	Pedagogical play with adult	Quality of play, repetitive vs. creative
	Culturally (in)sensitive	Indoor affordances	Outdoor affordances; risky play
	Under constant adult supervision	Supervision from afar	Privacy in play
	Social play along a continuum	Togetherness <i>Gemenskap</i>	Reciprocity
	Affection	Caring acts	Humour
	Intimacy	Friendship bond(s); best friend	

**Figure 19:** The five *Guiding Articles* indicator tables

## 5.8 Chapter Summary

*Stage IV* of the research process – data interpretation and synthesis – was to me quite a revealing stage in relation to my research questions; the central research question or *Issue Question* in particular:

What does *child rights pedagogy* entail in early childhood education?

Exploring the *Guiding Articles* in a structured way as done in this chapter revealed how organisations like CRIN, UNICEF and *the Committee* engage with and interpret various rights. It became apparent that there is quite a scope for interpretation; however, at the same time there is a need to understand the origin of the UNCRC, not to deviate too far from this treaty and in the process lose the essence of an Article or a right. On the UNICEF UK (2019d) website they define *Children's Rights Education* as “learning about rights, through rights and for rights within a context of education as a right”. The Articles as explored in this chapter are congruent with this definition and my definition of *child rights pedagogy*:

*Child rights pedagogy* is a value-based pedagogy informed by the UNCRC in interplay with purposes, theories, and processes that inform care, upbringing, and educational work with children.

In **Chapter 2**, the literature reviewed provided a theoretical foundation for a rights-informed pedagogy or *child rights pedagogy*, and data from children's lived experiences explored in this chapter revealed how with the aid of tools such as the *Significant Events Approach*, a child's context specific reality can be interpreted and understood from a rights-based perspective to then inform practice; the care, upbringing, and educational work with children. Necessary in this definition is that educators recognise the political nature of early childhood provision within the national and local political context, challenging political trends such as the marketisation and standardisation of education as this can be seen as antithetical to children's rights, because children are more than just human capital, important in their own right, not just for their future economic contributions to the labour market. They are individuals of equal worth with rights, capable of being agents of change (Jerome, 2016) from a very early age if given the opportunity and support. I elaborate further on how to understand *child rights pedagogy* in the final chapter (**Subsection 6.2.6**).

Building on the chapter summary from the previous chapter, trying not to repeat what has already been said there in relation to the five sub-questions (**Section 4.3**); what a more

detailed interpretation and synthesis of data further revealed follows, taking the five sub-questions in turn.

1. Do adults (managers, graduate and non-graduate educators) working with two-year-old children know about the UNCRC and children's rights?
2. How does the UNCRC guide practice?

As previously stated, although there was knowledge *about* the UNCRC there was no explicit systemwide approach and scarce direct reference to the UNCRC across the four research settings. However, because legislation in England such as the *Children Act 2004* and a rights-informed early childhood curriculum in Finland (FNAE, 2017), pedagogy was as the *experiential anecdotes* in this chapter showed, in many instances indirectly rights-respecting. The foundation is there in both England and Finland; however, it could not be said that practice in any of the four research settings qualify as *child rights pedagogy* as defined on the previous page. As Jerome (2016) states, educators must see themselves as active agents of change rather than passive recipients, and implementers of a national curriculum and county, or municipal agenda. There was however a passivity or a trust in the government getting it right for children through the curriculum in the two settings in Finland that seemed to position educators in a more *implementing* role. This was not as evident in the two English setting, despite a standard national inspection system like Ofsted (2019) in place, that could be seen as top-down and constraining educators in *implementing* roles. Having said that, I see the Government guidance (DfE, 2014b; PACEY, 2015) on 'Fundamental British Values' as limiting, as the rights referred to only relate to seven of the rights in the UNCRC (Appendix 65). Why only seven and why these seven in particular, is not clear.

I propose we need to reconceptualise how we think about children's rights, as my data suggest that there are some issues that are *Guiding*, or universally important. Data further suggest there are some Articles that are more situated or *significant* to specific contexts for very young children in ECEC, see **Table 25**. I believe contextualising the UNCRC in this way recognises universal and local circumstances. A sociological perspective adds a valuable relational perspective for moving the children's rights discourse on from rhetoric and legal implementation and monitoring, to a more practice based or pedagogical engagement with the UNCRC.

**Table 25:** Common *Guiding Articles* (green) and setting specific *Significant Articles* (yellow)

Setting	1	2	3	4
1				
2				
3.1				
3.2				
3.3				
4				
5				
6				
7R				
7P				
8				
9.3				
10				
11				
12				
13				
14				
15				
16				
17				
17 (e)				
18.1				
18.2				
18.3				
19				
20				
21				
22				
23				
24.1				
24.2				
25				
26				
27				
28.1				
28.2				
29.1 (a)				
29.1 (b)				
29.1 (c)				
29.1 (d)				
29.1 (e)				
30				
31R				
31P				
31CA				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41				
42A				
42C				

3. What evidence is there of rights-based practice in a setting?
4. How do young children experience their rights in a setting?

There was, as mentioned in **Section 4.3**, ample evidence across the four research settings of rights-base experiences; however, possibly not as visible without a specific lens to explore them. Writing up and analysing *experiential anecdotes* drawing on the phenomenological concepts of *lifeworld*, *life conditions* and *life interactions* (Cole-Albäck, 2019; Kraus, 2015) gave, I believe, the observations a depth necessary for analysing children's rights-based experiences from a "child perspective" and "children's perspective" (Sommer et al., 2013: 463) as discussed in **Section 3.5**. With children under three it is I believe paramount to *listen to* (**Article 12**) and *notice* (**Article 13**) children when trying to understand them and support their early experiences of rights, their early experiences of being important members of their communities in childcare.

5. What do parents know about the UNCRC and children's rights?

It was already revealed in **Chapter 4** that few parents took part in the focus group discussions. However, what became apparent especially in Finland and potentially relevant to England, was that parents in Finland rely much on health clinics and health visitors as the first point of contact for information about anything concerning their babies and toddlers. One of the Mum's from Setting 3 in Finland suggested in the focus group (Appendix 25) that since many children only start in organised out-of-home care at the age of three, the most important professional till the child starts childcare is potentially the health visitor or possibly a social worker. She therefore suggested staff in these services, more so than educators, should have knowledge about children's rights and the UNCRC to share with new parents. This is what Ebba in Setting 3 in Finland also suggested in her interview (Appendix 36). Governments should take heed of this important point, not only recognising that ECEC is inherently a multidisciplinary field as educators work with family support workers, health professionals, social workers and so forth, but also so as not to fall short of their obligation under **Article 42**; that governments should educate all staff on the frontline in various children's services about the UNCRC and children's rights. *Children's Rights Education* should as such be a core component of training (initial and ongoing) for adults on the frontline.

Returning to my theoretical perspective, data explored in this chapter revealed that at an **Experiential theory** level, the structured observational approach developed for this study,

the *Significant Events Approach to Children's Rights*, identified children's own priorities, interests and concerns thus recognising what rights were important to young children; **Article 3.2**, **Article 3.3**, **Article 13**, **Article 29.1 (a)** and **Article 31P**, as conceptualised above. I believe this approach can sit alongside any curriculum, complementing the educators' professional perspective of what they deem important rights for young children in their settings.

At a **Practice theory** level, taking an analytical approach inspired by phenomenology was a heuristic way for me to engage with, interpret and understand observations of children's everyday experiences, as theorised in **Subsection 3.1.1**. The *expressions bundle* or conceptualisation of **Article 13** is particularly relevant to this theory level when researchers or educators try to make sense of children's experiences. Applying the concepts of *lifeworld* (Lebenswelt), *life conditions* (Lebenslage) and *life interactions* (Lebensinteraktion) to observations can very clearly guide researchers and educators in focusing on a child's subjective reality or *lifeworld*; material circumstances in the settings or *life conditions*; and the all-important relational aspect or *life interactions* such as adult-child relationships and friendship bonds (Cole-Albäck, 2019).

Throughout the whole data collection, analysis and interpretation process previously described I strived to be sensitive to ethical considerations. Central to my research was initially to create a respectful and symmetrical relationship with the children during the research process, or what Christensen and Prout (2002: 478) call "ethical symmetry", taking children's rights, feelings and interests into consideration as evident in the 4-stage rights-based ethics framework developed at this **Middle range theory** level as describe in **Subsection 3.3.1**. Equally important was to analyse and interpret experiences as authentically as possible by, for instance, methodically using the *Significant Events Approach* to observing and the *lifeworld*, *life conditions*, *life interactions* approach to analysing and interpreting events. This was not only relevant to the children but the adult participants as well. I believe *ethical symmetry* is a concept equally applicable to the researcher-educator relationship. Respecting the adult participant's feelings and interests, protecting their identity, and not disclosing only positive or only negative data are aspects of this 'symmetry'. In my interpretations I have tried to present multiple perspectives in an authentic, balanced and honest way.

At a **Grand theory** level, the consistent recording of possible Article specific indicators derived from the interpretation of the individual *Significant*, *Like* and *Other* events has already built up a significant data base for further developing the *Children's Rights*

*Observation Guide* (CROG). I believe the identified indicators can help educators relate specific Articles and thus rights to experiences in early childhood settings thus bridging the fields of children's rights and education, linking the UNCRC to pedagogical practice.

Finally, at a **Meta theory** level, drawing on Frezzo's (2015) sociological perspective of *rights bundling* allowed me to make links between the various Articles of the UNCRC in a more visible way. Introducing new interpretations or conceptualisations of Articles of the UNCRC is necessary, if we wish to develop knowledge and understanding of the UNCRC from what may have been considered an ideological tool to a "social political frame of reference" (Reynaert et al., 2012: 166). I believe the UNCRC ought to be seen as a foundational "geopolitical social contract" (Verhellen, 2006: 147), guiding our local and contextual understandings of what rights within democratic societies may look like for the children we research or work with, to stimulate deeper, fundamental and lasting changes to how we view children and childhood.





## 6 CLOSING CHAPTER

### The past, the present and looking ahead

This chapter concludes my official five-year journey as a PhD student researcher, an academic journey that began at Oxford Brookes University in 2004 when I started on the Foundation Degree in Early Years. It was in those early days I discovered that children have rights and there had for fifteen years existed such a thing as the *UN Convention on the Rights of the Child*. I was surprised on a personal level, as a mother, as our oldest daughter was eighteen and had had children's rights most of her life, yet I had not been aware of it. I was surprised on a professional level, as I had been working and volunteering in schools in different countries for almost ten years and it had never been referred to, not in Germany, the USA or England. Looking back, there are occasions where had I known, I would have felt empowered in fighting the battles I fought for my own children, and the children I taught.

In this closing chapter, I look back at what I set out to do with this study, and what was achieved. Two introductory points are made in **Section 6.1** and conclusions drawn for each of the five theory levels in **Section 6.2**. Contributions to knowledge are reiterated and the research questions also revisited at the end of **Section 6.2**. I look ahead to possible futures in **Section 6.3** and the chapter, and thesis, closes on a personal note and with a Tanka poem I wrote in the final stages of this study that encapsulates the five *Guiding Articles* that emerged in relation to the focus children in this study (see Appendix 66 for a theoretical clarification of the Tanka).

### 6.1 Looking Back

I had two main motivations when I initially set out to explore children's rights in early childhood. Firstly, to help advance an understanding of how children's rights are part of a larger human rights discourse, and how educators in ECEC could engage more theoretically with the UNCRC within this discourse. I believe I have, with this study, helped advance an understanding in my field of how rights-based practice is more than a pedagogical approach of 'implementation', but fundamentally about actively engaging with a contested legal concept that needs to be contextualised and critically reflected on by educators who see themselves as change agents. My 5-level theoretical framework, as detailed in **Chapter 2**, clarifies how *child rights pedagogy* is part of a greater whole and how engaging with the UNCRC as a frame of reference is not a cherry-picking exercise

where preferred Articles are engaged with in a piece-meal way. To fully understand what is meant by *rights-based* practice a clear understanding of theory is important so as not to undermine the fact that children's rights come with entitlements that adults have an obligation to fulfil, even if the *Committee* lacks binding powers to legally enforce non-compliance (Humanium, 2019b). I believe I have demonstrated, as illustrated in **Table 1** below, that when we use the word 'rights', we need to respect its origin in international human rights law and not vaguely to denote something we personally or professionally value or consider an aspect of good practice, as mentioned in **Section 2.9**. Each of the theory levels build on each other and show how concepts are interconnected, as the theoretical foundation for *child rights pedagogy*. I believe this facilitates a more conscious engagement with the UNCRC in ECEC. This level of theorising or criticality is important so as not to be uncritical proponents of children's rights.

**Table 1:** Theoretical statements for engaging with children's rights

Level	Focus	Theoretical statements for rights-based pedagogy
Meta theory		
Legal reasons for rights	Rights Respecting Paradigm	Children's rights are founded on the modern understanding of rights, based on Hohfeld's (1913) framework of the nature of rights that Western legal systems are based on. The UNCRC is one of nine core international human rights instruments and as such part of the larger human rights discourse.
	To impact legal proceedings	
Grand theory		
Conceptual reasons for rights	Rights Respecting Structures	Rights-based practice is aligned with childhood sociology (James and Prout, 1997; Mayall, 2013; Spyrou, 2017), recognising children as a social group with their own set of needs, interests, and rights, as well as the importance of structures and relational aspects of experiences (Mayall, 2015).
	To define discourse	
Middle range theory		
Moral reasons for rights	Rights Respecting Philosophies	The philosophical and moral value of democracy and participation are guiding principles for professionals working with children. Professionals recognise there are ethical and political aspects to early childhood education and care (Freeman, 2007).
	To direct practice	
Practice theory		
Substantive reasons for rights	Rights Respecting Practice	The UNCRC is used as a guiding document to inform and reflect on all aspects of practice and provision. Practice is based on a participative framework with four guiding principles: respectful relationships, opportunity to participate, support to develop and express views, and opportunity to influence outcomes (Lundy, 2007).
	To effect outcomes	
Experiential theory		
Instrumental reasons for rights	Rights Respecting Experiences	Children's own priorities, interests and concerns inform practice. Experiences are fundamentally relational (Alanen, 2011) and children's evolving capacity is valued, enabling children and adults to learn to be, to know, to do, and to live together (Delors, 1996) in sites of education and care.
	To develop to fullest potential	

Secondly, having seen many young children being treated as objects of care, albeit kindly, I wished to find a way of engaging with children under three in a more rights-respecting way, taking their evolving capacity and own interests, priorities and concerns into

consideration, and not just the perspective of well-meaning educators. In effect, hoping to improve respect for children's rights and very young children's status in early childhood settings. I believe the 4-stage rights-based ethics framework developed in the course of this study, as described in **Section 3.3** and illustrated in **Table 9** on pages 101-102, is one way of engaging more respectfully with young children, both as researchers and educators, respecting their rights and evolving capacity. In addition, I also believe I achieved my desire of finding a way of noting young children's own interests, priorities and concerns through my *Significant Events Approach to Children's Rights* as detailed in **Subsection 4.1.2**. This approach gives educators a tool for noting what may be rights important to children, to take into consideration and act on. Children, even the very youngest, thus having a way of influencing practice and their everyday experiences. The above points are revisited in the next section (**6.2**) in relation to my theory and original contributions to knowledge, but before that I wish to just briefly return to the role of educators in working with the UNCRC as a frame of reference.

As children's rights and the UNCRC were never taught or debated on any of the university courses I enrolled in since 2004, I should not have been surprised at the lack of knowledge or abounding misconceptions I have encountered (UNICEF UK, 2017a). I originally felt quite passionately about the need to disseminate the UNCRC, hoping that more knowledge about the UNCRC alone would be a catalyst for change in my field. Although I still believe knowledge is a catalyst for change, I was in effect what Jerome (2016) calls an *implementer*, seeing the UNCRC as uncontroversial since all countries in Europe have ratified it and report to *the Committee* on a periodic basis. Surely, all that was needed was simply more knowledge about the UNCRC, for improving outcomes for children. This was politically quite naïve but my starting point nonetheless. I believed implementing the Articles of the UNCRC was a technical process, hence the original idea of developing a rating scale to quantify the technical implementation of children's rights (Cole-Albaeck, 2012; Cole-Albäck, 2015). Within this perspective, I believed what was needed was the training of educators in *child rights pedagogy*, and a way of monitoring progress with for instance a rating scale. In effect, I saw educators as relatively passive implementers, or as Jerome (2016: 149) states, "as cogs in the implementation machine, to be incentivised and monitored to ensure alignment between international agreements, national policy and classroom practice". I feel quite uncomfortable to admit this, but it was not for lack of respect for educators, but for my partial understanding of the discourse as a whole. It was only by having the timeframe of a PhD, that I was able to read and reflect more, attend seminars and conferences, challenge others and be challenged, that a more informed understanding of children's rights had time to emerge and I recognised the essentially

political nature of ECEC, where to effect change necessitates seeing educators as active agents, and not just *implementers* (Jerome, 2016).

I also recognise that being a proponent of children's rights is but one way of trying to make a difference to children's educational experiences, and I know to appreciate perspectives that challenge this position, as children as rights holders is still a contested concept as discussed in **Chapter 1** and in **Subsection 2.5.6**. In the following section I summarise my perspective on how educators engaging with the discourse can do so on five theory levels, ultimately to improve respect for children's rights and in the hope of making a difference to children's experiences in ECEC.

## 6.2 Looking at the Present Moment

In this section I take stock of where I am now, at the end of my PhD journey, and summarise in five **Subsections, 6.2.1 – 6.2.5** the key claims to original knowledge this research presents in relation to children's rights in the field of ECEC. Each of the five theory levels informing this study is summarised in turn.

### 6.2.1 Legal aspects of the Meta Theory

I spent much time developing the 5-level theoretical framework for this study, and understanding the *Meta theory* level in particular, as this was an area I had limited knowledge in. I believe this was necessary for understanding the legal foundation of children's rights as discussed in **Section 2.3**. It was necessary for framing the rights discourse for the field of ECEC. Without understanding how children's rights and the UNCRC are part of the larger international human rights discourse, I believe many misinterpretations and misconceptions risk being perpetuated, especially by well-meaning educators and non-legal academics. It was a challenge for me, someone without a background in children's rights, to explore human rights concepts and find my feet in legal circles, straddling two fields but with limited knowledge of the one, facing strong views held by legal scholars on the rights and wrongs of children's rights, who defend their position for or against the UNCRC with great conviction and in a language I did not initially share. It was encouraging when, in a private conversation, a child rights lawyer once said that lawyers can be very narrow in their interpretation of children's rights and the law, and he welcomed more inclusive perspectives. He expressed there is a need for more conversations across disciplines to better understand how one and the same concept may be understood and interpreted in different ways, thus enriching the dialogue. In other

words, using the UNCRC as a vehicle for conversations to develop our understanding of children's experiences (Peleg, 2013). This resonated with me as ECEC is inherently a multidisciplinary field. There are however limits to how far a concept can be stretched before its essence changes in the process. This I experienced when exploring the notion of *rights bundling* in relation to the UNCRC. As explained in **Section 5.6**, I explored bundling various Articles of the UNCRC and in the process translated issues into rights claims in line with Frezzo's thinking, rather than exploring new *conceptualisations* of Articles. I originally did not respect the remit of the UNCRC as for instance Lundy (2007) has done in her model or conceptualisation of child participation. Although my new rights claims were relevant to early childhood, they were outside the UNCRC framework, as I explained in **Section 5.6** (pages 217-220). I came to realise that to honour the UNCRC any addition to it, must be through Optional Protocols as mentioned in **Section 5.6**. This is an altogether different process compared to intellectually drawing up and suggesting new rights through *rights bundling*. Staying true to the UNCRC, I therefore reconsidered and only explored Articles that emerged from the data and group them together to create new *conceptualisations*, as opposed to translating issues into new rights claims, or Articles. My **Meta theory conclusion** is therefore, based on the literature and my own experience in the research settings, that to be a critical proponent of children's rights, broad theoretical issues and philosophical questions need to be engaged with so as not to misrepresent the UNCRC. How the UNCRC is part of the larger human rights discourse needs to be understood, as discussed in **Chapter 2**, all the while recognising that rights need to be conceptualised and contextualised to make sense in everyday practice. It is possible to respect the universal framework in place, yet take local circumstances into account when analysing experiences such as that of Billy's (**Subsection 5.5**) and his need to be outdoors to develop to his fullest potential (**Article 29.1 (a)**). By recognising how the indoor environment can be constraining for some children, but the outdoor environment challenging and rewarding, educators can take more rights-informed pedagogical decisions. Children's rights can as such be seen as dynamic and situated, taking child's circumstances and evolving capacity within a specific local context into account, yet respecting the remit of the UNCRC and its current Optional Protocols. This research is, as such, different from similar research in the field, as noted in the journal specific searches in **Section 2.8**, in that it makes clear how it is informed by the UNCRC and also how it has conceptualised the interpretation of Articles, which I revisit in the next subsection.

In addition, at this theory level, an important point raised in **Subsection 2.6.6** that needs to be reiterated, is the distinction between *rights-informed* and *rights-based* research and

practice, as it is an important marker of the depth of engagement and the commitment to children's rights as expressed in the UNCRC. Settings for instance, cannot claim to be *rights-respecting* if the UNCRC does not inform pedagogy. It is not enough as Nina expressed in her interview that because educators care deeply for the children in their care, that they therefore by extension "are champions of children's rights without necessarily knowing they are" (Appendix 35, question 2b, page 168). It has to be a more conscious and considered choice by educators, academics and researchers alike, or else practice or research is 'only' rights-informed if even that. Despite a strong commitment to the UNCRC, as research often hones in on a focused aspect of children's experiences, research may still 'only' be rights-informed, as is the case with this study. Applying Lundy and McEvoy's (2012) five criteria to my research I conclude that:

1. this study was *informed by the UNCRC* with the forty-two substantive Articles referred to throughout the study;
2. the research process *complied with the UNCRC* as evident in the ethics framework developed and applied;
3. the approach put forward by the study did *build the capacity of children* through the *Significant Events Approach to Children's Rights*;
4. the approach put forward by the study had the potential of *building the capacity of duty-bearers* to fulfil obligations by taking part in research conversations; and
5. the study *promotes the realisation of children's rights* through my publications and presentations at national and international conferences.

An additional **Meta theory** conclusion is therefore that although the aims of this study were achieved by answering the research questions, (revisited further down), I can only claim this research to be rights-informed, as I am now, as the next step, beginning to explore how to build the capacity of educators (duty-bearers) with settings in South East England. I did, at the time of drawing up the study, not remember reading about Lundy and McEvoy's (2012) five criteria; however, even if I had taken them into consideration I would still not have been able to fulfil the fourth criteria of building the capacity of duty-bearers, as it would have necessitated prolonged engagement in the settings as a *pedagogical mediator* (Lyndon, 2019), and I did not feel in a position to take on this responsibility with what I then considered my limited knowledge of child rights theory and *child rights pedagogy*.

This aspect of the study has contributed to existing knowledge by building on Walker and Avant's (1983) 4-level approach to theory development in an original way. I have with my 5-level theoretical framework contributed to existing knowledge by providing a theoretical

foundation for the concept of *child rights pedagogy* in ECEC and shown how it links to the wider, normative rights discourse and the moral and legal rights children have.

### 6.2.2 Structural Aspects of the Grand Theory

At a *Grand theory* level, although structures are in place to support the child rights discourse with NGOs like for example UNICEF and Save the Children, and *the Committee* with its eighteen experts monitor the implementation of children's rights and publish guiding documents in the form of *general comments*, I believe there is still a need for more situated, discipline specific support for engaging with children's rights in various fields. The *Rights Respecting School* programme is an example of where this is the case, with UNICEF engaging directly with schools and Local Authorities. There are however two problems with this programme, it is expensive and it does not include the preschool years (UNICEF UK, 2019e). There is therefore a need for a more universal approach to children's rights that is accessible to all. Staff in relevant departments within Local Authorities or Municipalities, for instance, should all be trained in understanding how the UNCRC is relevant to their respective services, to be able to support all early childhood settings and schools so that it is not only those who can afford it, that get support. I am not aware of on-going training programmes or documentation that could support staff in early years services to engage with the UNCRC in either England or Finland. I believe the *Children's Rights Observation Guide* (CROG) can, when fully developed, be an affordable document as part of a children's rights training programme for Local Authorities, Municipalities or as part of further and higher education courses. The CROG exemplifies new and old conceptualisations of UNCRC Articles as described in **Subsection 4.1.8** (pages 128-131) and throughout **Chapter 5**.

As the focus in this study was on the interpretation of the five Articles that emerged as *Guiding Articles* from the data, my *Grand theory* conclusion is partial in that more work remains to be carried out in identifying indicators to Articles that did not show up in the current data, to inform the CROG. A theoretical framework is however in place and a start has been made on developing indicators as illustrated in **Figure 19** on page 233 and collated in the CROG document as illustrated in **Table 26** on the next page.

Ideally, I would like to draw on data from more than just the two counties involved in this study, to account for a variety of world views and ascertain the transferability of the CROG, which I will get back to further down. Having said that, the fact that the observation guide is based on the forty-two substantive Articles of the UNCRC, that was adopted after ten years of deliberation, the Articles have arguably stood the test of time. I of course

**Table 26:** The CROG *a priori* and *emergent* rights framework

A priori framework			Emerging data		
CHILDREN'S RIGHTS					
ARTICLE	CONCEPT	INDICATORS			
Article 1	Definition	Person under 18			
Article 2	Non-discrimination (Fairness, equity)	Creating opportunity	Routines	Adult control	
		Teasing			
Article 3.1	Best interest (Child centred)	Adult agenda	Intervening to protect	Health	
		Child interests considered	Child interests not considered		
Article 3.2	Protection and care (Well-being)	Of child within peer group	Of peer group	Child on their own	
		In interaction with adult	In interaction with child	Concern/support for peer	
		Seeking support from adult for own well-being		Physically safe	
		Emotionally y secure	Settled	Socially accepted	
		Intellectually stimulated	Contextual		
Article 3.3	Suitability of staff (Pedagogical relationships)	Adult responds positively	Adult does not respond	Adult responds critically	
		Involved with child(ren)	Disinterested	Creating opportunity	
		Explaining before acting	Professional love	Intimacy	
		Not explain before acting	Staff not present	Typical powerful adult	
		Atypical playful adult	Mindful	Percipient	
		Expectations			
Article 4	Implementation of UNCRC	Implicit	Explicit		
Article 5	Adult guidance on rights (Relationship centred)	Making choices/decisions that influence events (agency)		Given 2 choices/options	
		Encouraging independence			
Article 6	Life and development (Conditions optimal)	Awareness			
Article 7.1	Birth registration & name	Administration/access	Pronunciation		
Article 7.2	Parental care where possible	Awareness			
Article 8	Preservation of identity	Mixing up twins	Mixing up sibling names		

acknowledge that the UNCRC is an imperfect document, a compromise in many ways, but I do not wish to, as some scholars seem to suggest, throw the baby [child] out with the bathwater (Ferguson, 2013; Quennerstedt et al., 2018), but wish to work within the remits of this unique treaty, by valuing its achievements and by contributing new conceptualisations, to account for changing times as discussed in **Section 5.6**. By looking at the Articles of the UNCRC in a layered way, recognising the UNCRC's universal *General principles* (**Articles 2, 3, 6, and 12**) (OHCHR, 1997) but also acknowledging more field related *Guiding Articles* (shaded) and context specific or locally *Significant Articles* (in white) as I propose, the UNCRC can be seen in a new light. As an example, non-verbal communication can be seen as an aspect of **Article 13**, as a legitimate way of expression, in line with the Article statement that says that a child has the right to express themselves in any media of the child's choice. This Article is, according to my data, intimately connected to other *Guiding* and *Significant Articles* as discussed in **Section 5.6** and illustrated again in **Figure 17** below. So, although some Articles may be singled out as more relevant to the field of ECEC, they are still very much interrelated and interconnected. The *Significant Articles* are context specific, at a local level, but the *Guiding Articles* have national and transnational significance.



**Figure 15:** Conceptualising **Article 13** (expressions bundle)

My **Grand theory** conclusion is as such that thinking about children's rights in terms of *General Principles*, *Guiding Articles* and *Significant Articles*, and compiling them in a document such as the CROG, would be helpful not only at Local Authority or Municipality level for contextualising the UNCRC, but also for educators, illustrating how the UNCRC Articles are relevant to local childhood circumstances in ECEC. This research is different in that, instead of engaging with the Articles of the UNCRC as they stand, some Articles are identified as more relevant and conceptualised in relation to ECEC. This is an original way of engaging with the UNCRC that still respects the integrity of this treaty.

### **6.2.3 Philosophical Aspects of the Middle Range Theory**

Foundational to the implementation of *Significant Articles* and *Guiding Articles* is the ethics behind the UNCRC. At a **Middle range theory** level I therefore conclude, based on my experience of developing and simultaneously using my 4-stage rights-based ethics framework discussed in **Section 3.3** (pages 99-103) that an ethics framework informed by the UNCRC, together with established university guidelines, offers a more thoughtful and comprehensive approach to research and work with young children than just the minimum standards of conduct that the law and ethics committees alone set out. I believe this to be

the case as an ethics framework informed by the UNCRC has as its starting point an image of the child as a subject of equal worth to adults, not only worthy of respect but entitled to respect at every stage of the research process or pedagogical experiences (Cole-Albäck, 2019). Other frameworks such as virtue ethics or values-based education as proposed by Eade (2015) and Dahlberg and Moss (2005) are too relativistic and do not on their own adequately protect children, as argued in **Subsection 2.5.6** (pages 43-46). Looking at an extract from **Table 9** for example (see pages 101-102 for full table), even though virtue ethicists or values-based educators may agree with all the points as listed here, it is only under a rights-based framework that these points are recognised as aspects of rights. In other words, children are entitled to this kind of respect, not just deserving, as would be the case under virtue ethics.

**Table 9:** Extract from the table on rights-based ethical processes in research

<b>Completion, Stage 4</b>		
<b>Member checking</b>	Showing notes, footage and end product to participating children for verbal and non-verbal feedback, taking note of tone of voice, and facial expressions of approval or disapproval, as well as dissonance between spoken words and non-verbal expressions	Right to verbal ( <b>Article 12</b> ) and non-verbal expression ( <b>Article 13</b> )
<b>Final Feedback</b>	Feedback at final completion – infants and toddlers may well have forgotten who you are, or have moved on, when you come back, but still consider feeding back	Right to information ( <b>Article 17</b> )
<b>Dissemination</b>	Inform of intended use of video footage, showing of film to parents and staff (or any other audience)	Right to information ( <b>Article 17</b> )
	Inform of intent to write about their experiences for others to read – publications	Dissemination ( <b>Article 42</b> )
<b>Confidentiality</b>	Protect the future adult by considering where visual data may end up if shared; university open source learning systems (Moodle), online parent platforms (Tapestry), social media (Facebook, Instagram, YouTube)	Right to privacy ( <b>Article 16</b> )

This research is different from previous childhood research following common ethics frameworks in that I have made explicit the link between ethical principles and the Articles of the UNCRC, that can inform research and pedagogy, thus complementing any existing ethics guidance. I believe this ethics framework is an excellent analytical and practical way of linking rights-based concepts to research or practice in early childhood, as a first step when beginning to engage more actively with the UNCRC as a frame of reference.

#### 6.2.4 Substantive Aspects of the Practice Theory

As mentioned above in **Subsection 6.2.1**, the distinction between *rights-informed* and *rights-based* research (as defined by Lundy and McEvoy, 2012), is I believe equally important in defining practice, as I believe it is only in settings that are truly rights-respecting that the very youngest members of our societies can have the fully democratic learning experiences they are entitled to. My **Practice theory** conclusion is therefore that for any approach to qualify as *rights-based* the pedagogical aims should be informed by the UNCRC; educational processes should comply with the UNCRC; the outcomes should build the capacity of children to exercise their rights and for duty-bearers to fulfil obligations; and pedagogical processes should also further the realisation of children's rights. Any approach meeting only some of these criteria can only claim to be rights-informed. This is, as in research practices, an important distinction to highlight the level of engagement with the rights discourse in any establishment, and whether it is the UNCRC that is the frame of reference, or simply the broader human rights agenda that I believe does not adequately take children's interest, priorities and concerns into consideration as it is too general. This is exactly why specific conventions have been adopted, to offer special protection to what, at a given historical moment in time, is considered a vulnerable group, which I deem children and childhood still to be across much of the world. How *rights-based* practice is applied can take many forms, as discussed by Jerome (2016). One form of *Children's Rights Education* already mentioned is UNICEF's *Rights Respecting Schools Approach*. I propose that educators in rights-informed and rights-based early childhood settings can, by taking an experiential perspective, develop a deeper understanding of children's experiences to inform pedagogy. By framing reflections on provision from a phenomenologically inspired perspective, I believe young children's experiences or interests, priorities and concerns become more visible. The observations or *experiential anecdotes* in this study were methodically structured around van Manen's (1997; 2014: 320) five "lifeworld existentials": Lived Other (relationality); Lived Body (corporeality); Lived Space (spatiality); Lived Time (temporality); and Lived Things (materiality) as evident throughout **Chapter 5**. For example, a phenomenologically inspired reflection brought to life what could otherwise have remained simply a 'nice' descriptive observation of Chris filming in the example on the next page (LE 174, Appendix 47). A child's subjective reality is captured through their *lifeworld* as communicated by the child, the notion of *life conditions* takes material circumstances into account, and the notion of *life interactions* recognises relational aspects of a child's experiences. These concepts guided the interpretation of the *experiential anecdotes* as discussed in **Subsection 3.1.1** and were used to analyse and interpret the Articles discussed in relation to the *key experiential anecdotes* in **Chapter 5**. This relational perspective, inspired by

**Experiential Anecdote 25.11.16 (LE 174) Setting 2, England**

A group of children come back to the two-year-old room (Lived time – they have been playing in another part of the building). When Chris sees me in the book area, reading with a child, he walks up to me and says he wants to film (Lived things – researcher equipment). He stands very close to me and looks expectantly up at me (Lived body – proximity). I push my pen and notepad to the side to make some space for Chris, and reach for my camera case. Chris watches as I take my camera out of its case. I hand it to him, and we secure the strap around his wrist. He switches the camera on. Chris chooses to film Jimi (educator) who is playing with some children (Lived space – what is happening). This is an adult Chris enjoys spending a lot of time with. When Chris is done filming, he switches the camera off, turns to me, standing tall, looking intently at me, and says with a big smile: “*I’m a big boy!*” as he hands the camera back to me (Lived other – relationality).

phenomenology, I believe is congruent with a rights-based approach as it facilitates seeing children’s experiences from a *child perspective* as well as *children’s perspective* (Sommer et al., 2010). This is a different and more epistemological way of using the notion of *lifeworld* than is commonly done where *lifeworld* is often taken to simply mean a child’s or person’s external life conditions in abroad sense as mentioned in **Subsection 3.1.1** (pages 76-79). By drawing on phenomenology, I have contributed to a different way of engaging with, children’s everyday experiences than is commonly done in ECEC. As a researcher or educator, a perspective framed by phenomenology and interpreted drawing on Kraus’ (2015) epistemological notion of *lifeworld* and *life conditions*, reconceptualised by adding my notion of *life interactions* (Lebensinteraktion), highlights the centrality of ethical relationships in both child-researcher and child-educator interactions, as it has to be recognised that every interaction has an impact on children’s *lifeworld* (Cole-Albäck, 2019).

**6.2.5 Instrumental Aspects of the Experiential Theory**

The theory level I derived the most pleasure from was the *Experiential theory* level, sharing children’s *lifeworlds*, *life conditions* in *life interactions* in the four settings, in two countries I know well; Finland where I lived for ten years as a child and have visited throughout my adulthood, and England where I have lived for the past eighteen years. As there is limited children’s rights research with children under three in educational settings (Quennerstedt, 2016), I went into the field with pretty much a blank canvas, but I believe my sociocultural knowledge of both countries gave me a distinct advantage when analysing and interpreting the informal conversations, interviews, and observational data. My innovative observational method revealed when children’s well-being was high or low and what the triggers were, making a distinction between more universal rights issues and children’s

locally situated priorities and concerns to reflect on, described in **Subsection 4.1.2** as my *Significant Events Approach to Children's Rights*. I define a *significant event* as:

An unplanned and unanticipated event that has strong emotional involvement (positive or negative), and in retrospect has an impact on understanding an issue or social phenomenon.

When the events are mapped against the UNCRC, they reveal what rights are being respected (or not), as a catalyst for reflections, as a low level of well-being can be understood as signalling that a child's basic needs, and by extension rights, are possibly not being met. Equally, events triggering high levels of well-being can be understood to indicate children's rights are being respected. In the example in **Figure 4** below, Jessica is enjoying the company of the educator (**Article 3.3**) while playing (**Article 31P**) with playdough (**Article 29.1 (a)**), expressing her high level of well-being through song and screeches of joy (**Article 13**) when being shown affection, or professional love (**Article 3.2**) by the educator (**Article 3.3**).

	over to the home corner and fetches one.				
	Sally goes over to Ethan in the block area				
9:50	<b>Bella</b> is using scissors and a knife to cut the playdough. <b>Jessica</b> has her hand on Jimi's knee, leaning on him while making a snowman (she loves 'Frozen'). She rolls playdough into a ball in her hand, singing a song from 'Frozen' to Jimi. She climbs onto his lap and Jimi gives her a cuddle. She screeches with pleasure.	WA	4	<b>5</b>	Provision Article 29.1 (a) Protection Article 3.3 Participation Article 13
	<b>Bella</b> is completely absorbed in her playdough cutting, oblivious to anything going on around her.	SG	5	<b>5</b>	Provision Article 29.1 (a)  Participation

**Figure 4:** Example of an observation with highlighted *significant event*

This simple interaction was 'right' on so many levels and made explicit through this approach of noticing children's experiences. My *Experiential theory* conclusion is that young children's own priorities, interests and concerns, without adding too much to the educator's workload, can be captured through the *Significant Events Approach to Children's Rights*. I do not believe that children's own priorities, interests and concerns should be put on hold as O'Neill suggests. I do not believe that "their main remedy is to grow up" (O'Neill, 1988: 463), but that children are entitled to grow up in an environment conducive of developing to their fullest potential from birth, as beings of equal worth to adults, engaged in democratic practices in educational settings from the beginning, in line

with the early childhood *child rights pedagogy* I have presented in this thesis. This research is, as such, different from similar research in the field in that with a tool such as the *Significant Events Approach to Children's Rights* researchers and educators can explore children's rights from a *child perspective* (Sommer et al., 2010; 2013) with much younger children than previously, as this approach does not rely on children's verbal communication skills alone. The challenge in working and researching with children under three has always been how to capture children's own interests, priorities and concerns as opposed to adult interpretations of concerns *for* children. This original tool captures what children are trying to tell us through their non-verbal communication and developing language skills, and if acted on can give children the opportunity to influence practice and have an impact on their own lives in childcare.

All five theory levels helped in defining the *Issue Question*: What does *child rights pedagogy* entail in early childhood education? **Table 1** above on page 242 summarises the theoretical assumptions of this pedagogical approach. The sub-questions, if parents and adults (managers, graduate and non-graduate educators) working with two-year-old children know about the UNCRC and children's rights, and what evidence there was of rights-based guidance and practice in settings were answered at a ***Practice*** and ***Experiential theory*** level, knowledge and practice much dependent on qualifications and *personal pedagogies* as discussed in **Chapter 5**. The sub-question of how young children experience their rights in a setting was answered through the observations framed around my approach to children's rights and illustrated through *key experiential anecdotes*, also in **Chapter 5**. They showed a range of experiences from highly to lesser rights-respecting experiences, mainly implicitly rights-informed as revealed in the summary of **Chapter 4** (pages 148-154). All of this data helped me in shaping the notion of what *child rights pedagogy* may entail in early childhood, expressed in the next subsection.

### 6.2.6 Defining *Child Rights Pedagogy*

In **Chapter 2** (page 54) I defined pedagogy as *the interplay between values, purposes, theories, and processes that inform care, upbringing, and educational work with children*. Building on this, I suggested *child rights pedagogy* can be understood as *a value-based pedagogy informed by the UNCRC in interplay with purposes, theories, and processes that inform care, upbringing, and educational work with children*. In short the four aspects: the UNCRC, purposes, theories and processes in *child rights pedagogy* can be, at a practice level, understood as illustrated in the four sections of **Table 27**.

**Table 27:** Aspects inherent in *child rights pedagogy*

The UNCRC
It is a pedagogy where the UNCRC is a core guiding document. In an early childhood setting this means an easy to read copy of the UNCRC is at hand and educators have a good general knowledge about all the Articles relevant to early childhood practice. Educators actively look for and take children's own interests, priorities and concerns into consideration by using tools as for example the <i>Significant Events Approach to Children's Rights</i> , and as a consequence create opportunities for children to influence practice, with the children made aware that it is their experiences and input that is effecting change. This approach to practice is shared with parents and carers.
Purposes
It is a pedagogy that questions the purpose of early childhood curricula in Europe. In an early childhood setting educators take children's rights into consideration when debating learning and development, challenging exiting implicit ideologies that guide provision for children and what the implications are for educators, bringing to the fore underlying values. Setting specific rights-based impact assessments guide change, informed by professional knowledge and children's interests, priorities and concerns as identified with assessment tools as for example the <i>Significant Events Approach to Children's Rights</i> . It is a pedagogy that recognises and debates the contested nature and possibly conflicting visions of public provision, and expressed in a settings mission statement.
Theories
It is a pedagogy informed by a multi-layered theory, actively taking into consideration experiential, professional, ethical, societal and legal concepts. All aspects of children's experiences and practice are made explicit in a team; the individual child's experiences, development and well-being as an individual within the group, and the group as a whole. Experiences, development and well-being are noted in learning journals and mapped against the UNCRC to guide practice. The strengths and weaknesses of an existing curriculum in relation to children's rights are raised, with educators recognising early childhood education as an ethical and contextually dependent endeavour within a larger human rights discourse, with corresponding obligations on the part of the educator. It is a state of mind and approach 'felt' in the atmosphere of a setting more so than necessarily visible through posters, books and other external symbols, that are however also present.
Processes
It is a situated pedagogy centred on relationships and experiences as much as curricular targets set by government guidance. In an early childhood setting this means the social side of learning and concepts as for example secondary attachment to adults and early friendship bonds between children are valued as fundamental to learning, and as important as academic attainment targets to be reached. Children, even the very youngest in childcare are not seen as objects of care, but individuals with a right to be treated with dignity; seen, heard, understood and an active influencer in day-to-day practice. This requires an amount of flexibility that is only possible with well qualified and knowledgeable educators. The UNCRC is therefore a guiding document in any <i>continuing professional development</i> programme.

## 6.3 Looking Ahead

I was particularly keen to explore children's rights with children under the age of three as it is an age group rarely included in conversations around children as rights holders. I hope others, educators and researchers, will build on my approach as presented in this thesis, critique and improve it, use it as a springboard and adapt it to various areas of childhood research. I hope this study will encourage others to explore new conceptualisations of rights through *rights bundling* as suggested in **Section 5.6** (pages 217-232). I also hope my 4-stage rights-based ethics framework discussed in **Section 3.3** (pages 99-104) will be expanded on by colleagues, and I especially hope educators will find using my *Significant Events Approach* valuable in capturing what is of interest, priority and concern to young children as a way of engaging with children's rights in ECEC (**Subsections 4.1.2** and **4.2.1**). This is currently being explored in settings in South East England, a collaboration I much value, where we are now applying theory and research to practice in very much a *praxeological* way. I also plan to continue disseminating my research through various channels: in research groups, through published and online journals, books and book chapters, at higher education institutions and at national and international conferences such as those organised by the *British Early Childhood Education Research Association* and the *European Early Childhood Education Research Association*, as I have done during the past five years (see Appendix 16).

### 6.3.1 Transferability of the Study

At the outset of the study I decided to involve two countries because I believed child rights issues to be conceptually transnational in that children's rights transcends all borders. This is what my data also seem to suggest as detailed in **Chapter 5**, in the five subsections with the heading *Related Experiential Anecdotes from the other Three Settings*. This data revealed how relatable the children's experiences of rights were across the four settings. I therefore believe my data is transferrable to other European countries. It would be interesting to explore my approach in more diverse settings, to investigate if the *Guiding Articles* are indeed universal, as well as discovering other culturally specific *Significant Articles* that can further help the development of the concept of *child rights pedagogy* and *Children's Rights Education*. I believe my approach can be of interest to institutions and NGOs involved with teaching and promoting children's rights and the UNCRC. I recognise that this study was a small-scale case study and that it is generally held that knowledge created in such a small study cannot be generalised. However, as pointed out in **Subsection 3.4.2** the reader can through my experiential accounts and detailed



description determine how my data and approach can be transferred to other settings (Hellström, 2008).

### 6.3.2 The Politics of Children's Rights in ECEC

In **Subsection 3.2.3** I raised my concern about the political landscape in Europe today, where some authors suggest democracy is being challenged (Gershman, 2016; Maertens, 2018; Scott, 2019; van Beek, 2019). Through this study I am promoting the very young child's rights in educational settings as a fundamental aspect of democracy. Seeing children as active agents and rights bearers, here and now, challenges individualised, competitive, consumer models of education (Jerome, 2016). A more relational alternative sees children as more than human capital for the future labour market, as more than *becomings*. However, since the Cameron Ministry, there has been a gradual shift away from children's rights in the English education discourse in general, in favour of a market and economically driven agenda, and early childhood has not been spared either (Lloyd, 2015). This is what Vandenbroeck (2017), in his keynote speech at the EECERA conference in Bologna, called the 'Heckmanisation' of the early years. By that Vandenbroeck means a blinkered focus on the economic argument for investing in ECEC. In short, Heckman (2004: 35) argues for investing in early childhood interventions to reduce social costs to society in the long run; for the benefit of "productivity and safety of [in this case] American society". Vandenbroeck questions this narrow view of what early childhood education is, or should be for. He objects to this singular focus on the *becoming* child. In this worldview there is, according to Vandenbroeck, only limited space for interdependency, for collaboration, for solidarity, for fairness, for democracy, for care. At the core of Vandenbroeck's argument lies the perennial question of what we think education should be for and what kind of world we want to construct with and for children? A study promoting a relational reality where children and adults are seen as both *beings* and *becomings* of equal worth is today most pertinent, promoting democracy, interdependence and a rights-based approach to ECEC, as an alternative to a future oriented, individualistic discourse.

We have to however recognise that ECEC is a contested space with many dialogues going on, with proponents that have strong views; economists with their views set in the future; lawyers with their legalistic approach and strict interpretations of the law; NGOs with their agendas who do not customarily turn to research for information; and educators who may find many debates inaccessible. What may seem straight forward to an economist or lawyer may be conversations educators are unfamiliar with and may find confusing. But it is not only lawyers or economists who maybe presume prior knowledge. NGOs may

presume prior understandings of corporate culture, researchers may presume awareness of research processes, and in this all, educators may also presume a shared understanding of what constitutes quality ECEC (a contested concept in itself). In this contested space, proponents may debate whether children are best served under the UNCRC framework or as part of the human rights framework; debate what language should be used so as not to undermine progress; debate how far the current framework can be stretched before it is distorted beyond recognition. Proponents also need to recognise the [perceived] tension between parental or adult rights and children's rights, especially in relation to Article 12. Article 12 is a highly political and contested Article as it challenges "how children are perceived in law and in society" by recognising that children are entitled to express their views freely and for their views to be given due weight (Lee, 2017: 727). From an educator's perspective the potential tension can also be between individual children's rights or that of the collective's. The *Significant Events Approach to Children's Rights* can expose children's specific interests, priorities and concerns; however, as with any approach, its impact is reliant on the educator's "personal pedagogy", that is, their emotional make up, personal values, their life experiences, relationship to a child, and personal understandings of child development (van Manen, 2015: 80), as well as knowledge and understanding of children's rights. Its transformative potential is reliant on educators recognising and acting on tensions and concerns, which requires educators seeing themselves as active agents of change rather than passive recipients and implementers of a curriculum (Jerome, 2016). Despite differing perspectives there is a common purpose or desire – a better present and future for children. I believe a multidisciplinary approach can achieve this, through conversations and interactions across disciplines where various stakeholders are invited to the table, debating and creating new insights into the nature, function and experiences of children's rights.

### **6.3.3 Recommendations**

Scattered throughout this thesis I have pointed out how this study could inform researchers and educators in ECEC, and recommend the following:

1. The political nature of ECEC needs to be recognised in further and higher education courses with educators encouraged to become more than implementers; empowered to become active agents of change.
2. All institutions training students to work with and for children need to include the teaching of children's rights, and actively engage students in a dialogue about how the UNCRC can guide practice, as children's rights and human rights are central to democracy.

3. Continuous professional development needs to include developing an understanding of *Children's Rights Education*, to keep educator informed and to challenge misconceptions.
4. A multidisciplinary approach is necessary for a greater understanding of how children's rights are relevant to different disciplines and local contexts.
5. More attention needs to be given to local research, identifying children's own interests, priorities and concerns with tools as for example the *Significant Events Approach*, so that children, even very young children, are involved in effecting change.

#### **6.3.4 Final Thoughts**

I opened this thesis with a quote by Professor Michael Freeman and the last quote of this thesis is also by this eminent child rights scholar, who in his chapter six closes with what still holds true today:

The Convention can only be seen as a beginning, but it will not have an impact on the lives of children until the obligations it lays down are taken seriously by legislatures, governments and all others concerned with the daily lives of children, in reality by all adults (Freeman, 1997a: 128).

I close on a personal note. I have been on an extraordinary journey these past five years where I have met and got to know some wonderful children and adults whom I will always remember. It is with a little melancholy I recognise that 'my' sixteen focus children, who all touched my heart and mind, will not remember me as they continue their journey through childhood. They have however made a lasting impression on me and shaped who I now am, as an individual, educator and researcher. I believe, research with children needs to be empathic, but in being so we open ourselves up to being vulnerable to attachment and in a sense loss when a study is over. It was however a privilege to engage with 'my' children, their parents, and educators in their everyday lives for a brief moment in time, and hopefully through this study they will touch other hearts and minds in my academic field, noting their plea:

do see me, hear me  
educate me playfully  
together today  
with care and kind protection  
so I can be, become me



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