

**How Do Frontline Practitioners Enact The
Principles Of The CRC Through The Subsidiary
Duties Of The Rights Of Children And Young
Persons (Wales) Measure (2011) In Their Practice**

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Abstract

Despite a wealth of research relating to children's rights existing, contextualised understandings of enactment of international children's rights treaties in practice remain limited (Quennerstedt, 2013). This thesis explores how frontline practitioners in Wales, in the fields of social work and education, enact the principles of the United Nations Convention on the Rights of the Child (CRC) through the subsidiary duties of the Rights of Children and Young Persons (Wales) Measure 2011 (NAfW, 2001). It addresses the gap between the rhetoric of the United Nations Convention on the Rights of the Child (CRC) and its practical realisation within Welsh public services.

The study is philosophically underpinned by critical realism (CR) allowing for a comprehensive understanding of the complex interplay between policy and practice. The research employs a mixed-methods approach, combining qualitative and quantitative data collection and analysis in a four-phase research design of documentary analysis, elite interviews, surveys and focus groups. Documentary analysis provides a historical and contextual background, while elite interviews offer insight from key stakeholders involved in the development and implementation of children's rights policy in Wales. Surveys and focus groups gather data from frontline practitioners, providing a comprehensive understanding of their experiences, perspectives and enactment of the CRC in practice.

The research is structured around the four contextual domains of Enactment theory (Ball, Maguire and Braun, 2012), utilised as a framework to explore how different actors, including policymakers, service providers and practitioners, interpret and contextualise the CRC. By focusing on the interactions and interpretations of various actors, enactment theory helps identify barriers and facilitators to effective policy implementation, emphasising the significance of local contexts, stakeholder perspectives and the dynamic nature of policy enactment.

Recommendations are provided that speak to the practical realisation of children's rights within Welsh public services, focusing on the need for robust legislative frameworks, effective advocacy, supportive professional cultures and well-resourced environments.

This thesis is dedicated to Maddie and Harri.
—y tân yn fy nghalon—
Caru ti x

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Submission of this thesis marks a significant moment. Over the past five years, I've balanced work, caring responsibilities, and doctoral research—often all at once. I feel incredibly proud to have reached this point.

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This thesis marks the beginning of a new chapter, and I for one, look forward to what comes next.

Table of Contents

Abstract.....	ii
Acknowledgements	iv
Table of Contents.....	vi
List of Tables	x
List of Figures.....	xii
List of Appendices.....	xiii
Chapter 1: Introduction.....	1
1.1 <i>Background and Context</i>	1
1.2 <i>Research Problem and Objectives</i>	4
1.3 <i>Rationale, Justification and Research Significance</i>	5
1.4 <i>Structure of the Dissertation</i>	5
Chapter 2: Children, Childhoods and Children’s Rights	7
2.1 <i>The Origins of Childhood</i>	7
2.2 <i>The Child as Innocent: Romantic Roots and Contemporary Resonance</i>	10
2.2.1 The Child in Need of Protection	12
2.2.2 Benefits and Limitations to a Constructed Image of Children as Innocent.....	13
2.3 <i>The Child as Becoming: Individuality and the Socialisation Paradigm</i>	14
2.3.1 Benefits and Limitations of the Child as Becoming	15
2.4.1 The Constructed Image of the Competent Child: The CRC as a Catalyst for Change	17
2.4.2 The Competent Child	19
2.4.3 The Tension Between the Child and Parent	21
2.4.4 Benefits and Limitations of the Constructed Image of the Child as Competent	23
2.5 <i>Interpreting the CRC: Principles and Normative Foundations</i>	26
2.5.1 The Under-Theorised CRC	26
2.5.2 Not an absence of theory, but an absence of critical analysis of CRC principles.	28
2.6 <i>Conclusion</i>	29
Chapter 3: Theoretical Perspectives – Understanding Children’s Rights Policy	30
Part 1: Children’s Rights in Legislation, Policy and Practice.....	30
3.1 <i>Devices and Motivations for Children’s Social Policy in Wales</i>	30
3.1.1 First Wave: 1999-2010.....	32
3.1.2 Second Wave: 2010-2015	35
3.1.3 Third Wave: 2015-Present	37
3.2 <i>Indirect Incorporation of the CRC in Wales: The Measure (2011)</i>	38
3.2.1 Strengths and limitations of indirect incorporation in Wales.....	41
3.2.2 A Duty on Ministers and an Expectation on Public Services	44
3.3 <i>Conclusion</i>	46

Part 2: Approaches to Children's Rights Implementation	47
3.4 Technicist Approach to CRC Implementation	48
3.5 Implementation Approaches to CRC Realisation	50
3.6 Enactment Approach to Children's Rights Policy	51
3.6.1 Contextual Dimensions of Policy Enactment	52
3.6.2 Application of Enactment Theory in the Context of this Study	55
3.6.3 Policy Recontextualisation in Enactment of the CRC	57
3.8 Conclusion	60
Chapter 4: Methods and Methodologies	61
4.1 Research Philosophy	62
4.2 Methodological approach	67
4.3 Research Methods	68
4.4 Phase 1: Documentary Analysis	69
4.5 Phase 2: Elite Interviews	79
4.5.1 Interview Design	80
4.5.2 Data Collection and Analysis	86
4.6 Phase 3: Survey	87
4.6.1 Survey Design	88
4.6.2 Recruitment and Sampling	91
4.6.3 Data Collection and Analysis	96
4.7 Phase 4: Focus Groups	98
4.7.1 Focus Group Design	98
4.7.2 Data Collection and Analysis	100
4.7.3 Limitations and mitigations	101
4.8 Ethics	103
4.8.1 Ethical Approval	103
4.8.2 Consent	104
4.8.3 Data Protection	106
4.8.4 Harm	107
4.8.5 Positionality	109
4.9 Validity, Credibility and Trustworthiness	112
An Introduction to Findings: The Four-dimensional Contexts of Enactment	116
Chapter 5: The Situated Context of Enactment	119
5.1.1 People and Politics	122
5.1.2 The ideological position of Labour leaders	124
5.2 Wave 2: Legislative Innovation and Ideological Shifts in CRC Enactment	131
5.2.1 An issue of Pervasion	133
5.2.2 The role of the NGO and Committees at Stage 1	136
5.2.3 The Contested Retrenchment of Rights	143
5.2.4 The Ideological Position of Labour Leaders – a response to <i>realpolitik</i> ?	146
5.2.5 Reframing Children's Rights Through Structural Reform (Education)	151
5.2.6 Divergent Interpretations of the CRC	156
5.3 Conclusion	156
Chapter 6: The External Context of Enactment	157

6.1 Expectations from Broader Policy	158
6.2 Degree and quality of support afforded to public services - Legislative Measures to guarantee the rights of children.....	161
6.2.1 Omission of Due Regard in any Bill, as Introduced.....	167
6.2.2 The Influence and Advocacy of the Office of the Children’s Commissioner for Wales (CCfW)	170
6.2.3 SSWBA (2014) development	171
6.2.4 ALN (2018) and Curriculum (2018) Act Development	176
6.2.5 The Influence and Advocacy of wider NGOs.....	179
6.2.6 Introduction of CRC Duties at a late stage.....	184
6.3 A Single, Unifying Public Sector Duty.....	190
6.4 Full and Direct Incorporation of the CRC.....	194
6.5 Frameworks.....	196
6.6 Conclusion	200
Chapter 7: The Professional Cultures of Enactment.....	202
7.1 Knowledge and Confidence of the CRC and Measure (2011)	202
7.1.1 The Relationship between Knowledge and Confidence	212
7.1.2 Sources of Knowledge	216
7.2 Leadership and Vision	219
7.2.1 Practitioner Alignment to the CRC.....	219
7.2.2 Institutional Alignment to the CRC	223
7.2.3 Alignment to Rights-Based Approaches	228
7.3 Personal Orientations to the CRC	232
7.3.1 Protection Rights as Foundational	236
7.3.2 Balancing Rights in Crisis.....	238
7.3.3. Participation rights are a means of making better decisions.....	240
7.3.4 The CRC as a Reflective Tool.....	242
7.4 Conclusion	244
Chapter 8: Social and Material Contexts of Enactment.....	246
8.1 Influence and Impact of the Measure (2011)	246
8.2 Physical Space and Social Contexts as Material Contexts.....	247
8.3 Workforce Capacity and Collaboration as Material Contexts	250
8.4 Accountability Structures as Material Contexts	253
8.5 Education Material as a Material Context	255
8.6 Conclusion	261
Chapter 9 – Discussions and Conclusions	262
9.1 RSQ1: How Are Children’s Rights Enacted at a Macro Level?	264
9.1.1 Ideological Positions of Leaders	265
9.1.2 Legislative Measures and Advocacy Efforts	265
9.1.3 The Role of NGOs and Civil Society	267
9.1.4 What Lessons Can Be Learned at the Macro Level?	268
9.2 RSQ2: How do meso level interpreters enact the Measure (2011)?	271
9.2.1 Advocates in the face of Challenge and Resistance.....	272
9.2.2 Practical Contextualisation	273
9.2.3 What lessons can be learned at the Meso-level?	274

9.3 Collective Analysis of RSQ3 and RSQ4	277
9.3.1 Type of Policy Matters	277
9.3.2 The Tension of Balancing Rights.....	278
9.3.3 Knowledge and Confidence in the Measure (2011).....	279
9.3.5 What lessons can be learned at the micro-level?	283
9.4 Conclusion in Response to The Central Research Question	284
9.5 Limitations and Opportunities for Development	289
9.6 Future Research	290
9.7 Recommendations	293
Reference List	298
Appendices.....	331
<i>Appendix 1: Children's Rights Survey.....</i>	<i>331</i>
<i>Appendix 2: Focus Group Framework.....</i>	<i>350</i>
<i>Appendix 3: Ethics Application.....</i>	<i>352</i>
<i>Appendix 4: Consent Form.....</i>	<i>367</i>
<i>Appendix 5: Participant Information Sheet.....</i>	<i>368</i>

List of Tables

Table 4.1	A Critical Realist Stratification of Children's Rights Adapted from Hanson and Nieuwenhuys 'Living Rights' Framework
Table 4.2	Phase 1 Documentary Selection: Legislative and Policy Texts on Children's Rights in Wales
Table 4.3	Summary of Elite Interview Participant Information
Table 4.4	Summary of Survey Responses
Table 4.5	Summary of Focus Group Participants
Table 5.1	Examples of Agentic-Centric Policies from Wave 1
Table 5.2	A Guide to Legislative Processes for Bills and Acts at Senedd
Table 5.3	NGO Response, Stage 1: The Measure
Table 5.4	Committee Responses at Stage 1 of the Development of the Measure
Table 6.1	Overview of Subsidiary CRC Duties in Social Work and Education
Table 6.2	Summary of Findings in Legislative Process of Subsidiary CRC Duties
Table 6.3	Key Objections to Placing CRC Duties on the Face of Secondary Legislation
Table 6.4	HSC Committee Responses at Stage 1: SSWBA
Table 6.5	Committee and Ministerial Responses to CCfW
Table 6.6	Summary of NGO Responses in Each Act
Table 6.7	Stage 1 Committee Responses to Each Act
Table 6.8	Motions to Amend: ALN Act (2014)

Table 7.1	Overall Knowledge of CRC
Table 7.2	Awareness of Measure
Table 7.5	Have you heard of the Measure before today? by Level of seniority
Table 7.7.	Relationship between knowledge of CRC and confidence in its application
Table 7.10	Sources of Professional Knowledge by Field and Level of Seniority (Multiple Responses Allowed)
Table 7.14	Qualitative Survey Responses from Participants Who Indicated the CRC Does Not Underpin Their Practice
Table 7.19	Social Work Survey Responses to their Prioritisation of Protection Rights
Table 7.20	Education Survey Responses to their Prioritisation of Protection Rights
Table 8.1	Analysis of Survey Responses on Education Materials
Table 9.1	Stratified Model of Rights Enactment (adapted from Hanson and Nieuwenhuys, 2013)

List of Figures

Fig7.3	Knowledge of CRC according to level of seniority in Education
Fig7.4	Knowledge of CRC according to level of seniority in Social Work
Fig7.5	Have you heard of the Measure before today? by level of seniority
Fig7.6	Knowledge of CRC by length of service
Fig7.8	Level of confidence in application of CRC, by field
Fig7.9	Level of confidence in application of CRC, by level of seniority
Fig7.11	Level of Belief by Professional Field
Fig7.12	Level of Belief by Level of Seniority
Fig7.13	Level of Belief by Seniority Within Field
Fig7.15	The extent to which respondents believe RBA is the best approach by field
Fig7.16	Perception of RBA by Field and Sector
Fig7.17	Overall Prioritisation of 3Ps
Fig7.18	Prioritisation of 3Ps, by field of work

List of Appendices

Appendix 1	Final Survey
Appendix 2	Focus Group Framework
Appendix 3	Ethics Application
Appendix 4	Consent form
Appendix 5	Participant Information Sheets

Chapter 1: Introduction

1.1 Background and Context

This thesis explores the enactment and contextualisation of the United Nations Convention on the Rights of the Child (herein referred to as the 'CRC') within Welsh public services, focusing on the fields of education and social work. As a professionally qualified practitioner with fifteen years of experience in children's rights policy and practice, I have worked at the forefront of efforts to embed the CRC into local governance. My role within the first Welsh local authority to formally adopt its own Children's Rights 'Measure' (mirroring that of Welsh Government's) has afforded me a unique vantage point on the realities of implementing and contextualising rights-based approaches in practice. More recently, as a civil servant, I have gained first-hand experience of what it means to enact children's rights duties in a national policy context. This experience has shaped my understanding of the rhetoric of children's rights and their realisation on the ground.

This research was undertaken solely in my capacity as an academic researcher. It was conducted independently of my professional role as a civil servant. All data and materials used in the research were obtained exclusively from publicly available sources. No confidential or privileged information accessed through my employment informed any part of this study.

While the CRC is widely endorsed, it remains under-theorised and insufficiently contextualised—particularly in relation to how frontline practitioners interpret and enact its principles within specific legal and policy frameworks (Quennerstedt, 2013). The significance of this study lies in its examination of how the situated, external, professional and material contexts of enactment theory (Ball, Maguire and Ball, 2012), influence the enactment of children's rights duties. My dual position as both practitioner and researcher enables me to critically examine how rights are operationalised in everyday practice and to contribute a grounded, practice-informed perspective to the academic discourse on children's rights implementation, that responds to the central research question of this study

The research situates itself within the broader academic field of children's rights, drawing on historical and contemporary literature to provide a comprehensive overview of the evolution of children's rights policy in Wales, that culminated (Williams, 2012), in the creation of the Rights of Children and Young Persons (Wales) Measure (NAfW, 2011) herein referred to as 'The Measure (2011)'.

While the primary focus of this research is the Measure (2011), recognition of the subsidiary duties in social work and education in Wales—developed subsequently and as a result of the Measure—is required. Relevant¹ children's rights duties have been incorporated into the Social Services Wellbeing (Wales) Act 2014 (NAfW, 2014), herein referred to as 'SSWBA (2014)'; the Additional Learning Needs and Education Tribunal (Wales) Act 2018, (NAfW, 2018), hereafter referred to as 'the ALN Act (2018)'; and the Curriculum and Assessment (Wales) Act 2021 (Senedd, 2021), hereafter referred to as the 'Curriculum Act' (2021). Fig.1.1 represents this legislative children's rights structure:

¹ As the Measure is all-encompassing, there are a range of duties that can be traced to the Measure, regarded as significant in the implementation of the principles of the CRC (Hoffman & O'Neill, 2018). For example, the Child and Families (Wales) Measure (2010) places duties on Local Authorities to develop strategies for the eradication of child poverty (s2), assess the sufficiency of childcare (s7) and play (s11) opportunities and promote and publish arrangements for the participation of children (s12). The assessment and assurance of children's wellbeing is afforded in statute through the Well-Being of Future Generations (Wales) Act (2015). The Local Government and Elections (Wales) Act (2021) enables children aged 16+ years the democratic right to vote in Senedd Elections. While recognised as rights-based, the scope of this study is contained to legislative measures that explicitly reference the CRC in duties placed on the face of legislation affecting practitioners in social work and education, of which there are 3.

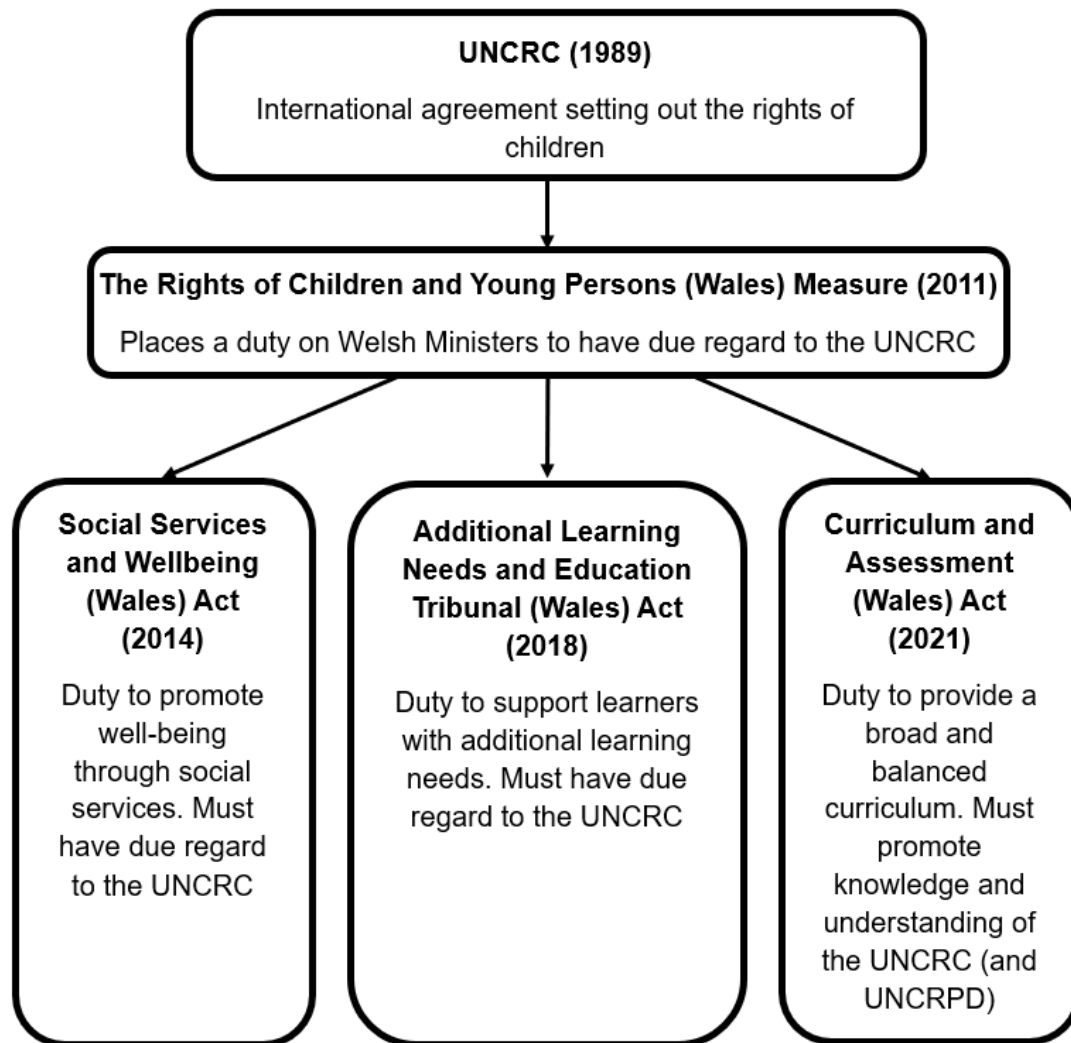


Fig.1 Children's Rights Legislative Structure Wales – Social Work and Education

The Measure (2011) can be regarded as an enactment of the CRC in Wales and the SSWBA (2014), ALN Act (2018) and Curriculum Act (2021) as enactments of the Measure (2011), collectively representing a significant legislative effort to embed the principles of the CRC into Welsh law (Williams, 2022). Therefore, to understand enactment of the Measure (2011) at the frontline, is to also understand enactment of the subsidiary children's rights duties in social work and education.

This study seeks to understand the enactment of these subsidiary duties from the perspectives of the practitioners to whom they apply. In doing so, it also considers the broader institutional and policy landscape in which these duties are situated—

examining the roles of key political figures, legislative frameworks and the influence of non-governmental organisations (NGOs) in shaping the current landscape of children's rights in Wales.

1.2 Research Problem and Objectives

The primary research problem addressed in this thesis is the gap between the rhetoric of the CRC and its practical realisation within Welsh public services. Despite legislative efforts, there remain inconsistencies and challenges in effectively embedding children's rights into everyday practice. The objectives of this research are to analyse the impact of political leadership and legislative frameworks on the enactment of the CRC; examine the role of professional cultures and personal values in shaping practitioners' interpretations and enactment of children's rights; investigate the material contexts that support or inhibit the practical realisation of children's rights; and provide recommendations for enhancing the effective enactment of the CRC within Welsh public services.

The main research question for this study is '*How do frontline practitioners enact the principles of the CRC through the subsidiary duties of the Rights of Children and Young Persons (Wales) Measure (2011) in their practice?*', to be answered through the following research sub-questions (RSQs):

RSQ1: How is the CRC enacted within Wales at a macro-level?

RSQ2: How do meso-level interpreters enact the Measure (2011)?

RSQ3: What impact does the duty toward the CRC, embedded in the Measure (2011), have on the practice of teachers and social workers?

RSQ4: To what extent do participants perceive the Measure (2011) to be important and successful in realising children's rights?

RSQ5: What lessons can be learned that aid the translation of the rhetoric of rights into reality for practitioners in education and social work?

Throughout this thesis, reference to the 'principles of the CRC' denotes the tripartite framework commonly recognised as the '3Ps': Provision, Protection and

Participation. This conceptualisation reflects the CRC's holistic approach, encompassing rights to resources and services (provision), rights to safety and security (protection) and rights to express views and influence decisions (participation). While the 3Ps offer a useful heuristic for structuring analysis, they are acknowledged as a simplified categorisation of children's rights. This tripartite framework is recognised as capturing the holistic nature of the CRC, ensuring that provision, protection and participation are considered together rather than in isolation.

1.3 Rationale, Justification and Research Significance

The importance of this study is underscored by the ongoing challenges in realising children's rights in practice (Williams, 2020; Byrne and Lundy, 2019), despite the existence of comprehensive legislative frameworks. This research aims to fill a gap in the existing literature by providing a detailed analysis of the mechanisms that enable or inhibit the practical realisation of children's rights within a political context which adopted the CRC into domestic law. By focusing on the fields of education and social work, the study offers contextualised insights into the specific challenges faced by practitioners in these sectors. This study has the potential to make significant contributions both academically and practically. Academically, it advances the understanding of the mechanisms that influence the enactment of children's rights within public services, responding to identified gaps in contextualised understandings of the CRC (Quennerstedt, 2013). Practically, it provides actionable recommendations for policymakers, practitioners and stakeholders to enhance the effective implementation of the CRC. By addressing the gap between rhetoric and reality, the research aims to improve the lives of children in Wales and contribute to the broader field of children's rights.

1.4 Structure of the Dissertation

The dissertation is organised into nine chapters. Chapter 1 introduces the research topic, objectives and significance. Chapter 2 provides a literature review, situating the study within the broader academic field of sociological understanding of children, childhoods and children's rights. Chapter 3 provides an historical overview of children's rights in Wales and outlines the theoretical perspectives and frameworks

guiding the research, specifically related to policy approaches to children's rights. Chapter 4 details the research methodology. Chapters 5 to 8 present the findings, organised around the four-dimensional contexts of enactment: situated, external, professional and material (Braun, Maguire and Ball, 2012). Each chapter analyses the data collected and discusses the implications for policy and practice. Finally, Chapter 9 concludes the dissertation, summarising key findings in response to the research question and sub-questions, providing recommendations for future research and practice.

Chapter 2: Children, Childhoods and Children's Rights

This chapter aims to provide an overview of the main concepts in children's rights research, setting out dominant paradigms that potentially affect the ways in which children, their childhoods and their rights are understood. To achieve this, the chapter begins by providing a timeline of literature pertaining to the constructed notion of childhood and the image of the child from times of antiquity to the late twentieth century where a 'new sociology of childhood' (James and Prout, 1997:8) began to dominate the fore. From this, the chapter explores the influence of the CRC in accelerating this new sociology of childhood, examining tensions within understandings of children's rights before reviewing the theorisation of these concepts and their translation into policy in Wales.

While this study focuses on practitioners' enactment of children's rights, it does not include direct participation of children or young people. This decision reflects the study's scope: the research question centres on how frontline practitioners interpret and enact statutory duties, rather than on children's lived experiences of rights realisation. Including children's perspectives would have required a distinct methodological design and ethical framework, which was beyond the remit of this project. Furthermore, given the limited empirical evidence on how practitioners operationalise rights in practice, it was necessary to first establish the historical and policy context shaping these duties. Future research could build on this study by exploring how children experience these enactments in practice, offering a complementary perspective to the practitioner-focused lens adopted here

2.1 The Origins of Childhood

While the study of childhood is seen as an established academic discipline, fascination with the childhood years is a relatively recent phenomena, described, as the late 1950s, 'a virgin field' (Vann, 1982: 281).

Growth is the most compelling metaphor around which contemporary understandings of childhood are organised (Jenks, 2006). This stems from the physical signs of anatomical change that accompany childhood, which are seen as

indicators of social transition (ibid.) Early psychological approaches to child development, such as those by Piaget (1964), linked cognitive abilities to a set of stages that determined 'normal' childhood, viewing development as a universal, linear process based on age (Leonard, 2018). However, contemporary approaches argue that childhood is not a natural phenomenon and that social transformation from child to adult is not solely contingent on physical growth (ibid.) Sociologists refute concepts such as maturation in relation to biological and cognitive development, emphasising instead the process of learning societal norms and values as crucial for the social transformation from child to adult (ibid.) These perspectives highlight a fundamental tenet of this section: the growth and development of children is culturally relative, interpreted and understood in relation to ideas about children's needs, welfare and best interests which vary between cultures (Woodhead, 1996). As such, contemporary notions of childhood, particularly those emerging in the late twentieth and early twenty-first centuries, widely acknowledge that childhood is a social construction (James, Jenks & Prout, 1998). That is, the ways in which children are perceived are shaped by the social and cultural contexts in which they are raised (Vandenhoe et al., 2017).

To better understand this, it is useful to distinguish between the *concept* and *conceptions* of childhood (Archard, 1993). The *concept* refers to the biological and chronological immaturity of children, which is universal, whereas *conceptions* of childhood refer to the culturally specific ways societies interpret and give meaning to this phase of life (James & Prout, 1997). This distinction is important because, while biological immaturity is a constant, the meanings attached to childhood vary widely, underscoring its socially constructed nature (Archard, 1993). While in modern times there is a strong emphasis on the socially malleable nature of childhood (Heywood, 2001), which has sparked scholarly interest in children's roles, capacities and relationships within society, this perspective is relatively recent. In other words, the concept and conception of childhood have evolved over time, shaped by shifting cultural, social and economic conditions. A range of historical debates exist concerning this and to understand how children's rights are enacted today, it is essential to first examine these evolving narratives and how they continue to influence contemporary understandings of childhood.

Historically, childhood was not always viewed as distinct from adulthood; rather, it was often defined in relation to it (James, Jenks & Prout, 1998). In the ninth century, children in monasteries were given extra sleep and nourishment, recognising not only their difference in age but in their different needs from adults (Heywood, 2001). Similarly, changes in Saxon law in the tenth century reflected a recognition of the need to treat young people differently from adults (Attenborough, 1992). In the seventeenth and eighteenth centuries, the role of children in the family varied. Some scholars argue that children were central to family life and were seen as worthy of time and education (Schama, 1987); others highlight the influence of Puritan faith and industrialisation on child-rearing practices, which often involved strict discipline and a focus on moral education (Stone, 1977). The eighteenth and nineteenth centuries saw the emergence of the idea of childhood as a period of innocence and naivety. Enlightenment thinkers, like Rousseau, emphasised the natural goodness of children and the importance of allowing them to develop freely (Rousseau, 1762), with romantic poets like Wordsworth and Blake reinforcing this view, portraying childhood as a time of purity and creativity (Wordsworth, 1802). The nineteenth and twentieth centuries witnessed significant shifts in the social history of childhood, particularly for working-class children (Connolly, 2025). The late nineteenth century saw increased legislative attention to children's welfare, with the establishment of foundling hospitals and the introduction of compulsory schooling (Steedman, 1990), and by the twentieth century, the length of childhood was both extended and shifted the experience of children from economic contributors to emotionally valuable members of the family (Cunningham, 1995).

Phillippe Aries' work, *Centuries of Childhood* (1962), is considered seminal from a sociologically inflected conception of childhood. Aries posits the concept of childhood was not recognised until the seventeenth century, where in medieval society, children were seen as small adults, with no distinct phase of childhood recognised (ibid.) This view is supported by the observation that children participated in adult activities such as manual labour and were often depicted as miniature adults in art (ibid.)

However, Aries' conclusions have been widely contested both in examples of how children's needs were conceptualised as different, in relation to adults, much earlier than he argues, (see Heywood and Attenborough above) and for his handling of historical sources, as naive. Critiques of Aries's interpretation of childhood centre on several key themes. One is the anachronistic projection of modern ideas onto historical contexts (Hanawalt, 2002), another involves the misinterpretation of historical evidence, where Aries's conclusions are seen as flawed or overly speculative (Wilson, 1980; Stone, 1977). For example, the absence of children in medieval art may be better understood as a reflection of the period's religious focus rather than societal indifference (Burton, 1989). Additionally, the realistic portrayal of children in Renaissance art may be more convincingly attributed to a revival of classical artistic styles than to a new recognition of childhood as a distinct phase of life (Martingdale, 1994).

Despite its criticism, *Centuries of Childhood* (1962) opened the way for scholars and academics across disciplines to explore what conceptions of childhood dominate societal and cultural contexts (Clarke, 2004), enabling them to construct images of what it means to be a child in late modernity (Wyness, 2018).

The literature reviewed so far, shares a widely accepted key perspective: the key change, which arrived with modernity, was a shift in the relationship between adult and child and the way in which adults felt about children, i.e., the sentiment children were afforded (Anderson, 1980). Alteration in the emotional meaning and significance of children has been significant in the narrative of childhood. Wherever the origin of childhood, this review has developed our understanding of childhood as a social construction, altering depending on the ways in which adults see children at given points. The remainder of this section will consider literature pertaining to dominant conceptualisations of childhood and their relevance to this study, i.e., romanticism and innocence, individuality and agency.

2.2 The Child as Innocent: Romantic Roots and Contemporary Resonance

The modern construction of the child as innocent is rooted in Romanticism, where childhood was reimagined as a sacred and morally superior state. This shift emerged

in the late eighteenth century, most notably through the work of Jean-Jacques Rousseau, who argued that children are born inherently good and are corrupted by society (Rousseau, 1762). Romantic poets such as William Blake and William Wordsworth expanded on this idea, portraying the child as a figure of spiritual purity and intuitive wisdom—closer to nature and truth than the adult (Blake, 1789; Wordsworth, 1807). These representations challenged earlier theological and rationalist views of childhood, positioning the child as a moral and epistemological counterpoint to the perceived corruption of adult society (Rowland, 2012).

This Romantic framing did more than celebrate childhood; it functioned as a critique of industrial capitalism and the rationalist structures of formal education (Plotz, 2001). The child was imagined not only as imaginative and emotionally rich but also as a symbol of resistance to the mechanisation and moral decay of modern life (Connolly, 2025). The idealisation of the child as a sacred, pre-social being reflected adult desires for purity and transcendence, turning the child into a vessel for adult longing and nostalgia (Delafield, 2009; Gittins, 2009). This symbolic role of the child, often romanticised as a lost connection to nature and imagination, contributed to what has been described as a 'cult of childhood' (Kehily, 2004:69).

Although cultural paradigms have shifted, the Romantic image of the child continues to shape contemporary understandings of childhood. Even modernist and postmodernist writers, despite their critical stance toward Romanticism, have relied on the child as a symbol of emotional truth and existential clarity (Benziman, 2016). In contemporary British culture, this construction remains pervasive, particularly in media representations and child protection policy (Connolly, 2025). The Romantic ideal of innocence has become a normative framework, informing discourses in education, law and welfare (Dinter & John, 2023). It underpins the contemporary view of the child as vulnerable and in need of safeguarding—a view that continues to justify adult intervention and state regulation in the name of protection (James & Prout, 2015).

2.2.1 The Child in Need of Protection

The Romantic ideal of innocence has evolved into a powerful organising principle in contemporary childhood discourse, particularly in relation to protection and rights. The assumption that children are fundamentally different from adults—emotionally, cognitively and morally—has become central to how societies justify protective interventions (Hemrica & Heyting, 2004). This difference is often framed through the lens of innocence, which functions as both a moral ideal and a regulatory tool. Innocence is not a fixed or universal concept; rather, it is historically and culturally constructed, shaped by literature, law, media and personal experience (Bragg et al., 2013).

The transformation of the child's role in society during the rise of industrial capitalism played a significant role in shaping this construction. As children's economic utility declined, their emotional value increased, leading to the emergence of the 'sacred child' (Zelizer, 1985:1-27)—a concept rooted in a cultural shift, where children's innocence became central to adult-child relationships (Cross, 2004). This shift created a separate world for children, one governed by emotional ties and education rather than labour (Lindqvist & Nordanger, 2007). The child's perceived innocence became a kind of social currency, justifying both familial affection and institutional protection (Bragg et al., 2013). This idealisation extended beyond the private sphere into public policy. Efforts to reduce infant mortality, regulate child labour and protect children from harm were all underpinned by the belief that childhood innocence must be preserved (Cunningham, 1995; Prout, 2005). In this context, innocence became a shield against adult concerns such as sexuality, money and politics (Montgomery & Kehily, 2010). These oppositions reinforced a binary between the pure child and the compromised adult, shaping both cultural narratives and institutional frameworks.

The relational nature of childhood means that it is always defined in opposition to adulthood. Children are imagined as pure and in need of safeguarding, while adults are seen as knowledgeable and responsible for that protection (Alanen, 1994; Zinnecker, 2000). This binary reinforces social hierarchies, assigning children a lower status and limiting their agency (Qvortrup, 1987; Freeman, 1998). It also raises

critical questions about how childhood is constructed and the implications of these constructions for children's rights and participation in society (Archard, 2015).

2.2.2 Benefits and Limitations to a Constructed Image of Children as Innocent

The notion of childhood innocence has several advantages that have positively influenced educational and social work policies. Schools are designed to be spaces where children can explore and learn without being exposed to adult concerns such as sexuality, politics and economic pressures (Cross, 2004; Zelizer, 1985) and a focus on safety and well-being is crucial for effective learning, as it fosters a sense of security and stability. The ideal of childhood innocence has driven the development of curricula that include moral and character education. These curricula aim to instil values such as honesty, kindness and respect in children from a young age (Lindqvist & Nordanger, 2007). Such education contributes to the development of well-rounded individuals who are prepared to contribute positively to society. Policies that aim to preserve childhood innocence often include measures to protect children from various forms of harm, including bullying, abuse and exploitation (Bragg et al., 2013). These protective measures are essential for ensuring that children can grow and develop in a safe and supportive environment.

In social work, the image of the innocent child drives the creation of child-centred policies that prioritise the well-being and protection of children (Cunningham, 1995). These policies ensure that children's needs are at the forefront of social work practices, leading to better outcomes for vulnerable children. Social work practices influenced by the notion of innocence often involve supportive interventions aimed at protecting children from harm and providing them with the necessary resources to thrive (Prout, 2005). This can include family support services, child protection measures and therapeutic interventions. The constructed image of child innocence helps raise public awareness about the importance of protecting children and can mobilise community support and advocacy efforts to improve child welfare policies and practices (Montgomery & Kehily, 2010). This heightened awareness can lead to increased funding and resources for child protection and welfare programs.

Despite its benefits, the constructed image of child innocence also has several drawbacks that can limit its effectiveness in addressing the complexities of children's lives. The emphasis on preserving childhood innocence can lead to curricula that avoid controversial topics, potentially limiting children's exposure to diverse perspectives and critical thinking opportunities (Wyness, 2018). This can hinder their ability to navigate complex social realities and develop a nuanced understanding of the world (ibid.). School policies designed to maintain a safe and innocent environment, such as zero-tolerance approaches to bullying, can sometimes result in overly punitive measures that do not address the root causes of behavioural issues (Palmer, 2006). These policies may fail to consider the broader social and emotional contexts of children's behaviour (ibid.)

In social work, the focus on protecting the innocent child can sometimes lead to an overemphasis on safety at the expense of children's agency and participation in decision-making processes (Furedi, 2001). This paternalistic approach can undermine children's autonomy and their ability to contribute meaningfully to decisions affecting their lives (ibid.) The image of the innocent child can lead to a narrow view of childhood that does not account for the complexities and diversities of children's experiences (Connolly & Haughton, 2017). This perspective may perpetuate stereotypes and overlook the agency and resilience of children in challenging circumstances (ibid.)

2.3 The Child as Becoming: Individuality and the Socialisation Paradigm

The image of the child as 'becoming' (Uprichard, 2008:304) is deeply embedded in the paradigm of socialisation, which continues to dominate traditional sociological understandings of childhood in the Global North (Gaitán, 2014). This framework positions children in relation to adulthood, viewing them as incomplete beings who must acquire the traits, knowledge and behaviours necessary to become fully functioning adults (Wyness, 2016). Historically, childhood has been conceptualised as a formal social category with its own status—one that every individual passes through. It is often treated as a natural and universal stage of life, shaped by both present and past experiences (Jenks, 2006).

Within this framework, children are typically portrayed as immature, irrational and emotionally driven, in contrast to the rational, competent and culturally refined adult (Leonard, 2018; Jenks, 2006). This dichotomy reinforces the notion that children are 'adults in waiting' (Matthews & Limb, 1998), whose value lies in their future potential rather than their present capacities. Until they reach the competent state of adulthood, children are seen as lacking responsibility and agency, requiring guidance through a structured process of socialisation (Such & Walker, 2005). This process is framed as a journey of becoming, during which children gradually assume the status of 'full humans' (Qvortrup, 2005: 4), shaped by adult-led efforts to instil socially acceptable behaviours and moral values (Wyness, 2018).

Challenges to the socialisation model have increasingly emphasised the importance of recognising children as active, capable individuals rather than passive recipients of adult knowledge. Central to this shift is the argument that children possess agency and should be understood as participants in shaping their own development and social worlds (Hardman, 1973; Alanen, 1988). This reconceptualisation also involves rejecting the notion of a universal childhood, instead acknowledging the existence of 'multiple childhoods' (Jenks, 1996:6), shaped by cultural, social and historical contexts (Matthews, 2007). From a developmental perspective, this view is supported by arguments that children are biologically and cognitively equipped from birth to engage meaningfully with their environments (Pinker, 2002). Theoretical responses to these critiques have called for a move beyond binary frameworks—such as being versus becoming—that have traditionally structured childhood discourse. Prout (2000; 2005) argues that the boundaries between childhood and adulthood are increasingly fluid, requiring more inclusive and dynamic models that reflect the complexity of modern childhoods.

2.3.1 Benefits and Limitations of the Child as Becoming

Framing childhood as a process of becoming offers practical advantages in education and social work. It supports structured developmental approaches that help children internalise social norms and values essential for societal participation (Jenks, 2006; Lindqvist & Nordanger, 2007). This model also encourages context-sensitive practice, allowing professionals to tailor interventions to the cultural and

social environments in which children live (James & Prout, 2015). When children's individuality is acknowledged, child-centred approaches can emerge—ones that affirm identity, promote participation and support personal growth (Alanen, 1988). Framing socialisation as a collaborative process, rather than a top-down transmission of norms, allows for a balance between guidance and autonomy (Vandenbroeck & Bie, 2006).

Despite its utility, the 'becoming' paradigm (Uprichard, 2008:104-106) presents notable limitations. A strong emphasis on future-oriented development can lead to conformity-driven environments that suppress creativity and reduce opportunities for self-expression (Wyness, 2018). It may also marginalise children's present experiences by valuing them primarily for their potential as future adults, rather than as individuals with rights and agency in the here and now (Furedi, 2001; Hemrica & Heyting, 2004). Additionally, socialisation frameworks often reflect dominant cultural assumptions, which may not align with the lived realities of all children. This can result in exclusionary practices that fail to support diversity or promote equity (James & Prout, 2015). Without a more balanced view that recognises children as both becoming and being, there is a risk of reinforcing hierarchies that silence children's voices—particularly those from marginalised communities (Vandenbroeck & Bie, 2006).

2.4 The New Sociology of Childhood(s)

The concept of childhood has evolved significantly over the past few decades, moving away from traditional views that often-depicted children as passive beings in need of protection and provision (James and Prout, 2015; Vandenhoe et al, 2017). The introduction of the concept of 'childhoods,' (Jenks1996:6), underscores the diversity of childhood experiences, reminding us that childhood is not a universal experience. Scholarly critique arguing that children are not blank slates but are capable of making sense of the world from a young age, highlighting their inherent receptiveness and ability to construct meaning (Pinker, 2002), has seen a new sociology of childhood(s) emerge, recognising children as active social agents capable of contributing to their own lives and society.

The shift in the understanding of childhood to the idea that children should be recognised as social actors (Prout and James, 1990) is one that has gained significant traction, leading to a redefinition of childhood itself (McMellon and Tisdall, 2020). Various scholars have contributed to the development of this new sociology of childhood. In anthropology, the view of children as muted is criticised (Hardman, 1973), advocating for their recognition as contributors to understanding (ibid.) In sociology, calls for the inclusion of children's experiences in research have been made (Alanen, 1988), challenging the dominance of socialisation theories. Highlighting the issue of child sexual abuse within families, Gordon (1988) brought attention to the need for greater awareness and intervention, while Mayall (1990) emphasises the adult-like responsibilities children often undertake, shedding light on their significant roles in domestic labour and care. In the emergence of a new sociology of childhood, children were being recognised as significant subjects in sociological research (Morgan-Ellis, 2010), solidifying their role as active participants in their own lives and in broader societal contexts (ibid.)

2.4.1 The Constructed Image of the Competent Child: The CRC as a Catalyst for Change

The adoption of the CRC in 1989 provided a comprehensive framework for recognising children and young people as active participants in decisions affecting their lives (McMellon and Tisdall, 2020). This framework has been instrumental in supporting academics and activists in viewing children as autonomous individuals, capable of shaping their own lives (Vandenhoe et al., 2017; King, 2004). King (2004) argues that this paradigm shift in the perspective of childhood would have been improbable without the CRC, which has served as a global framework for understanding and communicating the adult-child relationship, with Robb and Rideout (2019) further describing the CRC as the most significant human rights instrument for realising children's rights, redefining and upgrading the status of children in modern times.

The 30th anniversary of the CRC in 2019 provided an opportunity to evaluate its impact on children's rights research (Stalford & Lundy, 2020). Reviews highlight the significant growth in publications on children's rights (Reynaert et al. (2009);

Quennerstedt, 2013), yet despite the growth and volume of research in the last thirty years (Sutterlüty and Tisdall, 2019) and the significant impact of this research on the construction of the modern-day image of the child (Reynaert et al. (2009); Quennerstedt, 2013), the scope of key concepts in the field remains relatively low (ibid.) Three key paradigms dominate scholarly understandings of children's rights:

1. the competent child.
2. the tension between the child and parent.
3. the CRC as a globally accepted framework

The CRC has been pivotal in promoting the view of children as competent individuals with the right to participate in decisions affecting their lives (King, 2004; Reynaert et al., 2009; Vandenhoe et al., 2017; Robb and Rideout, 2019; Tisdall and McMellon, 2020). This shift from viewing children as '*becoming*' to '*being*' (Hemrica & Heyting, 2004:496), has challenged historical perspectives of childhood in the Western world (Lowden, 2002). Attempts to move past socialisation and reintegrate children into wider society (Verhellen, 1998) are representative of the dominant role the CRC plays in reshaping the role of children in society. The Convention has inspired civil society to develop participation arrangements that empower and involve children (Gal and Duramy, 2015). Alderson (2000) refers to the right to express a view as the most important and Freeman (1996:38) considers Article 12 the linchpin of the Convention, 'not only for what it says, but because it recognises the child as a full human being with integrity and personality and the ability to participate freely in society'.

However, a recent review of children's participation rights highlights growing concerns regarding the actualisation of these rights (Tisdall and McMellon, 2020), where despite advocacy for the need for children and young people to exercise their participative rights, Article 12, which guarantees children's right to have their views taken seriously, remains one of the most violated and disregarded rights (ibid.) The review of 56 articles found that the narrative of children's participation is disappointingly familiar, summarised in two points: participative rights challenge

traditional conceptualisations of the child and childhood and practical concerns about poor implementation and exclusivity persist (ibid.)

2.4.2 The Competent Child

Dominant images of the child can coexist (James and Prout, 1997) and within the CRC itself, there is opportunity for multiple understandings of childhoods to occur (Vandenhoe et al, 2017), often leading to conflict and confusion in balancing rights to be protected and provided for, with rights to autonomy (ibid.) As children become more visible as participants within society, opportunities to lead lives free of adult control have diminished (James and James, 2001). Adults' concerns about children's best interests and safety frequently override children's rights to participation, demonstrating the tension between protection and participation rights (Alderson et al., 2005) and the discretion adults have to judge the appropriateness of a child's voice in decisions has led to debates about the reality of children's autonomy and participation (Marshall, 1997; Tisdall et.al, 2006). This challenge to traditional conceptualisations of childhood can result in increased regulation of children's lives, further marginalising them (Muncie, 2006; Reynaert et al., 2009); 'a paradoxical outcome of the discourse of autonomy' (Reynaert et.al, 2009: 528).

Despite increased attention to children's participation in policy and practice, its implementation often falls short of meaningful engagement. Participation is frequently characterised by tokenism, where children are included in processes without genuine influence or follow-through (Hart, 1992; Grover, 2005). This raises concerns about the authenticity of participatory practices and whether they truly empower children or merely serve institutional agendas. Even when participatory mechanisms are in place, their impact is often unclear or negligible, with little evidence that children's contributions shape decisions in any substantive way (Tisdall & McMellon, 2020). Structural and practical barriers further complicate efforts to embed participation meaningfully. Organisational bureaucracy can restrict flexibility and responsiveness, making it difficult to adapt processes to accommodate children's voices (Smith, 2007). Tensions often arise between respecting children's perspectives and meeting institutional or policy-driven objectives, leading to compromises that dilute the participatory intent (Thomas, 2007; Fitzgerald et al.,

2012). Moreover, participation initiatives frequently fail to reach marginalised or disadvantaged groups, reinforcing existing inequalities (Leviner, 2018; Hester & Moore, 2018). These challenges suggest that without critical reflection and structural change, participation risks becoming a symbolic gesture rather than a transformative practice (Winter, 2006).

The idea of adult-constructed opportunities is a recurring theme in participation research, where participation is often only recognised when initiated and controlled by adults within their own institutional domains (Hart, 1992). This framing can limit the authenticity of children's involvement, especially when children themselves perceive such activities as futile or irrelevant to their lives. Research shows that children are often reluctant to engage in initiatives labelled as participatory, decision-making, or consultative, particularly when they receive little feedback or see no tangible outcomes from their contributions (Stafford et al., 2013).

However, Lundy's (2007) model of participation offers a more nuanced framework that moves beyond simplistic critiques of tokenism. She argues that meaningful participation requires attention to four interrelated elements: space, voice, audience and influence. From this perspective, what may appear as tokenistic can sometimes be a necessary first step in building the conditions for more genuine engagement. In contexts where participation is still emerging, adult-led initiatives—though imperfect—can provide children with initial opportunities to express their views and begin to understand their rights. Tisdall and McMellon (2020) similarly highlight practical constraints, such as institutional structures and competing priorities, often limit the implementation of participation rights, suggesting that rather than dismissing all adult-led efforts as tokenistic, they should be evaluated in terms of their potential to evolve into more meaningful forms of engagement.

Organisations' bureaucratic nature is often not set up to deal with children's views to make a difference, where achieving change is usually a lengthy process (Smith, 2007; Thomas, 2007; Fitzgerald et al., 2012). Involving children and young people's views alongside others can be challenging, particularly in balancing their views with organisational needs and expectations (Leviner, 2018). Children's participation tends to consider local situations, despite many things affecting children at a national or

global scale (Cook, 2008; Hart, 2008). Some children can be overly pressured to engage in consultation to serve the needs of the organisation in reporting on that group, such as children in care (LaFrancois, 2008). An additional challenge is that of who participates and, significantly, who does not. Tisdall and McMellon (2020) recognise that participation is not equal. Disadvantaged groups such as young children (Hester and Moore, 2018), care-experienced children (Winter, 2006) and disabled children (Grover, 2005) are less likely to be able to exercise their participative rights in adult-constructed opportunities. This is attributed to a lack of effort to ensure appropriate methodological and practice developments needed to meet the participation needs of these children.

The concept that some children may be more likely to participate spans both demographically and geographically. Invernizzi and Milne (2002) highlight lessons to be learned from the Global South, where children are often viewed as important social contributors. Most articles within their review focus on a single country, indicating a gap in comparative research across nations or disciplines. Moreover, children's views on participation may not align with adult-defined norms of appropriateness—such as in cases of street work, child labour, or activism—challenging dominant Western assumptions about what constitutes legitimate participation. This highlights the lack of acknowledgement that children's agency is contextually shaped and that their forms of participation may be overlooked or devalued when they do not conform to adult expectations or institutional frameworks.

2.4.3 The Tension Between the Child and Parent

The recognition of the competent child has increased the visibility of children as both social and family members, reshaping traditional parent-child dynamics (Westman, 1999). Historically, the doctrine of *parens patriae* cast the state as a passive actor, intervening only in cases of parental failure, such as abuse or neglect (Cohen and Naimark, 1991:123). However, the image of the child as a rights-holder—enshrined in the UN Convention on the Rights of the Child (CRC)—has transformed this relationship. Children are now seen as individuals entitled to civil, political, social and cultural rights, while parents are reframed as duty-bearers responsible for realising these rights, often with state support (Howe and Covell, 2003).

This shift has introduced tensions between children's rights to autonomy and parental authority. The growing emphasis on children's participation and self-expression can challenge traditional parental roles (Thomas and O'Kane, 1998). Critics argue that prioritising autonomy risks promoting individualism at the expense of familial bonds. Huntington (2006) warns that this may erode the foundational role of family relationships, while Pupavac (2001) suggests it could justify increased state intervention. Roose and Bouverne-De-Bie (2008) similarly caution that privileging autonomy may weaken the supportive structures families provide.

A central challenge lies in balancing children's civil and political rights—such as freedom of speech, thought, conscience and religion—with parents' rights to family life and authority (Quennerstedt, 2009). During the CRC's drafting, one of the most contentious issues was reconciling children's political agency with parental guidance (ibid:173). Article 14 of the CRC exemplifies this tension, affirming children's rights to freedom of thought and religion while recognising parents' role in guiding them in line with their evolving capacities (CRC, 1989). Importantly, the CRC promotes a framework of shared responsibilities: Articles 3 and 5 affirm that while the child's best interests are paramount, parents retain rights and duties to provide appropriate direction.

These tensions are further complicated by national differences in CRC implementation. The United States, for example, remains the only UN member state that has signed but not ratified the Convention, reflecting deep-seated ambivalence toward international oversight of family life (Kanter, 2020). U.S. critics argue that ratification could undermine parental rights and invite state interference (Hill, 2016), particularly given the CRC's emphasis on children's autonomy (Schabas, 1996). This resistance is not only cultural but also political. Harris (2024:12) introduces the concept of the 'veto fulcrum' to explain how key political actors have blocked ratification, despite broader institutional and public support. These actors, situated at critical decision-making points, have maintained the status quo (Kanter, 2020).

In sum, the evolving recognition of children as rights-holders has transformed the parent-child relationship from one of unilateral authority to one of mutual respect and shared responsibility. While this shift enhances children's dignity and agency, it also raises complex questions about the limits of parental authority and the role of the state in family life.

2.4.4 Benefits and Limitations of the Constructed Image of the Child as Competent

One of the primary benefits of recognising children as competent individuals is the perception of empowerment it provides. In both social work and education, this perspective encourages children to take an active role in decisions affecting their lives. By acknowledging their capacity for agency, practitioners can foster a sense of autonomy and self-efficacy in children (Tisdall and McMellon, 2020). This empowerment is crucial for their development and well-being, as it promotes confidence and resilience (Grover, 2005). The competent child framework supports increased participation of children in various aspects of their lives.

In educational settings, this means creating environments where students' voices are heard and valued, leading to more engaging and inclusive learning experiences (Hart, 1992). In social work, it involves recognising children's rights to express their views and participate in decisions, thereby ensuring that their perspectives are considered in matters that affect them (Freeman, 1996). Adopting the competent child perspective encourages inclusive practices that cater to the diverse needs of all children. Educators and social workers are prompted to make necessary accommodations and adaptations to support children from different backgrounds and abilities (Hester and Moore, 2018). This inclusivity not only promotes equity but also enriches the learning and developmental experiences of all children involved. However, significant challenges remain in actualising these rights, particularly regarding adult attitudes, systemic barriers and the meaningful implementation of participation rights.

The competent child paradigm, which positions children as active agents in their own development, continues to encounter resistance in both policy and practice. Despite the widespread ratification of the CRC, opportunities for meaningful participation

remain unevenly distributed across demographic and geographic contexts (Przeperski & Owusu, 2021). Practitioners in education and social work face significant conceptual and systemic challenges in implementing the CRC, often navigating institutional pressures that prioritise managerialism, standardisation and risk management over relational and rights-based approaches (Pascoe et al., 2025). These tensions are further compounded by the evolving nature of family structures and the increasing reliance on professional institutions to safeguard children's welfare, which complicates efforts to fully realise the CRC's vision (Przeperski & Owusu, 2021).

Implementing children's rights in educational settings presents a complex set of challenges, particularly when it comes to balancing participation with protection. A central tension lies in reconciling traditional pedagogical practices with the CRC's emphasis on children's right to be heard. While educators are increasingly expected to create environments that support student voice and participation, institutional constraints and entrenched teaching methods often hinder this goal (Freeman, 1996). The challenge is not only to provide opportunities for children to express their views but also to ensure those views are taken seriously and influence decision-making. Lundy's (2007) model of participation offers a valuable framework for addressing this challenge, helping to operationalise Article 12 of the CRC in practical terms, encouraging educators to move beyond tokenistic approaches by ensuring that children have a safe space to express themselves, that their voices are genuinely heard and that their input has a tangible impact on outcomes (ibid.) At the same time, educators must navigate the ethical and professional responsibility of safeguarding children. While promoting autonomy and agency is essential, it must be balanced with the need to protect children from harm (Alderson, 2000). This creates a dynamic tension in classroom settings, where teachers must constantly assess how much influence students should have over decisions affecting their learning. The goal is to foster meaningful participation without compromising students' well-being (Alderson, Hawthorne, & Killen, 2005).

A critical dimension of this challenge involves ensuring that participation rights are upheld for *all* children, not just those who are most easily heard. Inclusive education

practices are essential for fulfilling the CRC's mandate (Grover, 2005). Practitioners must ensure that children with disabilities and those from disadvantaged backgrounds have equal opportunities to participate in decisions affecting their education. This requires adopting inclusive pedagogies and making necessary accommodations to support diverse learners. However, research indicates that inclusive practices are often inadequately implemented, resulting in tokenistic participation or outright exclusion (Hart, 1992; Hester & Moore, 2018). Without intentional efforts to address these disparities, the right to participation risks becoming a privilege rather than a universal entitlement.

Social work practitioners also face significant challenges in implementing the CRC. They are responsible for advocating for children's rights and ensuring that children's voices are heard in decisions affecting their lives. This involves navigating complex family dynamics and institutional barriers. Social workers play a crucial role in advocating for children's rights and empowering them to participate in decisions. This requires a shift from traditional paternalistic approaches to more child-centred practices (Tisdall and McMellon, 2020), where social workers must adopt practices that recognise children as competent individuals capable of making decisions (ibid.) One of the key challenges for social workers is navigating the tension between children's rights and parental authority. The CRC recognises children as autonomous individuals, which can conflict with traditional notions of parental control (Thomas and O'Kane, 1998). Social workers must balance the rights of children to participate with the rights of parents to raise their children. This requires sensitive negotiation and the ability to mediate conflicts between children and their parents (Howe and Covell, 2003). Social workers must also address systemic barriers that hinder the implementation of children's rights. This includes bureaucratic obstacles within institutions and societal attitudes that marginalise children's voices (Smith, 2007; Thomas, 2007). Practitioners must advocate for systemic changes that support children's participation and challenge traditional views that limit children's autonomy (Leviner, 2018).

2.5 Interpreting the CRC: Principles and Normative Foundations

Since its adoption in 1989, the CRC has evolved into a widely accepted and legally valid norm, serving as a global standard for monitoring and evaluating children's rights across various spheres of life (Quennerstedt et al., 2018: 39). This Convention is often used as a positive and normative benchmark to measure the scope, limitations and applications of children's rights (Hanson and Peleg, 2020: 17). Celebrated as a dominant force in childhood policy, the CRC promotes respect for children in a way no other policy or treaty has achieved (Holzscheiter, 2010; Cohen and Davidson, 1992). Its '*elastic*' nature allows it to address the lives of children universally (Byrne and Lundy, 2019: 359). Despite some criticism, the CRC continues to offer a range of substantive rights applicable to any policy affecting children. Reynaert et al. (2009) argue that it is inconceivable to ignore the CRC in scholarly work on children's rights, particularly as academics often approach children's rights as advocates rather than analysts. The Convention remains the most ratified of its kind, with only the USA not having ratified it. As outlined earlier in the chapter, this widespread acceptance has led to a scholarly focus on technical standard-setting, implementation and monitoring, reinforcing the idea that the CRC is an unquestioned transnational benchmark for childhood (Sköld & Cromdal, 2019).

In recent years, academics have called for a more critical review, urging researchers to theorise and contextualise the CRC, aspects that are largely missing in children's rights research. The more common technicist approach to understanding its implementation often overlooks the need for critical analysis and contextualisation, limiting the ability to think about children's rights beyond the Convention's framework (ibid.) For Quennerstedt (2013), this means using the CRC should be a starting point for dialogue, questioning the basic assumptions of its articles rather than being an unquestioned measurement of successful rights-based practice, i.e., the CRC is better used as a tool for analysis, than for instruction.

2.5.1 The Under-Theorised CRC

Since the adoption of the CRC, the meanings ascribed to children's rights have largely been based on the Convention's content. While the CRC was built on

consensus regarding the need to recognise children's rights (Jupp, 1990), no consensus was reached on the theoretical understandings or moral justifications for its basic principles (Tobin, 2012). Thus, the CRC can be seen as an 'incompletely theorised agreement' (Sunstein, 1995: 108). The Convention, a result of diplomatic negotiations, comprises different legal systems and competing ideas of childhood, leading to divergent understandings of children's rights in practice (Hanson and Peleg, 2020: 17). Quennerstedt et al. (2018) deconstruct the misconception that the CRC was built on consensus, suggesting that critical questions should be raised about the inconsistencies and alternative meanings that emerged during its drafting. For example, the unresolved issue of the right to life of the unborn child and abortion left the boundary of lower age open in the Convention (Tobin, 2012). Holzscheiter (2010) argues that understanding the negotiation of alternative standpoints could shed light on current tensions in children's rights thinking.

Freeman (1994) notes that the concept of children's rights raises both practical and theoretical problems. Activists often prioritise addressing injustice over theoretical questions, while philosophers and theorists may find the meaning of rights and articles within the Convention inconclusive (ibid.) Freeman argues the CRC's lack of theory makes it vulnerable, as 'rights without a reasoned defence are weak' (ibid, 1994: 493). Reynaert et al. refer to this gap between human rights activism and theory as an 'implementation gap' (2009: 529), compounded by the normative nature of the CRC. However, there are suggestions that this gap is bridged by consensus, allowing activism to proceed with little concern for fundamental theory (Donnelly, as cited by Freeman, 1994). For those who view the CRC as under-theorised, its strong technocratic position limits the ability to think about children's rights beyond the Convention (Hanson and Peleg, 2020). A focus on technical implementation can overshadow understanding the reality of children's rights or reflecting on whether children's rights should be the norm for dealing with children (Evans, 2005). A less prominent role for the CRC could allow for more theorised insights in specific fields and the problematisation of rights in particular domains (Quennerstedt, 2013).

2.5.2 Not an absence of theory, but an absence of critical analysis of CRC principles.

More contemporary critiques of the CRC argue that the issue is not the absence of CRC principles in children's rights studies, but rather the lack of discussion and reflection on the normative relevance, analytical qualities and explanatory powers of the theories employed (Hanson and Peleg, 2020:15). Hanson and Peleg (ibid) challenge the notion that there is a theoretical void in this field, asserting that theory is indeed abundant. They emphasise the need for a deeper engagement with the existing theories to understand their normative implications and analytical strengths.

Implementation of the CRC has been critiqued for a predominantly technicist approach, which focuses heavily on the technical aspects of implementation, such as standard-setting and monitoring, often at the expense of critical theoretical reflection, or contextual enactment, the approach adopted in this study. Technicist approaches can lead to a superficial understanding of children's rights, where the emphasis is on compliance with the Convention's provisions rather than on a deeper exploration of the underlying principles and values (Reynaert et al., 2009). Instead, the CRC should be a starting point for dialogue and critical examination, rather than an unquestioned measurement of successful rights-based practice (Quennerstedt, 2013).

Furthermore, the CRC's status as a globally accepted norm has led to a consensus-driven approach in children's rights research, where the Convention is often treated as an unassailable standard. This consensus thinking can stifle critical inquiry and limit the scope for exploring alternative perspectives and theoretical frameworks (Quennerstedt et al., 2018). For example, the liberal individualism afforded in the Convention because of Western bias may not adequately reflect the diverse contexts in which children live (Holzscheiter, 2010). This lack of contextualisation can result in a decontextualised discourse that fails to account for the specific social, economic, civil, political and cultural contexts children grow up in (Burman, 1996; Leonard, 2004). In summary, while the CRC has driven significant advancements in children's rights, it is crucial to incorporate critical and contextual perspectives to fully understand and address the complexities of children's rights in various global

contexts. Engaging more deeply with the normative relevance, analytical qualities and explanatory powers of the theories employed in children's rights studies can lead to a more nuanced and comprehensive understanding of the field. It is posited, in Chapter 3, that deploying enactment theory as a means to investigate the translation and interpretation of the CRC in specific contexts, is a necessary and effective counterpoint to implementation.

2.6 Conclusion

Chapter 2 has provided a thorough examination of the existing literature on children's rights and their enactment in practice. It has highlighted the complexities and challenges in translating the principles of the CRC into tangible outcomes for children. By addressing the gaps between rhetoric and reality, the literature offers valuable insights into the mechanisms required to effectively implement and enact children's rights. This chapter sets the stage for a deeper exploration of theoretical perspectives and practical approaches to children's rights policy in the next chapter.

Chapter 3: Theoretical Perspectives – Understanding Children’s Rights Policy

This Chapter fulfils two purposes and is written in two parts. Part 1 sets the context of Children’s Rights in Wales. This includes reviewing literature that provides a brief history of children’s rights in Wales, outlines the legal devices and motivations for children’s social policy in Wales post-devolution; the benefits and limitations of indirect incorporation and the role of public services as duty bearers (not bound by the Measure (2011)). Part 2 sets out different approaches to policy implementation of the CRC. In doing so I explore traditional approaches to understand policy implementation of the CRC and posit enactment theory as the preferable framework of my study to enable rich, contextualised, contemporary understandings of what practitioners already do and need, to interpret and translate the CRC and their statutory duties, to guarantee the rights of children in Wales through their practice.

Part 1: Children’s Rights in Legislation, Policy and Practice

3.1 Devices and Motivations for Children’s Social Policy in Wales

Wales is a country made up of around 1 million people, approximately 18% of whom are aged 18 years or less (Hoffman, 2021). Until 1965, Wales was a country whose laws were wholly determined by the UK parliament. In 1965, a Welsh Office was established to implement UK government policy in Wales (Davies, 1993), an arrangement that continued until the Government of Wales Act (1NAfW, 1998) enabled devolution in Wales. Devolution began with the establishment of the National Assembly for Wales in 1999, marking a significant shift in governance and policymaking. The devolved powers granted to the Welsh Assembly government allowed for the formulation of policies tailored to the specific needs and aspirations of the Welsh population (Jones, 2003). Since 1999, a series of ‘enactments’ (Hoffman, 2021:100) have enlarged the devolved competences Welsh Ministers have over policy and legislation previously held by UK Ministers, largely in children’s social policy (ibid.) The recognition of children’s rights as a distinct policy area gained momentum in Wales during the early years of devolution. The Welsh government, in

collaboration with various stakeholders, embarked on a journey to prioritise and safeguard the rights of children (Evans, 2007). The distinctive prioritisation of a children's agenda almost right from the outset of devolution can be attributed to two key factors (Hoffman, 2021):

1. The Labour Party held only a slim majority and required a collaborative approach across political parties to exercise powers (ibid.) Children's welfare provided a non-contentious subject area that political parties could unite over to establish a policy agenda (Butler and Drakeford, 2013). However, in more recent years, it has been more difficult to gain cross-party consensus when passing National Assembly for Wales legislation in specific areas of children's rights policy (Hoffman 2021).
2. The National Assembly for Wales only assumed legislative competency in some policy areas (ibid.) The Government of Wales Act 1998 (NAfW, 1998) was replaced by the Government of Wales Act 2006 (NAfW, 2006), enabling the National Assembly for Wales to make primary legislation in 20 areas (ibid: Part 3, section 5). These areas, e.g., education, health and social care, almost entirely directly or indirectly related to children's policy (Hoffman 2021) and so the Senedd could easily prioritise work in these areas to benefit children, young people and their families (Butler and Drakeford, 2013).

Post devolution, secondary legislation, via the National Assembly for Wales (Transfer of Functions) Order (1999) transferred further powers to Wales, leading to the establishment of an Executive Committee which emerged as the Welsh Assembly Government (re-named Welsh Government in 2007). Competences in policy areas such as health, education and social care were transferred to the National Assembly for Wales (re-named as 'Y Senedd in May 2020).

The following provides a brief historical narrative of children's rights in Wales, categorised into three waves. The term 'wave' is used here to describe reform activity over different period of time, a metaphor initially developed in relation to education but extended here to encompass wider rights-based developments (Davies et.al,2024).

The categorisation of reform into three waves is not intended to suggest discrete or sequential stages. Rather, the overlap between periods reflects the reality that legislative and policy developments often span multiple political cycles and persist beyond formal boundaries. This approach acknowledges continuity and interconnection between reforms, allowing for a more nuanced understanding of how ideas and practices evolve over time. The overlap is therefore deliberate, serving as an analytical device to capture dominant trends while recognising that change is rarely linear.

3.1.1 First Wave: 1999-2010

The initial phase post-devolution was characterised by an experimental approach to policymaking. This period, often described as a 'policy laboratory' (Reynolds, 2008), aimed to innovate and address the specific needs of Wales. The Welsh Labour administration sought to distinguish itself from the UK government by prioritising the principles equality and universalism (Morgan, 2002; Moon, 2012). In his 2002 lecture, known as 'clear red water', the First Minister Rhodri Morgan pits the binary positions of 'means testing and the pursuit of consumer choice' (Morgan, 2002) against 'universalism and the pursuit of equality' (ibid.) The timing of the lecture is significant, presented in the lead up to the 2003 general election. The Welsh Labour Manifesto firmly positioned the rejection of the 'marketisation' of social services in favour of co-operation and rights and in doing so attempts claim a universalist, rights discourse aligned to left economics, foregrounding Welsh Labour's rhetorical commitment to rights as an extension of leftist politics². The lecture became synonymous with the clear conceptual divergences that differentiated Welsh Labour from its UK counterpart.

The model of unconditional, universal rights became a cornerstone of Welsh Labour's standpoint, establishing a relationship between government and the people of Wales, as stakeholders, based on equality, reciprocity and mutual respect. In

² This ideological framing was later revisited by Eluned Morgan in her 2025 speech on the 'Red Welsh Way,' where she reaffirmed Welsh Labour's commitment to solidarity, equality, sustainability and justice. Her rhetoric sought to reassert a distinct Welsh Labour identity, echoing the foundational principles of 'clear red water' while adapting them to contemporary political pressures and aspirations (Davies, 2025). This is reviewed further in Wave 3.

respect of children, this was no different. In their 2003 Manifesto, Morgan states: 'Children and young people don't get the same sort of say in society as adults do, it's easy to forget that they are active members of it. A rights-based approach combats this by placing children and young people as rights-holders first, rather than as passive recipients of care' (Labour, 2003).

The early 2000s saw the publication of *Children and Young People: A Framework for Partnership* (WAG, 2000) and *Rights to Action* (WAG, 2004), establishing a clear Welsh Assembly Government standpoint³, where the tone for children's policy, rooted in children's rights, was established (Hoffman, 2021). The foundation of this standpoint was the introduction of 'seven core aims' (WG, 2004), a direct translation of the CRC across seven broad policy areas. These core aims provided a unifying framework for policy development across multiple domains and were intended to ensure that provision, protection and participation rights were embedded in practice. The seven core aims are:

1. **A flying start in life** – ensuring access to early years support and high-quality childcare.
2. **A comprehensive range of education and learning opportunities** – promoting equitable access to education and lifelong learning.
3. **The best possible health and protection from harm** – safeguarding physical and mental well-being.
4. **Play, leisure, sporting and cultural activities** – recognising the importance of recreation and cultural participation.

³ The study will use 'WAG' (Welsh Assembly Government) to refer to the devolved executive body in Wales from its formal establishment following the Government of Wales Act 2006 until 2011, during which time this was its official designation (WG, 2021). At that point, the legislative status of the Welsh executive was defined by the 2006 Act, which created a formal separation between the legislature (the National Assembly for Wales) and the executive (WAG). From 2011, following a successful referendum on further law-making powers and the subsequent Wales Act 2014, the name 'Welsh Government' (WG) came into official legal use, reflecting its enhanced legislative and fiscal authority (WG, 2021).

5. **Respect and being treated with dignity** – embedding principles of equality and non-discrimination.
6. **A safe home and community** – ensuring stability and security in living environments.
7. **Opportunities to participate in decision-making** – enabling children and young people to influence decisions affecting their lives.

These aims became a cornerstone of Welsh children's policy, shaping subsequent initiatives and reinforcing Wales' commitment to a rights-based approach:

- The National Service Framework for Children, Young People and Maternity Services (NSF) (WAG, 2005).
- The All-Wales Youth Offending Strategy (WAG, 2004).
- The first Child Poverty Strategy for Wales 'A Fair Future' (WAG, 2006).
- the Children and Young People Well-being monitor (WAG, 2006) which was developed with statistics that are explicitly linked to the CRC and can be seen as measures to implement the seven core aims.
- Extending Entitlement (WAG, 2000) was the Welsh Assembly Government's legal direction on youth services, which set out universal basic entitlements for young people aged 11-25 years. The 10 entitlements are not explicitly linked to the CRC but are clearly consistent with it, the significant point being that the language of entitlement is adopted, making a shift in the conceptual approach towards a rights-based approach.

In 2009, in response to the *UN Committee on the Rights of the Child Concluding Observations* (UN, 2008), the Welsh Government produced 'Getting it Right' (WG, 2009), an action plan seeking to address concerns relating to the implementation of children's rights, applicable to Wales. Areas covered in the action plan include tackling child poverty, equitable education and healthcare, arrangements for the improved participation of children and strengthening the CRC in Welsh legislation.

Concerns raised about incorporation of the CRC were addressed by a public commitment to exploring ways to legislate the CRC into Welsh law (Hoffman, 2021). The announcement to explore ways in which the CRC might be legislated in 2009, according to Hoffman, (ibid:104) had the potential to be 'audacious and risky'. Not only did the Senedd at the time have limited capabilities as a devolved nation, but the UK Government held a longstanding viewpoint not to incorporate the CRC into domestic law (ibid.) Resistance, however, did not come from the UK Government but instead internally from Welsh Government Officials themselves (Jones, 2013). This was potentially 'engendered by fears of an increased administrative or implementation burden' (ibid as cited by Hoffman, 2021: 105), opposition to the proposed legislation closer to home is well documented.

3.1.2 Second Wave: 2010-2015

The second wave of reforms in Wales, spanning from 2010 to 2015, reflects a broader consolidation of children's rights across multiple policy domains. This wave, building on the momentum of the 2011 referendum that expanded the National Assembly for Wales's (NAfW) legislative powers, is characterised by a series of legislative and policy initiatives that aimed to embed the principles of the CRC more deeply into Welsh governance. A landmark moment in this period was the introduction of the Rights of Children and Young Persons (Wales) Measure (2011), which made Wales the first UK nation to incorporate the CRC into domestic law. This required Welsh Ministers to have due regard to the CRC in the exercise of their functions, signalling a significant shift in the governance landscape (Williams, 2012).

Education reform was a central feature of this wave, catalysed by poor PISA results in 2009 that exposed systemic weaknesses in Welsh education (Connolly et al., 2018). Under Minister Leighton Andrews, a robust reform agenda was launched, focusing on literacy, numeracy and school standards. Measures included the reintroduction of national tests, the creation of a School Standards and Delivery Unit and the consolidation of local school improvement services into regional consortia (Andrews, 2014). Structural reforms also included consolidating local school improvement services into regional consortia and ending the three-jurisdiction regulatory settlement on GCSEs (Barrance and Elwood, 2018). These changes

aimed to create a more cohesive and accountable system, which could better support children's rights by ensuring consistent educational standards and reducing disparities (ibid.) The focus on accountability and challenge intended to address systemic issues and improving educational outcomes, thereby upholding children's rights (Milton et al., 2023), framed as aiming to improve educational outcomes and reduce disparities, aligning with the CRC's principles of non-discrimination and the best interests of the child (Connolly et al., 2018).

Andrews' approach however, signalled a reorientation in the discourse of rights, foregrounding a more socially oriented understanding of equity over an individualised account of rights (Andrews, 2014). While some earlier reforms, such as the removal of league tables, could also be justified in terms of rights, this period marked a shift in how rights were interpreted and operationalised. For instance, the introduction and critique of league tables reflected broader tensions between market-based accountability and social equity in education (Dearden & Vignoles, 2011).

Curriculum reform, which would later become a defining feature of the third wave, also began to take shape during this period. The publication of *Successful Futures* (Donaldson, 2015) laid the groundwork for the Curriculum for Wales, embedding a rights-based approach to learning and promoting greater curricular autonomy and teacher agency. Though formally implemented in 2022, the conceptual foundations of the new curriculum were rooted in this second wave of reform.

Beyond education, the SSWBA (2014) introduced a transformative framework for social care, emphasising well-being, prevention and early intervention. While the Act aimed to integrate the principles of the CRC—particularly the importance of listening to children and prioritising their best interests—its implementation has faced challenges, including inconsistencies across local authorities and administrative burdens (Llewellyn et al., 2020; Murphy and Waters-Davies, 2022). The Well-being of Future Generations (Wales) Act (2015) further reinforced the centrality of children's well-being in policymaking, embedding sustainable development as a guiding principle for public bodies.

3.1.3 Third Wave: 2015-Present

The third wave of reform in Wales, emerging from 2015 onwards, represents a continuation and deepening of the rights-based agenda initiated in earlier phases of devolution. Central to this period is the Welsh Government's *National Mission* for education, which sought to transform the education system through a comprehensive programme of curriculum reform, professional development and system-wide innovation (WG, 2017a). While most visible in education, these reforms reflect broader ambitions to embed the principles of the CRC more fully into public policy and practice (WG, 2022).

At the heart of this wave is the development and implementation of the Curriculum for Wales (CfW), which originated with the publication of *Successful Futures* (Donaldson, 2015). The CfW promotes a holistic, child-centred approach to learning that aligns with CRC principles. Its four purposes—developing ambitious, capable learners; enterprising, creative contributors; ethical, informed citizens; and healthy, confident individuals—embody a rights-based vision of education (Stewart, 2024). Formally implemented in 2022, the CfW marks a significant departure from previous models by granting schools greater curricular autonomy and encouraging teacher agency (WG, 2024). This shift away from prescriptive accountability towards a trust-based model of professional practice signals a broader cultural change in Welsh governance.

However, the transformation has not been without challenges. The Senedd's Children, Young People and Education Committee noted that while the CfW is ambitious, its implementation has been uneven, with concerns about the adequacy of professional learning, funding and clarity of guidance (Senedd Cymru, 2024:6). Estyn also reported that progress has been 'too variable', particularly in secondary schools, where the phased rollout has created inconsistencies in delivery (Estyn, 2023:12). Despite these issues, the third wave signals a reframing of rights discourse—moving beyond individual entitlements to embrace a more collective, socially oriented understanding of equity and justice (Crehan, 2024).

This evolving rights-based agenda finds renewed political expression in the emergence of the *Red Welsh Way*, articulated by First Minister Eluned Morgan in a major 2025 speech. Building on the ideological legacy of Rhodri Morgan's 2002 'clear red water' speech, the Red Welsh Way reaffirms Welsh Labour's commitment to 'solidarity, equality, sustainability and justice' (Davies, 2025). Delivered ahead of the 2026 Senedd elections, Morgan's speech was both rhetorical and strategic—asserting Welsh Labour's distinctiveness from UK Labour under Keir Starmer and pledging to 'call out' Westminster when it 'gets it wrong for Wales' (ibid.).

Importantly, Morgan framed her approach not as a rupture from Labour, but as a 'grown-up modern government' rooted in values-driven governance (ibid.) Her rhetoric echoed the ethos of clear red water while adapting it to contemporary challenges such as welfare reform, energy justice and constitutional autonomy (Senedd, 2025). In this context, the Red Welsh Way can be seen as a political and ideological framework that supports and legitimises the third wave of CRC reform—embedding children's rights, educational transformation and social equity within a broader vision of progressive Welsh governance. Together, the Curriculum for Wales and the Red Welsh Way could illustrate how Wales is seeking to institutionalise a distinct political identity.

3.2 Indirect Incorporation of the CRC in Wales: The Measure (2011)

Effective incorporation is widely regarded as essential for ensuring that the CRC has a tangible impact on children's lives, with legal scholars emphasising the importance of embedding children's rights within the domestic legal framework (Alston et al., 2005; Kilkelly, 2019). This imperative is reflected in Article 4 of the Convention, which obliges state parties to undertake 'all appropriate legislative, administrative and other measures' to implement the rights it guarantees (UNCRC, 1989). In Wales, this foundational obligation underpins the government's evolving commitment to children's rights, culminating in the indirect incorporation of the Measure (2011) into Welsh domestic law 2011. This section critically examines the nature of this approach and situates it within broader international perspectives on incorporation.

While the CRC does not prescribe a specific method of incorporation, the UN Committee on the Rights of the Child has provided interpretive guidance, elaborating on incorporation in General Comment No. 5, stating that 'provisions of the [CRC] can be directly invoked before the courts and applied by national authorities and that the [CRC] will prevail where there is a conflict with domestic legislation or common practice' (UN Committee, 2003, para. 20). Despite the binding nature of this obligation (UN Committee, 2013, para. 18; VCLT, 1969, Article 26; HRC, 1981, para. 1, as cited by Hoffman & Thorburn Stern, 2020), the Committee offers limited guidance on how incorporation should be operationalised in domestic contexts.

Reviewing the literature on the incorporation of human rights treaties, Hoffman and Thorburn Stern (ibid) highlight the diversity of terminology and the varying interpretations of what incorporation entails in practice. They emphasise that constitutional arrangements and legal traditions—particularly the distinction between common and civil law systems—significantly shape the feasibility and form of incorporation. These structural and legal distinctions influence not only the method of incorporation but also the extent to which the CRC can be enforced in domestic courts. What is apparent is that 'no single approach can be envisaged as a blueprint best suited to all countries and no single method is sufficient to translate the breadth of the Convention into the national legal framework' (UNICEF/Innocenti, 2007). Every state party or jurisdiction operates within its unique political, economic and social context and incorporation itself takes varying forms (Kilkelly et al., 2021).

To better understand the varied approaches to incorporation across jurisdictions, Lundy et al. (2012) offer a typology that has become embedded within the lexicon of children's rights research, distinguishing between direct, indirect and sectoral incorporation:

Direct incorporation entails full transformation of the CRC into domestic law, either through legislation or constitutional means.

Indirect incorporation allows the CRC to exert partial influence, often through interpretive duties or guiding principles.

Sectoral incorporation involves embedding specific CRC provisions within relevant areas of national law.

(Lundy et al., 2012)

Direct incorporation is often viewed as the most robust mechanism for ensuring enforceability. In Norway, the CRC was incorporated into domestic law in 2003, enabling courts to apply its provisions directly (Kilkelly et al., 2021). Spain has embedded the CRC within its constitutional framework, elevating its legal authority (UNICEF/Innocenti, 2007). In the UK, the CRC (Incorporation) (Scotland) Act (2024) exemplifies a legislative commitment to enforceability, positioning the CRC as a binding legal standard within Scots law (Hoffman & Thorburn Stern, 2020). These examples illustrate how direct incorporation can transform aspirational treaty provisions into enforceable legal standards, thereby strengthening the protection of children's rights.

While direct incorporation offers clear legal authority, it is not the sole path to effective implementation. Incorporation strategies must be context-sensitive and responsive to institutional and political realities (McCall-Smith, 2019). A rigid focus on direct incorporation may overlook the value of indirect and sectoral approaches, particularly in jurisdictions where legal or political constraints limit legislative options. The Welsh approach reflects this and the constraints of devolved governance.

When the Measure (2011) was introduced, the National Assembly for Wales lacked the legislative competence to enact human rights or children's rights laws directly (WAG, 2006: s.94). These limitations were addressed through a creative interpretation of the Assembly's powers in relation to children's well-being (Hoffman, 2021). The fused legal system with England further complicated matters, as prevailing interpretations of incorporation—both within the UK Government and by the United Nations—emphasised direct enforceability through courts (Williams, 2012). Given these structural and political constraints, indirect incorporation emerged as the most viable option. The Measure (2011) imposes a statutory duty on Welsh Ministers to have 'due regard' to specific CRC provisions and optional protocols. From May 2014, this duty applied to Part I of the CRC, Articles 1–7 of the Optional

Protocol on the involvement of children in armed conflict (excluding Article 6(2)) and Articles 1–10 of the Optional Protocol on the sale of children, child prostitution and child pornography (WG, 2011). This duty integrates children's rights into the policy-making process, requiring that Ministers consider these provisions when formulating or amending policy. Although not enforceable in courts, this model embeds the CRC within the administrative and legislative culture of governance.

While there is little refutation to the idea that effective implementation of the CRC requires child-centred legislation and social reform (Alston et al, 2005), incorporation requires a combination of factors, meaning a dogmatic approach to direct incorporation may not be the only approach, particularly if it sacrifices other necessary incremental progression that develops a children and human rights culture (McCall-Smith, 2019). Incremental progress and the development of a broader children's rights culture are essential components of meaningful implementation (ibid) and Incorporation, therefore, should be understood as a spectrum of legal and policy mechanisms aimed at embedding the CRC within domestic systems (ibid.)

3.2.1 Strengths and limitations of indirect incorporation in Wales

Significant progress has been made in Wales regarding children's rights policy and legislation. Wales is often seen as a progressive nation due to its distinctive approach to implementing children's rights (Williams, 2012). One key aspect of this progress has been the creative and flexible way in which CRC has been indirectly incorporated. This has introduced new ways for government, civil society and children to engage with one another, ensuring that children's rights are carefully safeguarded and promoted (Hoffman and Williams, 2013: 170). Williams (2015: 54) highlights that the Measure (2011) in Wales created a unique opportunity for stakeholder engagement, arguing the approach to incorporation has fostered a shared, informed understanding and a strong commitment to rights-based governance. Hoffman and O'Neil (2018) summarise the two key successes of the duty as 1) it 'strengthens accountability for children's rights in policy in Wales by adding a new basis for judicial review of Ministerial decision-making' (ibid, 2018:20) and 2) It presents opportunity for policy advocacy, i.e. 'Assembly Members, as well

as stakeholders, are able to rely on the due regard duty as a foundation for argument in favour of preferred policy choices consistent with Convention guarantees', (ibid, 2018:21). Despite reservations (noted further down), Kilkelly (2019:323) notes the potential for taking 'creative approaches to give further effect' that allow divergence from traditional understandings of incorporation, pointing out processes such as impact assessments that contribute to implementation and engage policymakers with stakeholders (ibid: 101).

A body of research has highlighted the strengths of indirect incorporation. Indirect incorporation allows for greater flexibility in adapting the CRC principles to the specific legal and cultural context of Wales (Smith, 2017). This approach enables the Welsh government to tailor legislation to address the unique needs and challenges faced by children in Wales. Indirect incorporation can facilitate political consensus and garner public support for children's rights (Evans, 2019). By aligning the CRC with existing legislation, policymakers can build upon established legal principles, making it easier to gain support from various stakeholders. By indirectly incorporating the CRC, Wales can integrate children's rights into existing legal frameworks, such as the Human Rights Act 1998 (Jones, 2018). This integration ensures that children's rights are considered alongside other human rights, promoting a holistic approach to human rights protection.

Research suggests that states which have incorporated international human rights are likely to be those in which conditions consistent with respect for rights, including children's rights, exist (Lundy et al., 2013). Where there is incorporation, children are more commonly perceived as rights-holders and the CRC becomes an influential touchstone at national level for policymakers and for advocates, but also that opportunities arise for strategic litigation (Lundy et al., 2012). Hoffman and O'Neill's (2018) findings go some way to confirm this in Wales, concluding that incorporation has raised the profile of children's rights in policy development and has empowered children as rights holders.

In contrast, arguments for direct incorporation cast light on the limitations of the Measure (2011). The provisions in the Measure (2011) do not have superior status over other laws, nor are they given priority over areas Welsh ministers must

consider, 'they simply become part of what Ministers must think about before exercising their functions' (Williams, 2015:52). Indirect incorporation gives the CRC some legal effect within a national legal system but does not give rise to any rights which are directly enforceable before domestic courts or tribunals (Hoffman and Thorburn Stern, 2020). Without a dedicated legal framework, mechanisms for monitoring compliance and addressing violations may be less robust, potentially hindering effective protection of children's rights (ibid.)

The Measure (2011) does not provide for individual legal claim of rights violation and so the only likely legal challenge would be via application for judicial review when a decision has deemed to have been made without due regard to any of the listed provisions (Williams, 2015:53). According to Williams (ibid), 'the myriad obstacles mounting to a successful application for judicial review mean that opportunities for judicial interpretation may in practice be few'. Perhaps due to this point, thus far, no legal cases have occurred, to provide a clearer picture of how effective the due regard duty is in delivering rights. Indirect incorporation may pose challenges in terms of monitoring and ensuring accountability for the implementation of children's rights (Roberts, 2014). While the Measure (2011) aims to realise the rights of children, this indirect contribution 'stops short of making substantive rights part of the domestic legal order' (Lundy et al., 2013:251). Further, Kilkelly claims the Measure (2011) is 'falling short of giving substantive protection to children's rights at a constitutional level' (Kilkelly 2019: 7).

Indirect incorporation may lead to a lack of clarity and specificity regarding the implementation of children's rights (Thomas, 2016). The absence of clear legal provisions may result in inconsistent interpretation and application of the CRC principles, potentially compromising the rights of children. Tobin (2012) warns that the requirement of civil servants in Wales to interpret how to pay due regard to the CRC in practice can result in subversion of meaning to other priorities and policies. That is, 'advocates can be quick to offer interpretations that reflect personal preferences as to the nature of protection that the advocates think the rights in question should accord' (ibid: 2).

While significant steps have been taken towards incorporating the CRC through indirect means in Wales, discussion remains about the potential for direct incorporation. Direct incorporation in Wales would involve making the CRC enforceable in Welsh courts, allowing children and their advocates to challenge violations of their rights directly (Williams, 2015). This approach would require significant changes to the existing legal framework in Wales, including ensuring that Welsh law is fully aligned with the provisions of the CRC (Hoffman, 2021). Achieving direct incorporation in Wales would require strong political commitment and consensus. Navigating the complex legal and political landscapes, particularly given the devolved nature of Welsh governance, would be a significant challenge (Evans, 2019). Additionally, implementing direct incorporation would necessitate adequate resources for training, awareness-raising and enforcement mechanisms to ensure that the rights of children are effectively protected (Smith, 2017).

However, the potential benefits of direct incorporation in terms of enforceability and protection of children's rights make it a compelling option for Wales. Direct incorporation represents a robust approach to embedding children's rights within domestic law, ensuring that these rights are not just theoretical but have practical, enforceable power (McCall-Smith, 2019). While direct incorporation poses certain challenges, its potential to provide a strong legal framework for the protection of children's rights makes it an important consideration for Wales. The experiences of other countries that have successfully implemented direct incorporation, (now including Scotland, who has set precedent in how to overcome the aforementioned barriers in the UK), demonstrate the feasibility and benefits of this approach, highlighting the importance of political will, legal alignment and resource allocation in achieving this goal (Kilkelly, 2019; Hoffman and Thorburn Stern, 2020).

3.2.2 A Duty on Ministers and an Expectation on Public Services

In the context of this study, there is a distinction to be made between the obligations of government and of practitioners. The CRC is clear in its obligations on state parties (state party refers to the United Kingdom Government, which is obligated to ensure it and its devolved Nations) to respect, protect and fulfil the rights of children, by taking all appropriate measures to guarantee the rights of children (Article 4,

UNCRC, 1989). While the State Party (and devolved nation leads) are the principal duty bearers charged with this, it is recognised that as individuals with responsibility to 'respect, promote and realise the human rights... all adults who work for the state are duty bearers, such as teachers, the police and social workers' (UNICEF, 2023). Thus, while expectation in the widest sense, from policy (the CRC and general comments) is on the Welsh and UK Governments to report periodically on their work to guarantee the rights of children in Wales, there is a recognition and expectation, on public services to contribute to fulfilling these international obligations. Reference to 'all legislative and administrative and other measures' in Article 4 of the CRC suggests that this is fulfilled through the policies developed that enable public services to be able to do so.

This can be further contextualised in Wales. The Measure (2011) has given effect to the CRC in domestic law in Wales, meaning it imposes a duty upon Welsh Ministers and Government officials to consider the CRC when exercising its decision-making functions. This duty as explained by Huw Lewis AM, does not take away the original obligations set out to all state parties through the CRC, but builds specific infrastructure to ensure those duties are upheld by Ministers:

We are not in enshrining the UNCRC In Welsh law. The UNCRC stands. We are signatories to it, all of it already. What we are doing is passing a law that will determine how Welsh ministers work in connection with it as regards children's rights and our made-in-Wales policies which are designed to ensure they prosper.

Huw Lewis, AM, NAfW, 2010

Their implication is that the duty to pay due regard if not forces, at least makes explicit the work of Ministers for children, as children's rights work. However, while the Measure (2011) gives further effect to the CRC in Wales, the primary legislative duty to pay 'due regard' is not extended to public bodies, through which many Ministerial functions are realised.

The Measure (2011) has profoundly influenced the duties of social workers and educators through subsequent legislation, notably the SSWBA (2014) and the Curriculum Act (2021). The SSWBA (2014) emphasises a child-centric approach,

mandating that social workers prioritise the voices and rights of children in their practice (Llewellyn et al., 2020). This shift necessitates enhanced accountability and documentation, ensuring actions align with the CRC principles (Drakeford, 2012). Concurrently, the Curriculum Act requires educators to integrate children's rights into the curriculum, fostering an environment that promotes awareness and understanding of these rights (Rees, 2015). The legislation also encourages inclusive education practices, addressing the diverse needs of all children, particularly those from vulnerable backgrounds (Thomas, 2016).

Both Acts underscore the importance of interdisciplinary collaboration between social workers and educators to support children at risk, highlighting the need for a holistic approach to child welfare (Smith, 2013). These changes reflect a broader commitment to embedding the principles of the CRC into professional duties, thereby enhancing the protection and advocacy of children's rights in Wales. Thus, when we talk about enactment of the CRC or of the Measure (2011) by frontline practitioners, we are talking about enactment of subsidiary duties placed directly upon them.

3.3 Conclusion

Part 1 has provided a comprehensive overview of the legislative, policy and practice landscape of children's rights in Wales. It has traced the historical development of children's rights, examined the legal frameworks and policy initiatives that have shaped the current context and highlighted the role of public services in fulfilling these rights, highlighting the importance of robust legislative frameworks, the influence of political and social contexts and the critical role of collaboration between government, civil society and practitioners. By understanding these elements, we gain valuable insights into the mechanisms required to effectively implement and uphold children's rights in Wales.

Part 2: Approaches to Children's Rights Implementation

Part 2 examines various approaches to children's rights policy, focusing on how different theoretical frameworks shape the practical application of the CRC. This section explores three key perspectives: technicist approaches, traditional policy implementation theories and enactment theory. Each offers distinct insights into how children's rights are interpreted, operationalised and experienced in practice.

Technicist approaches to children's rights policy are closely aligned with traditional, top-down models of governance. They prioritise legal formalism, administrative procedures and technical compliance mechanisms (Hoffman and Stern, 2020). In the context of the CRC, these strategies often focus on incorporating the Convention into domestic law and establishing structured monitoring systems. While technicist approaches offer clarity and consistency, critiques highlight their tendency to overlook the complex social, cultural and political contexts in which rights are enacted (Lundy et al., 2018; Manion and Jones, 2020).

In contrast, broader implementation theories—particularly bottom-up models—emphasise the importance of local actors, discretion and negotiation in the delivery of policy. These perspectives argue that policy is not simply applied but interpreted and adapted by frontline professionals who are embedded in specific social and institutional contexts (Lipsky, 1980; Maguire, Braun and Ball, 2015). This more contextual understanding of implementation provides a bridge between the procedural focus of technicist strategies, and the situated practices explored through enactment theory.

Enactment theory offers the most dynamic and context-sensitive lens. It focuses on how policy is interpreted, negotiated and reshaped by actors at multiple levels (Maguire, Braun and Ball, 2015). This study adopts an enactment perspective to explore how the CRC is realised in practice, specifically investigating how frontline practitioners engage with and enact these duties in their everyday work. By foregrounding the experiences and interpretations of those responsible for delivering

children's rights on the ground, this study highlights the relational and situated nature of rights enactment.

Analysis of these 3 key perspectives provides a comprehensive understanding of the mechanisms and challenges involved in translating children's rights principles into tangible outcomes for children in Wales.

3.4 Technician Approach to CRC Implementation

The review of contemporary critiques of the CRC in Section 2.2 highlighted the need for deeper theoretical engagement and contextualisation in children's rights studies. This section examines technician approaches, including those deployed in Wales, which often prioritise technical compliance and procedural implementation over critical analysis and contextual understanding (Nilsen and Bernhardsson, 2019).

Despite the widespread ratification of the CRC, its implementation remains a complex challenge. Technician approaches, which emphasise legal formalism, administrative procedures and structured monitoring, have been increasingly adopted to ensure effective delivery (Hoffman and Stern, 2020). In Wales, one of the primary technician strategies has been the incorporation of the Measure (2011). This legislative framework reflects the principles and provisions of the Convention and aims to embed them within domestic governance structures. The UN Committee on the Rights of the Child, in General Comment No. 5, underscores the importance of legal measures to ensure that the CRC can be directly invoked in courts and applied by national authorities (Gadda et al., 2019). As outlined in Section 3.2, incorporation is often viewed as a fundamental step in ensuring that children's rights are upheld and that conflicts with domestic legislation are resolved in favour of the Convention (Hoffman and Stern, 2020).

Administrative procedures are central to technician approaches. These include the development of national strategies, the appointment of children's commissioners and the enhancement of data collection systems. For example, the establishment of a national children's commissioner provides oversight and advocacy, helping to ensure that the CRC is integrated into national decision-making processes (Arts, 2014). Improved data systems support monitoring and evaluation, offering insights into

areas requiring further attention (Lundy et al., 2018). Monitoring mechanisms such as regular reporting to the *UN Committee on the Rights of the Child*, child impact assessments and child budgeting are also key components. These tools are designed to ensure transparency, accountability, and continuous assessment of progress (Gadda et al., 2019; UNICEF, n.d).

While technicist approaches offer structured and measurable methods for implementing the CRC, they are not without limitations. Their effectiveness varies significantly across contexts, influenced by factors such as political will, institutional capacity and legal infrastructure (Gadda et al., 2019). Moreover, critics argue that technicist strategies may focus too narrowly on procedural compliance, potentially overlooking the broader social, cultural and relational dynamics that shape how rights are realised in practice (Lundy et al., 2018; Manion and Jones, 2020). In the Welsh context, the subsidiary duties of the Measure (2011) — particularly the duty to have due regard to the CRC—are not self-executing. Their realisation depends on how they are interpreted and enacted by frontline practitioners (Manion and Jones, 2020). From an enactment perspective, these duties are not simply implemented through formal procedures but are actively negotiated and shaped within the everyday contexts of professional practice (Maguire, Braun and Ball, 2015).

This study explores how practitioners engage with these duties, revealing the situated and relational nature of rights enactment. Understanding the limitations of technicist approaches is therefore essential for appreciating the complexity of translating legal commitments into meaningful outcomes for children. Though technicist approaches provide valuable tools for embedding the CRC within national frameworks through legislation, administration and monitoring, in response to calls for a more contextualised and theorised understanding of children's rights, it is necessary to move beyond proceduralism (Hoffman and Stern, 2020; Manion and Jones, 2020). This study adopts an enactment lens to examine how the subsidiary duties of the Measure (2011) are interpreted and applied by practitioners, offering insights into the lived realities of rights delivery and the dynamic interplay between policy and practice.

3.5 Implementation Approaches to CRC Realisation

Policy implementation theories offer a broader and more nuanced understanding of how children's rights are translated into practice than technicist approaches alone (Thomann, van Engen and Tummers, 2018). While technicist strategies often reduce implementation to legal incorporation and procedural compliance, implementation theory—particularly from a bottom-up perspective—emphasises the importance of local actors, discretion and context (ibid.)

The study of policy implementation has evolved significantly over the past century, transitioning from traditional public administration paradigms to more nuanced approaches that consider the complexities of governance. Early theories, such as those proposed by Woodrow Wilson in his seminal lecture 'The Study of Administration' (Wilson, 1887), laid the groundwork for the bureaucratic model of public administration. This model, further developed by scholars like Frederick Taylor (1911), Max Weber (1947) and Luther Gulick (1937), emphasised a hierarchical structure where rules and directives were imposed from the top down (Hill and Hupe, 2002).

However, this classic approach has faced substantial criticism in modern times. Behaviourists like Simon (1947) and Dahl (1947) argued that traditional theories were unscientific and failed to account for the diverse human needs that influence organisational productivity. They advocated for a bottom-up approach, where authority is derived from the consent of the governed (Barnard, 1938) and organisational success is linked to employee motivation and job satisfaction (Mayo, 1924). Despite these critiques, elements of the classic approach persist in contemporary administrative practices, particularly in the emphasis on unity of command and top-down responsibility (Fry and Raadschelders, 2014). The shift towards policy implementation in the late 1970s marked a significant paradigm change, with scholars like Pressman and Wildavsky (1973) highlighting the gap between national policy goals and actual outcomes, especially in addressing complex social issues known as 'wicked problems' (Rittel and Webber, 1973).

Policy implementation theories can be broadly categorised into top-down and bottom-up perspectives. The top-down approach, as described by Elmore (1978), involves policymakers setting mechanisms to control the environment in which policies are implemented (Mazmanian and Sabatier, 1978). This method has been criticized for overlooking the political aspects of policymaking and for generating resistance from local actors who are often more knowledgeable about local issues (Berman, 1978; Paudel, 2009). Conversely, the bottom-up approach focuses on the relationships and interactions at the local level, where street-level bureaucrats play a crucial role in policy implementation (Lipsky, 1980). This perspective argues that policy is enacted through negotiations and coalition-building among local actors, who are in direct contact with the community and better positioned to address their needs (Maguire, Braun and Ball, 2015).

This perspective is particularly relevant to the implementation of the CRC, where the success of rights-based policies depends not only on formal legal frameworks but also on how these frameworks are understood and enacted in diverse, real-world settings (Manion and Jones, 2020). Implementation, in this sense, is not a linear process of applying rules but a dynamic interaction between policy intent and local realities. It involves negotiation, adaptation and coalition-building among various stakeholders, including those outside formal policymaking structures (Ozga, 2000). By recognising the contextual and relational dimensions of implementation, this approach provides a critical bridge between the formalism of technicist strategies and the situated practices explored through enactment theory. It underscores the importance of understanding how rights are not only codified but also interpreted and applied in everyday professional practice (Lejano and Kan, 2025).

3.6 Enactment Approach to Children's Rights Policy

As policymakers strive to create effective and inclusive policies, it is essential to consider theoretical frameworks that can inform and guide these efforts. Enactment theory offers a nuanced understanding of how policies are interpreted and operationalised within specific contexts (Braun, Ball and Maguire, 2012). This study employs two distinct uses of the term 'theory'. First, enactment theory functions as the analytical framework guiding research design and interpretation of findings.

Second, the study engages with a principled understanding of the CRC—examining how its normative foundations are interpreted and operationalised by practitioners. To avoid ambiguity, enactment theory is used to describe my theoretical framework, while ‘principled interpretation of the CRC’ refers to the normative lens tested through empirical data. This section builds on the theoretical foundations discussed earlier by applying enactment theory to children’s rights policy, highlighting its relevance and potential contributions in this study.

Rooted in the broader field of policy implementation, enactment theory focuses on the translation of policy intentions into action and the subsequent effects on individuals and communities (Sabatier, 2007), emphasising the dynamic and complex nature of policy implementation, highlighting the interplay between actors, structures and processes involved in the policy enactment process (ibid.) The theory posits the dual processes of policy interpretation and translation by various actors within diverse contexts (Braun, Ball and Maguire, 2011), moving beyond traditional notions of policy implementation, focusing instead on how policies are actively constructed and reconstructed, in ongoing processes of interpretation and negotiation, in practice (Ball, Maguire, & Braun, 2012).

This process of construction and reconstruction, through reading, making sense and translating policy in specific contexts (ibid) is evident in the application of the CRC, where duty bearers must interpret the Convention's broad principles and translate them into actionable practices that address the needs of children (Braun, Ball, & Maguire, 2011). The enactment of the CRC presents both challenges and opportunities for policy actors in doing so, including navigating the complexities of policy texts, addressing diverse children's needs and managing limited resources (ibid.) However, enactment theory also highlights opportunities for creativity and innovation in policy application, allowing individuals and organisations to develop practices that are responsive to their unique contexts (ibid.)

3.6.1 Contextual Dimensions of Policy Enactment

Ball, Maguire and Braun (2012) propose a four-part framework for enactment theory—situated, material, professional and external contexts—that captures the

complexity of how policies are interpreted and enacted in practice. This framework moves beyond linear models of implementation, highlighting the dynamic and localised nature of policy work. While the framework is grounded in the study of schools as organisations, its emphasis on context, interpretation and agency makes it applicable to a range of educational and public sector settings where policy is enacted in complex and situated ways (Parkes, 2016).

The situated context refers to the specific characteristics of a school, including its history, student composition, leadership and community relationships. These elements shape how policy is understood and prioritised. For example, schools with similar demographics may still enact policy differently due to variations in institutional culture or leadership ethos. The internal dynamics of a school—its values, traditions and previous experiences with reform—play a crucial role in shaping the meanings attached to policy texts (Ball, Maguire and Braun, 2012; Gewirtz, Ball and Bowe, 1995). This context underscores the importance of recognising schools as active agents in the policy process.

Material context concerns the resources available to a school, such as funding, staffing, infrastructure and technology. These resources significantly influence the feasibility and scope of policy enactment. Schools with limited resources may be forced to prioritise certain policies over others or engage in surface-level compliance. Material inequalities often intersect with broader structural disadvantages, reinforcing educational inequities (Reay, 2006). Moreover, resource constraints can affect staff workload and morale, further shaping how policy is enacted (Ball, Maguire and Braun, 2012; Wilkins, 2011).

The professional context includes the values, beliefs and expertise of educators. Teachers interpret policy through their professional judgement, shaped by their training, experience and pedagogical commitments. Strong professional capital—comprising human, social and decisional elements—can enhance a school's capacity to engage with policy meaningfully (Hargreaves and Fullan, 2012). However, tensions may arise when policy directives conflict with professional values or when accountability pressures undermine autonomy. In such cases, educators

may reinterpret or resist policy in subtle ways (Priestley, Biesta and Robinson, 2015; Smyth, 2001).

The external context encompasses the broader policy environment, including national agendas, accountability systems, inspection regimes and political ideologies. These forces shape the conditions under which schools operate and often drive performative practices. The rise of audit cultures has narrowed educational goals, with schools increasingly focused on measurable outcomes (Ball, 2003). Global trends such as neoliberalism and international benchmarking have further intensified these pressures, often limiting schools' capacity for locally responsive and innovative policy work (Ozga, 2000; Lingard, Martino and Rezai-Rashti, 2005).

The four-context framework provides a valuable lens for understanding the complexity of policy enactment. Each context interacts with the others, shaping how organisations and individuals respond to policy in diverse and often unpredictable ways. Recognising these dynamics is essential for developing more equitable and context-sensitive approaches to educational reform.

Enactment theory highlights the role of various actors, including teachers, administrators and policymakers, in the enactment of policy, bringing their own perspectives, experiences and resources to the process, influencing how policies are interpreted and applied (Ball, Maguire, & Braun, 2012; Lipsky, 1980). Unlike technicist approaches, the policy cycle approach recognises the role of emotions and their effects in shaping policy outcomes (Ball, 1990). This perspective acknowledges that individuals and communities experience policies in subjective and often deeply personal ways. By considering the emotional and affective dimensions of policy enactment, researchers can gain insight into how policies are experienced and internalised by different groups. This can involve examining the ways in which policies generate feelings of empowerment or disempowerment, as well as exploring the emotional labour that individuals may undertake to navigate and comply with policy requirements (ibid.)

Additionally, enactment theory emphasises the role of sensemaking in the change process. It suggests that individuals interpret and make sense of their organisational environment, which influences their actions and decisions. These interpretations are subjective and socially constructed. As individuals interact and share their interpretations, a collective understanding of the change emerges, leading to the enactment of new practices, recognising that policy implementation is not a linear process but rather a complex and messy one. By examining the processes of policy enactment, researchers can gain a deeper understanding of how policies are translated into practice and identify potential barriers and facilitators to effective contextualised implementation (ibid.)

3.6.2 Application of Enactment Theory in the Context of this Study

Enactment theory has been extensively applied in educational research to understand how policies are translated into practice within school settings. Braun, Ball and Maguire (2011) emphasise the dynamic and complex nature of policy implementation, focusing on the interactions between policy texts, actors and contexts (ibid.) Their work highlights how teachers and administrators interpret and adapt educational policies, such as anti-bullying programs and curriculum guidelines, to fit their specific school environments (ibid.) Verger et. al (2021) examines the evolution of performance-based accountability (PBA) in education, scrutinising its implications on school governance and practice. This study underscores the importance of sensemaking and enactment in understanding the variability of PBA implementation across different contexts and actors_(ibid.) By focusing on how school actors view, interpret and translate PBA prerogatives into daily practices, Verger demonstrates the potential of enactment theory to capture the complexities of educational policy implementation (ibid.)

The theory has also been applied to the study of children's rights, particularly in the context of implementing the CRC. Wickenberg, Rasmusson and Leo (2020) compiled studies from non-western countries to examine how the CRC is enacted in educational settings (ibid.) Their research highlights the challenges and successes of enacting children's rights policies in diverse cultural contexts, emphasising the role of teachers and administrators in interpreting and applying the CRC principles (ibid.)

Gal (2011) provides a theoretical analysis of children's rights, focusing on the needs-based, relational human rights approach (ibid.) This study explores the interrelations between various human rights principles, such as participation, equality and best interests and their application to child victims (ibid.) By examining the enactment of these principles in practice, Gal's work contributes to a deeper understanding of how children's rights are interpreted and implemented within different legal and social contexts (ibid.)

In the context of children's rights policy, enactment theory provides a lens through which to examine the CRC, allowing researchers to explore how different actors, including policymakers, service providers and practitioners, make sense of and engage with children's rights policy and their duties (Daiute, 2008). Studies utilising this framework have been useful in exploring how the attitudes, beliefs and values of practitioners influence the way they interpret and implement the CRC and contextualised children's rights policy (Munro, 2008). Additionally, enactment theory allows for an examination of the structural and systemic factors that impact policy implementation, such as resource allocation and organisational culture (Evans & Harris, 2004).

By focusing on the interpretations and interactions of various actors, policy enactment theory helps to uncover both the barriers and enablers of effective implementation (Ball, Maguire and Braun, 2012). In the context of children's rights, this includes examining how professionals, institutions and governments interpret their obligations under the CRC, often shaped by competing priorities, institutional norms and resource constraints (Sandberg, 2018).

Research has shown that implementation is frequently hindered by resistance from actors with conflicting interests or limited capacity to fulfil their duties (Byrne and Lundy, 2015). Enactment theory provides a valuable framework for analysing these dynamics and informing strategies to address them. It also highlights the importance of local context in shaping how policy is enacted. When applied to children's rights, the framework encourages attention to the cultural, social and economic conditions in which policies are implemented (Parkes, 2016). By engaging with the perspectives of diverse stakeholders—including children themselves—enactment theory supports

the development of more contextually appropriate and rights-compliant policies (Byrne and Lundy, 2015). Finally, enactment theory highlights the importance of accountability and participation in policy implementation. By recognising the agency of individuals and the need for ongoing negotiation, this framework encourages the inclusion of diverse voices in decision-making processes. While Lundy (2018) does not explicitly frame her work within enactment theory, her emphasis on children's participation aligns with the enactment perspective that recognises children as active policy actors.

3.6.3 Policy Recontextualisation in Enactment of the CRC

Policy enactment is not a straightforward implementation of top-down directives, but a dynamic process shaped by interpretation, adaptation and resistance. Drawing on Ball, Maguire and Braun's (2012) enactment theory, this section explores how practitioners recontextualise policy—interpreting and reshaping it within their specific institutional, cultural and ethical contexts (ibid.) This process, termed professional recontextualisation (ibid: 44-45), is central to understanding how the CRC is enacted in Wales.

The Welsh Government's commitment to embedding the CRC into domestic policy (WG, 2022) requires practitioners to navigate complex and often conflicting demands. While technocratic approaches to incorporation provide structure (Kilkelly et al., 2021), they risk overlooking the nuanced, context-specific knowledge that practitioners bring to their work. Within this interpretive space, tacit knowledge and policy resistance operate as key mechanisms through which practitioners recontextualise policy, drawing on their professional judgment and ethical commitments to adapt or challenge policy in context (Ball, Maguire and Braun, 2012).

Tacit knowledge refers to the intuitive, experiential and inexplicable knowledge that professionals develop through practice (Polanyi, 1966). In professional settings like education and social work, tacit knowledge underpins the everyday judgments practitioners make in complex, ambiguous situations where formal policy guidance may be insufficient (ibid.) . Ball, Maguire and Braun (2011) argue that policy

enactment involves navigating the 'problem of meaning' —the need to interpret policy texts within specific working environments (ibid:44-45). Tacit knowledge enables this interpretive work, allowing practitioners to adapt policy to local needs, ethical considerations and institutional norms. For example, teachers may rely on tacit knowledge to adjust curriculum delivery for diverse learners (Lejeune, 2011), while social workers draw on practice wisdom to tailor interventions to the unique circumstances of children and families (Zeira & Rosen, 2000). Tacit knowledge is thus a key resource in professional recontextualisation. It informs how practitioners prioritise, adapt or even resist policy directives, enabling them to uphold the spirit of the CRC in ways that are responsive and contextually grounded (Ball, Maguire and Braun, 2012).

Closely linked to tacit knowledge is the concept of policy resistance or subversion—terms that describe how practitioners may intentionally reinterpret or challenge policy to uphold ethical standards or respond to contextual demands (Ball, Maguire and Braun, 2012:44-45). This resistance is not necessarily oppositional; rather, it reflects a form of professional agency grounded in values and experience (ibid.) In education, resistance may involve subverting rigid assessment frameworks to support vulnerable learners (Portelli & Eizadirad, 2018). In social work, it may mean prioritising relational engagement over procedural compliance in safeguarding cases (Mahajne & Alhuzail, 2024). These acts of subversion are often informed by tacit knowledge and reflect a commitment to the core principles of the CRC—participation, protection and provision. Ball et al.'s (2012) typology of enactment allows us to see such resistance as part of professional recontextualisation, where practitioners draw on one policy to subvert another or reinterpret policy in light of ethical imperatives (ibid.) This highlights the active, agentic role of professionals in shaping how children's rights are realised in practice.

Tacit knowledge is widely recognised as difficult—and in many cases, impossible—to codify. While some aspects may be partially articulated through reflective practice or demonstration, truly tacit knowledge remains embedded in personal experience, intuition and context-specific judgment (Polanyi, 1966; Gascoigne & Thornton, 2015). Scholars distinguish between knowledge that is merely unarticulated and that which

is inherently tacit—resistant to codification due to its embodied and relational nature (Viale et al., 2013). However, tacit knowledge can be supported through organisational cultures that promote mentoring, reflective practice and collaborative decision-making (Chugh, 2017). There is also conceptual overlap with institutional memory—the collective, experience-based knowledge that persists within organisations over time (National Academies of Sciences, Engineering and Medicine, 2007). While tacit knowledge is individual, institutional memory reflects shared understandings that shape how policy is enacted across time and space (Festre & Østbye, 2024). Recognising and supporting these forms of knowledge is essential for sustaining continuity, responsiveness and ethical integrity in the enactment of the CRC.

In conclusion, policy enactment is a situated, interpretive process shaped by professional judgment, ethical commitments and contextual constraints (Ball, Maguire and Braun, 2012). Tacit knowledge and policy resistance are not peripheral concerns but central mechanisms of professional recontextualisation (ibid.) By foregrounding these concepts, we gain a more nuanced understanding of how the CRC is enacted in Wales—not as a top-down imposition, but as a dynamic, lived process shaped by the embedded knowledge and agency of practitioners (ibid.)

3.7 Gaps in Research

Further research should continue to explore and refine the theoretical and practical implications of enactment theory, specifically in the field of children's rights. In the context of this study, the application of enactment theory can contribute to a deeper understanding of the complexities of social policy implementation, exploring the specific mechanisms through which policy actors navigate power dynamics and negotiate interests during the implementation of children's rights policy in Wales.

By focusing on local contexts, stakeholder perspectives and the dynamics of policy enactment, this framework can inform strategies to overcome implementation challenges, enhance accountability and promote children's participation. Further research and application of enactment theory in the field of children's rights policy

can contribute to the development of more effective and inclusive policies that uphold the rights and well-being of children.

3.8 Conclusion

The theoretical perspectives presented in this chapter provide a nuanced understanding of the enactment of children's rights policy. Enactment theory, with its focus on the dynamic and complex nature of policy implementation, offers valuable insights into how policies are interpreted and applied in practice. The chapter highlights the importance of considering local contexts, stakeholder perspectives and the role of emotions and sensemaking in the change process. By examining the interplay between policy actors, structures and processes, the theoretical frameworks contribute to a deeper understanding of the challenges and opportunities in implementing children's rights policy. This approach underscores the need for a comprehensive and contextually sensitive strategy to ensure the effective enactment of the CRC in practice.

Chapter 4: Methods and Methodologies

A key means of actualising the CRC is through the professional practice of duty bearers. Despite international and national children's rights duties placed on practitioners, there is a dearth of guidance and research regarding professionals' understanding and capacity to realise children's rights in practice. While the Measure (2011) prescribes objectives for how Ministers might fulfil their obligations, this study seeks to understand how the Measure (2011) is interpreted and enacted in practice by those awarded the responsibility via subsidiary duties. That is, within the sectors of education and social work practice.

This chapter provides an overview of the methodology and methods deemed most appropriate to produce useful and relevant data to answer my research questions. I will do this by determining the epistemological and ontological foundation of my research; outlining and justifying the suitability of documentary analysis, elite interviewing, survey and focus groups as the mixed-methodological design for my research; describing and justifying data collection and analysis method deployed and discussing the ethics of my research, while exploring my own positionality as an insider (Mannay, 2010).

The main research question for this study is '*How do frontline practitioners enact the principles of the CRC through the subsidiary duties of the Rights of Children and Young Persons (Wales) Measure (2011) in their practice?*', to be answered through the following research sub-questions (RSQs):

RSQ1: How is the CRC enacted within Wales at a macro-level?

RSQ2: How do meso-level interpreters enact the Measure (2011)?

RSQ3: What impact does the CRC have on the practice of teachers and social workers?

RSQ4: To what extent do participants perceive the Measure (2011) to be important and successful in realising children's rights?

RSQ5: What lessons can be learned that aid the translation of the rhetoric of rights into reality for practitioners in Education and Social Work?

Using enactment theory as a framework, my research will address how policy actors (Ball, 2011) enact Wales' commitment to children's rights, via the obligation placed upon Welsh Ministers to pay due regard to the CRC (WG, 2011), in four ways.

Firstly, I will examine the Macro-level situated factors that led to the construction of the Measure (2011), as an enactment and the subsidiary legislative duties placed on those in social work and education as a result.

Secondly, I seek to understand external factors affecting enactment, primarily gaining insight into the ways meso-level interpreters enact the Measure (2011) as advocates, gatekeepers and leaders of organisations and in turn, how this affects contextualisation and interpretation of children's rights in social work and education discourse.

Thirdly I explore the professional and personal cultures of social work and education in Wales, seeking to understand, from the perspective of practitioners, their knowledge, understanding of and orientation toward the CRC, the Measure (2011) and subsidiary duties placed upon them; to gain deeper insight into how frontline practitioners engage with the practical enactment of children's rights.

Finally, I will examine the material resources frontline practitioners already utilise, or need, to feeling confident and able to effectively enact the CRC and their children's rights duties in practice. In doing so, I will formulate recommendations that speak to the enhancement of effective enactment of the CRC in the specific context of social work and education in Wales.

4.1 Research Philosophy

This study is underpinned by critical realism (CR). CR separates epistemology from ontology to consider the nature of social reality and the generative mechanisms that might explain what we observe (Williams, 2016). Stratifying reality into three levels (Sayer 2000), a CR approach considers our perceived experiences of the world (the

empirical), events that happen and their effects (the actual) and critically, the mechanisms that give rise to events and our experiences of them (the causal).

There are two key arguments for the justification of the use of CR as a methodological foundation in this study. Firstly, CR is an approach that transcends debilitating divisions in social science and secondly, is an approach that promulgates policy relevance (Gilbert and Pratt-Adams, 2022). Despite 'new' international childhood studies being an established field since c.1980 (Mayall 2013) and contemporary critical realism since c.1970 (Bhaskar's, 1998), there has been little connection between the two (Alderson, 2016). To justify this philosophical foundation, I will illustrate how CR can illuminate debates (Alderson, 2021) in the sociological study of childhood, emphasising why CR serves as the most appropriate foundation for this study.

Childhood encompasses everyone under 18 years, yet the terms 'childhood' and 'children' are ambiguous due to uncertainties about when childhood ends and who qualifies as a child or youth (Alderson, 2013). Childhood is both a biological state and a socially conferred status, varying greatly through history in perceptions, permissions and beliefs about children's capacities (Cockburn, 2013). Childhood researchers face deep divisions between positivist and interpretive approaches, unresolved questions about valid knowledge, causes in social events and the power of structures versus agents (Alderson, 2013). Dichotomies such as adult/child and culture/nature hinder the development of a sociology of rights, presenting one-sided accounts and deterring analysis of complex entities like human rights and childhood (Alderson, 2015).

Alderson (2016) suggests that understanding the ontology of human rights is stronger when connected with human nature, showing how rights contribute to human flourishing and are authentically part of human nature. Sociologists often separate social concepts from universal nature and philosophical inquiry, focusing on contingent culture and empirical data (Bhaskar, 1998). Bhaskar (2011) argues that viewing rights solely as epistemology denies the ontology of rights, inhibiting meaningful sociology of rights. Without referring to anything outside beliefs, critical evaluation of knowledge claims and their ideological functions is impossible

(Bhaskar, 2011:81-82). Freeman (2011) believes social science should connect abstract notions of rights to their social contexts, structures and meanings, bridging divisions between social science and philosophy. Sociology can analyse the complex meanings and relevance of human rights in social processes and relationships (Woodiwiss, 2005; Hynes et al., 2011), with intellectual activity that crosses disciplinary boundaries being essential (Freeman, 2011:118).

CR research increases interdisciplinary understanding of the political and embodied nature of children's rights, moving beyond description to analysis and resolution of contradictions. It helps researchers clarify theories and methods, justify findings and inform policymakers, practitioners and the public. Research on children's rights often focuses on normalisation, standard setting and implementation of the CRC, leaving gaps between empirical and causal analysis (Quennerstedt, 2013; Quennerstedt and Moody, 2020). Alderson (2021) notes that empirical data often lacks human meaning, ignoring real political and economic causes and remedies. Emphasis on observed evidence deflects attention from unseen causes of social problems, preventing critical insights into resolution (Alderson, 2021). Critical realists believe social science can refine and improve knowledge about the real world, making relatively justified claims about reality while attending to three levels of reality and underlying causal mechanisms. In response to these challenges, I believe Critical Realism offers a powerful approach to bridging theoretical and methodological gaps, resolving contradictions and strengthening human rights research. By drawing on the strengths of both empiricism and interpretivism—while overcoming their limitations—CR enables researchers to analyse, explain and validate social phenomena in a way that is both rigorous and meaningful.

Table 4.1 presents a theoretically grounded justification for the use of a critical realist (CR) framework in this study. The table overlays the classic stratified ontology of critical realism—comprising the empirical, actual and real domains (Sayer, 2000)—with Hanson and Nieuwenhuys' (2013) 'living rights' approach to children's rights. The left-hand column reflects a traditional CR perspective, drawing from foundational literature to conceptualise how events are experienced, occur and are generated by deeper causal mechanisms. The right-hand column adapts this stratification to the

context of children's rights, illustrating how global discourses (e.g., the CRC), local enactments and the interpretive 'gap' between them can be understood through the lens of 'living rights' and 'translations' (Hanson & Nieuwenhuys, 2013, pp. 3–5). This synthesis provides a coherent theoretical scaffold for analysing the complex, multi-layered processes through which children's rights are interpreted, enacted and negotiated in practice.

Critical Realist Ontology (Sayer, 2000)	Children's Rights Interpretation (Adapted from Hanson & Nieuwenhuys, 2013; 2020)
Empirical Events as experienced and interpreted by individuals	Global Layer – Representations of Rights Refers to how children's rights are framed in global discourse and policy. In Wales, the CRC is symbolically significant within devolved governance and is indirectly incorporated into domestic law via the Measure (2011). However, the CRC, and the Measure as legal formalism of it, is often treated as a tool for implementation rather than a framework for contextual analysis.
Actual Events that occur, whether or not they are observed	Local Layer – Practices of Rights This layer concerns the enactment or denial of rights in everyday settings, reflecting Hanson and Nieuwenhuys's concept of 'living rights', (2013: 3-5) where rights are practiced, negotiated and reinterpreted in context, rather than simply codified in law. This includes whether children can exercise their rights and whether practitioners can interpret and apply the CRC meaningfully in their work.
Real Underlying mechanisms and structures that generate events and experiences	The Gap – Translations and Mechanisms This layer explores the structural, professional, and contextual mechanisms that shape how global rights frameworks are translated into local practice. Hanson and Nieuwenhuys describe this as a dynamic space of "translations," (ibid) where rights actively negotiated and transformed through local interactions. This gap is not merely a deficit but a productive site for advancing children's agency and social justice.

Table 4.1 A Critical Realist Stratification of Children's Rights Practice Adapted from Hanson and Nieuwenhuys 'Living Rights' Framework

This study argues that the causal layer of reality—central to Critical Realism—offers a unique lens for understanding why and how children's rights are or are not realised in Wales. By engaging with this deeper level of analysis, the study contributes to contextualising and theorising the CRC, addressing the gaps identified in Chapter 3 and helping to integrate fragmented paradigms into a more coherent, persuasive and policy-relevant body of research

4.2 Methodological approach

This section outlines my decision to conduct a mixed method study to elicit high quality data that addresses my research questions. Mixed methods research, defined as the integration of qualitative and quantitative approaches within a single study (Tashakkori & Creswell, 2007), has emerged as a distinct orientation over the past twenty years (Teddlie & Tashakkori, 2009). This approach advocates using various methodological tools, such as documentary analysis, questionnaires, focus groups and semi-structured interviews, to answer research questions comprehensively. While often linked to pragmatism (Bryman, 2006), mixed methods are increasingly applied by researchers with transformative perspectives, addressing how decision-makers and stakeholders tackle policy issues (Haarstad et al., 2017). CR aligns with this transformative orientation by focusing on understanding the mechanisms connecting policy, processes and actors. CR provides flexibility in data collection methods, allowing researchers to choose appropriate tools for rigorous research (Oliver, 2011) and serves as a framework for richer data analysis (Alderson, 2021).

The crux of my study is concerned with separating how we think about the world from what happens in it and understanding why it happens this way. This requires a deep understanding of the complexities of factors that surround how the Measure (2011) is interpreted and contextualised by practitioners in education and social work across Wales. To address my research questions and explore how the Measure (2011) is enacted at the local level, a multi-layered approach to data collection and analysis is required. This involves examining the historical, cultural, political and economic contexts in which the Measure (2011) was developed and implemented, providing a critical foundation for analysis (Novelli 2012; Novelli & Lopes Cardozo

2008; Rata 2014). It also includes investigating how intermediary organisations interpret the Measure (2011) —translating it into practical tools, training and guidance for frontline practitioners—and the decisions made at the meso-level to adopt, adapt or overlook it in specific local contexts. Furthermore, the research considers how the Measure (2011) is experienced in everyday practice, focusing on how local actors understand, interpret and enact it in relation to broader influences (Rata 2014). Finally, it explores participants' perceptions of the Measure's effectiveness in achieving its intended aims across these various layers. A mixed methods approach is most appropriate for this study as it allows for a comprehensive understanding of the Measure's interpretation and contextualisation by practitioners in education and social work across Wales, integrating qualitative and quantitative methods to facilitate the exploration of multiple layers of data. This provision of methodological flexibility aligns with a CR focus on understanding mechanisms that connect policy, processes and actors, ensuring rigorous and insightful research (Oliver, 2011; Alderson, 2021).

4.3 Research Methods

My research adopts four-phase sequential mixed methods design that integrates both exploratory and explanatory elements, tailored to the complexity of my research questions, which require both an exploratory understanding of local interpretations and an explanatory analysis of patterns across contextual domains. The initial phases use qualitative methods to explore how key actors understand and implement the Measure (2011), while subsequent phases incorporate quantitative data to explain broader trends and relationships. Rather than following a fixed exploratory–explanatory sequence, the design flexibly integrates both elements across phases, depending on the evolving focus of inquiry. This approach supports a nuanced, context-sensitive understanding and is aligned with established mixed methods frameworks (Creswell & Plano Clark, 2018).

Phase 1, which addresses Research Sub-Question 1 (RSQ1), involves a documentary analysis of both international and national texts that illuminate the social, cultural, economic, political and legal factors leading to the development of the Measure (2011), as well as related children's rights duties in social work and

education. This phase also examines documents that shed light on the tensions and conflicts involved in interpreting the CRC within the context of Welsh devolution. It considers Wales as a distinct nation with unique relationships, values and orientations toward children's rights. A Critical Policy Approach (CPA) (Gale, 2007) is used to explore the underlying influences shaping policy discourse in social work and education.

Phase 2, which seeks to respond to RSQ2, is a series of elite interviews with meso-level interpreters, i.e., individuals with autonomy to influence politically, academically, practically or otherwise, the narrative of children's rights practice in Wales.

Phase 3 is dissemination of a broad survey, developed from findings from Phase 1 and 2, aiming to assess practitioner (those working in social work and education in Wales) understanding, confidence and orientation toward the CRC and Measure (2011). Phase 3 seeks to respond to RSQs 3&4.

Phase 4 comprises of focus groups with teachers and social workers across Wales, building on survey responses, to elicit more nuanced and detailed data relating to RSQs 3&4.

4.4 Phase 1: Documentary Analysis

Documentary research method (DRM) refers to the analysis of documents that contain information about the phenomenon we wish to study (Bailey 1994). Used in investigating and categorising physical sources, most written documents —whether in the private or public domain (Payne and Payne 2004) —DRM has been a staple of social research since its earliest inception (Uddi Ahmed, 2010). Documents can be especially important for researchers, providing a 'rich vein for analysis' (Hammersley and Atkinson, 1995: 173), acting as an essential means of enhancing understanding through the ability to situate contemporary accounts within an historical context. This allows comparisons to be made between an observer's interpretation of events and those recorded in documents relating to events and telling us a great deal about the way in which events are constructed and employed (May, 2011). A significant advantage of DRM in achieving this is the flexibility of the method, not only in enabling me to consider the ways in which meanings about implementation of the

CRC are constructed, but also the ways in which those meanings are developed and employed. Using DMR in phase one of my research allowed me to employ an inexpensive, resource and time efficient form of data collection (Bowen, 2009).

The primary data for this study comprises a curated selection of documents that address the enactment and implementation of CRC in Wales between 2000 and 2024. These documents include legislative texts, policy frameworks, government reports and publications from civil society organisations. The selection process was designed to ensure both comprehensiveness and relevance to the research aims, particularly in tracing the evolution of children's rights discourse and policy enactment in the Welsh context (Hoffman, 2020; Williams, 2022).

Document identification followed a systematic and rigorous approach. An extensive search was conducted across public and institutional archives, academic databases and online repositories. Search terms included combinations such as 'children's rights + policy + Wales,' 'UNCRC + policy + Wales,' 'children's rights + strategy + Wales,' and 'UNCRC + strategy + Wales.' To capture region-specific documentation, searches were also conducted using the names of each local authority in Wales alongside the term 'Wales.' To further enhance the breadth and depth of the dataset, key academic reviews of CRC implementation in Wales, e.g., Hoffman and Croke (2023) and Williams (2022) were consulted. Documents cited in these works were cross-referenced and included where relevant, ensuring alignment with established scholarly discourse and capturing influential texts that may not have surfaced through keyword searches alone.

Documents were included based on three core criteria: (1) direct relevance to the enactment or implementation of the CRC in Wales; (2) publication within the timeframe of 2000 to 2024; and (3) accessibility through public or institutional archives. Exclusion criteria were applied to documents that lacked direct relevance to the CRC, duplicated information already represented in the dataset or did not contribute substantively to the research focus. Each document was reviewed for authenticity and relevance, with cross-verification against other sources and, where necessary, consultation with experts in children's rights and policy analysis. The final

selection of documents is presented in Table 4.2, which outlines the corpus used for Phase 1 of the documentary analysis.

Document Type	Source	Date	Key Themes
Rights of Children and Young Persons (Wales) Measure (2011)	National Assembly for Wales (NAfW)	2011	Legislative Measure for indirect incorporation in Wales General understanding of duty on Ministers
<i>Extending Entitlement: Supporting Young People in Wales</i>	Welsh Assembly Government (WAG)	2000	Sets out 10 entitlements for all young people Emphasises agentic-centric position of Wave 1 – opportunity to differentiate with English documentation
<i>Children and Young People: A Framework for Partnership</i>	WAG	2000	Establishment of CYP Partnerships across Wales – guidance for public services. Emphasises agentic-centric position of Wave 1 – opportunity to differentiate with English documentation
Rights in Action	WAG	2004	Framework for realising CRC in absence of legislative measures Formal Adoption of CRC in 7 core aims.
Connexions	UK Government	2000	Emphasises contrast with agentic-centric position of Wave 1 – opportunity to differentiate with English documentation
Rights to Action	WAG	2002	Outlines several plans for agentic-centric policymaking (est. of Funky Dragon, CYP Participation Consortia, statutory requirements for school councils and CYP Plans).
Care Standards Act	NAfW	2000	Collectively emphasise the appropriation of rights as a means of divergence from UK Government – i.e., mandates between Children's Commissioners
Children's Commissioners Act	NAfW	2001	

Waterhouse Enquiry / Lost in Care	R Waterhouse, independent enquiry	1996-2000	Provides context to the establishment of the CCfW and appropriation of rights as discourse for decisions on the direction of their role.
Clear Red Water Speech	Rhodri Morgan/ Welsh Labour	2002	Evidence claims rights as leftist progressivist. Distinction from UK gov. equality and universalism vs. marketisation
Welsh Baccalaureate Pilot	WAG	2004	Collectively emphasise a discourse of explicit respect for, and enactment of, children's rights.
Learning Country		2001	
Foundation Phase		2008	
Children Act		2004	
Standing up for Wales Manifesto	Welsh Labour	2011	Emphasises shift to children as 'becoming' – focus on economy (through poverty), health and attainment, shift balance of rights to protection and provision at cost of participation?
<i>Teaching Makes a Difference</i>	Leighton Andrews / Welsh Labour	2011	Evidence zeal of LA and orientation to change orientation of education – speaks to accountability and high stakes. Speaks to participation as libertarian myth.
UN General Comment 14	United Nations	2015	Explicit comments on ambiguity of CRC – speaks to ability to alter enactment based on ideological position
Education Policy Statement.	Welsh Government (WG)	2011	Language establishes expectations on teachers – evidence language shift from teachers as agentic to accountable.
20 Point Plan	WG	2012	

School Standards and Organisation (Wales) Act	NAfW	2014	Collectively speak to discourse of policy as attainment focused to raise standards, a shift from teachers as agentic to accountable in need of professional learning, and to safeguarding.
Schools Challenge Cymru Evaluation	WG	2017	
The Literacy and Numeracy Framework		2013	
National Support Programme		2014	
Pupil Deprivation Grant: Essential Guidance		2015	
Education in Wales: Our National Mission		2017	
United Nations Committee on the Rights of the Child	United Nations	2002 and 2008	Provide context to calls for incorporation of CRC in Welsh Law as part of UK State Party reporting.
Government of Wales Act	NAfW	2006	Speaks to powers available to/not to respond to UNCO
Getting it Right	WG	2009	Establishes discourse for intention to respond to UNCO in the absence of powers. Demonstrates commitment to CRC and exploration of incorporation. Speaks to development of Measure.
The Rights of Children and Young Persons Bill, as introduced	NAfW	2010	Establishes lack of desire for pervasive Measure. Contributes to discourse of contextual factors within Govt. that prevent enactment of CRC in legislation – resource, staff burden etc.

Oral evidence, Deputy Minister Huw Lewis	NAfW Debate	2010	Establishes barriers to enacting CRC in legislation – casts light on language and discourse of opposition to due regard Measures.
Full legislative process of Rights of Children and Young Persons (Wales) Measure 2011	NAfW record	2010	Analysis at each stage of consultation, Committee responses, challenge, opposition and motions to amend. Provides in depth insight into decisions made in relation to the development of the Measure that speak to enactment.
CYPE Scrutiny Minutes	Senedd Record	2020	Relates to a duty on Ministers, expectation of delivery via public services.
Social Services and Well Being (Wales) Act	NAfW	2014	Legislative CRC measure for social work. Establishes difference between CRC duties in education.
Additional Learning Needs and Tribunals (Wales) Act	NAfW	2018	Legislative CRC measure for education. Establishes difference between CRC duties in social work and in Curriculum Act in education.
Curriculum and Assessment (Wales) Act	Senedd	2021	Legislative CRC measure for education. Establishes difference from due regard duties in SSWBA and ALN Act.
Full legislative process for Social Services and Well-being (Wales) Act 2014	NAfW	2013	Analysis at each stage of consultation, Committee responses, challenge, opposition, and motions to amend. Provides in depth insight into decisions made in relation to the development of the Measure that speak to enactment.
Full legislative process for Additional Learning Needs and	NAfW	2017	Analysis at each stage of consultation, Committee responses, challenge, opposition and motions to amend. Provides in depth

Education Tribunal (Wales) Act 2018			insight into decisions made in relation to the development of the Measure that speak to enactment.
Full legislative process for Curriculum and Assessment (Wales) Act 2021	Senedd	2020	Analysis at each stage of consultation, Committee responses, challenge, opposition, and motions to amend. Provides in depth insight into decisions made in relation to the development of the Measure that speak to enactment.
Full legislative process for Well-being of Future Generations (Wales) Act 2015	NAfW	2014	Analysis at each stage of consultation, Committee responses, challenge, opposition, and motions to amend. Provides in depth insight into decisions made in relation to the development of the Measure that speak to enactment. Evidence of failure to incorporate CRC duties in seminal legislation despite motions for it.
Welsh Government Children's Rights Scheme	WG	2021	Speaks to use of principled framework as a children's rights approach. Provides useful insight into the needs of Government and Ministers to enact duties within the Measure (2011).
Raising Awareness of Children's Plan	WG	2021	Speaks to areas of priority for Government. Provides useful insight into the requirements to fulfil Ministerial duty to promote and raise awareness.
From Act to Impact	WG	2023	Provides information, from the perspective of Government on the effectiveness and impact of the SSWBA (2014).

Table 4.2 Phase 1 Documentary Selection: Legislative and Policy Texts on Children's Rights in Wales

In addition to the primary dataset selected through the systematic documentary analysis process, a small number of supplementary texts were consulted to support interpretation. These include books authored by former Welsh Government Ministers and policymakers, which, although falling outside the formal selection criteria, offer valuable insider perspectives on the political and institutional context surrounding the implementation of the CRC in Wales. Their inclusion is justified on the basis of their unique contribution to understanding the discursive and practical dimensions of policy development and is discussed further in the Findings chapter.

Discourse analysis was employed to examine the language used in the selected documents. This method is particularly suited for understanding how language constructs social realities and power dynamics (Hassan, 2024). The analysis focused on identifying recurring themes, rhetorical strategies and the framing of children's rights within the documents. Key objectives included recognising recurring themes and language structures that reflect the priorities and concerns of policymakers and stakeholders, analysing the social, political and cultural contexts influencing the language used in the documents and investigating how language reflects or enforces power relations, particularly between the government and civil society (Looppanel, 2025).

The discourse analysis was conducted in several stages. I employed *NVivo* to systematically analyse documents. The initial phase involved a thorough preliminary reading of the documents to gain familiarity with their content and context. This step was crucial as it provided a foundational understanding of the general themes and rhetorical strategies present in the texts, allowing me to approach the subsequent analysis with a well-informed perspective. Following the preliminary reading, I developed a coding scheme tailored to categorise themes and rhetorical strategies identified in the documents. This coding scheme was instrumental in mapping the axiological positions of leaders towards protection, provision and participation rights. Additionally, it facilitated the categorisation of the main contests to government decision-making in the development of children's rights legislation. The creation of this coding scheme was a reflective process, drawing on my insights from the initial reading and aligning with the specific objectives of my research. Next, *NVivo*'s

capabilities enabled me to systematically tag sections of the text with the appropriate codes, ensuring a comprehensive and consistent identification of themes across different documents. This systematic approach was particularly beneficial in identifying nuanced insights and patterns that might have been overlooked in a less structured analysis.

Two examples of the coding process illustrate the depth and reflexivity of my analysis. Firstly, mapping the axiological positions of leaders involved coding sections where leaders articulated their views on children's rights, specifically focusing on protection, provision and participation. This coding provided a detailed map of the values and positions held by various leaders, enriching my understanding of the ideological landscape. Secondly, categorising the contests to government decision-making involved coding instances of opposition and debate during scrutiny plenary sessions and stage one committee consultations. This categorisation highlighted the key stakeholders and their arguments, offering a clearer picture of the challenges faced in the legislative process. The use of NVivo not only facilitated a systematic and comprehensive analysis but also allowed me to draw meaningful conclusions and insights, thereby enhancing the overall quality and depth of my research.

Critical policy analysis (CPA) (Gale, 2007) was integrated to examine the direction and implications of the discourse identified through discourse analysis. CPA is a method that scrutinises policy documents to uncover underlying ideologies, power structures and the broader socio-political context (Rata, 2014). This approach was chosen because it allows for a deeper understanding of how policies are formulated, implemented and their impact on various stakeholders. The CPA process involved situating the documents within the broader political and economic context of Wales and the UK, including examining the influence of devolution, economic policies and international human rights frameworks. It also included identifying the ideological underpinnings of the policies, such as neoliberalism, social democracy or human rights-based approaches and evaluating the intended and unintended consequences of the policies on children's rights and well-being. This combination of discourse analysis and critical policy analysis is justified by their complementary strengths.

Discourse analysis provided insight into the language and framing of policies, revealing how children's rights are constructed and communicated (Looppanel, 2025). Critical policy analysis situated these discourses within a broader socio-political context, uncovering the power dynamics and ideological influences that shape policy outcomes (Scribbr, 2025). Together, these methods provide a comprehensive approach to understanding the enactment and implementation of the CRC in Wales.

Reflecting on my research process, I was acutely aware of the criticisms surrounding qualitative documentary analysis, particularly regarding the bias and reliability of sources. May (2011) highlights that the content of documents is influenced by the social, economic and political contexts in which they are created, the reason in which they were useful to me. This understanding however, necessitated a cautious approach, acknowledging that documents are not neutral artefacts but are shaped by various external factors. To mitigate these issues, for each document I was able to critically assess the authenticity, credibility, representativeness and meaning of the documents. This process involved verifying the origin of the documents, evaluating the trustworthiness of the content, ensuring the documents were representative of the broader context and interpreting the meaning within the appropriate framework. This helped to address potential biases and enhance the reliability of my findings. Insights from this documentary analysis informed the design and focus of the elite interviews in Phase 2

4.5 Phase 2: Elite Interviews

In pursuit of understanding how duty bearers interpret and implement the CRC in Wales, a series of elite interviews with key stakeholders involved in children's rights in Wales and directly in development of the Measure (2011) and associated policies were conducted. Building on the documentary analysis in Phase 1, Phase 2 sought to explore these themes through the perspectives of meso-level interpreters, providing opportunity to elicit in-depth understanding of findings from my documentary analysis to provide rich insights related to research RSQs1&2. The term 'elite' in this study refers to each participant's highly placed position as individuals who exert influence through social networks, social capital and strategic

positions within social structures (Zuckerman, 1972) in the children's sector in Wales. Each possesses knowledge, prestige and proximity to power (Hunter, 1993; Lilleker, 2003) to provide nuanced, expert and in-depth insight into the subject of my study⁴.

Issues of power, access, relationships and ethics present distinct methodological challenges in elite interviewing (Liu, 2018), perhaps speaking to why the method is relatively understudied (ibid; Empson, 2018). As the most appropriate method for this phase of the study, extensive consideration of the methodological issues was required. In the remainder of this section, I will describe the step-by-step process of enacting this method, while addressing issues of power, access and relationship encountered and outlining how I attempted, to varying degrees of success, mitigate them.

4.5.1 Interview Design

Identifying key elites was an important first step. To maximise my chances of accessing participants, I spent time researching and understanding who the key elites were in 1) the construction of the Measure (2011); 2) the incorporation of the Measure (2011) and 3) current interpreters of the Measure (2011) at a meso level. Documentary analysis was undertaken to understand the intention of the Measure (2011) (and associated documentation released in the period 2011-2021), to gain insight into the intentions and operations (in terms of implementation of the Measure (2011)) of elites who may potentially be interviewed. This work enabled me to develop bespoke participant information sheets that 'pitched' to potential participants, hopefully speaking to their interests and maximised the chances of them agreeing to be interviewed. For example, where participants had publicly stated opinions about implementation of the CRC in Wales, I referenced that and specifically invited them to an interview on the incorporation of the Measure (2011) and/or ways it has been implemented since 2011.

⁴ While this study applies the term 'elite' to describe actors occupying positions of influence within policy networks, it is acknowledged that children can also exercise elite influence in certain contexts—for example, through formal representation in global forums such as the UN Committee in Geneva.

Accessing elites was challenging due to their privileged positions, strict gatekeepers and limited availability (Mickecz, 2012; Emmel, 2013). To overcome these issues, I leveraged existing professional relationships and networks built through practice which facilitated direct approaches to contacts or introductions via colleagues. Although my insider position (Mannay, 2010) as a practitioner is discussed in detail later in this chapter, it is worth acknowledging that I have worked as a practitioner in the field of children's rights since 2005 in Wales and more recently, since 2021, as a civil servant within Welsh Government. As part of my research funding, I was also able to undertake PhD internship at the Office of the Children's Commissioner for Wales (CCfW). Collectively, this experience aided me in accessing interviewees as we had established previous relationships through common practice (Bian, 2019). In some instances, I was able to approach and recruit contacts directly, while in others, introductions via colleagues with whom I had good working relationships proved beneficial. For example, my internship at CCfW provided access to contacts in Estyn, while my previous practitioner experience allowed me to connect with elite stakeholder's instrumental in the strategic enactment of the Measure (2011) at Local Authority level. My reputation and established relationships encouraged elites to participate in interviews, as they trusted my professional integrity and the relevance of my study. This insider position worked in my favour by facilitating access and building rapport, although it also required careful management to maintain objectivity.

Table 4.3 outlines participants, the criteria for my choice to invite them to participate and recorded interview length⁵:

⁵ Welsh Government Officials, two other Ministers and Social Care Wales were invited to participate but declined.

* Estyn is the education and training inspectorate for Wales. It is an independent body funded by the Welsh Government, responsible for inspecting the quality and standards of education and training providers in Wales, including schools, colleges and work-based learning.

Participant No.	Areas of expertise	Length of Interview
EI1	Academic understanding of children's rights, particularly incorporation.	0:37
EI2	Children's Commissioner	0:59
EI3	Embedding Rights in Education/Children's Rights in LA	0:33
EI4	Academic expertise of participation. Prominent advocate with firsthand experience of NGO input in early devolution.	0:58
EI5	Children's Rights Approaches and national children's rights policy	0:53
EI6	Former Minister	0:24
EI7	Embedding Rights in Social Work/Children's Rights in LA	0:49
EI8	Estyn	0:52
EI9	Estyn	0:52
EI10	NGO expertise, and UNCRC monitoring	0:36

Table 4.3 Elite Interview Participant Information

Elite interviews can be difficult. The high-level position of elites can mean a degree of sensitivity is required, potentially creating methodological issues for a newly established researcher (Empson, 2018), which I considered myself to be. Once participants were secured, the second step was to carefully design interview frameworks that addressed distinct issues of confidentiality and power in elite interviewing. Sensitivity was required in the challenges of protecting identity, as often their role was unique and impossible to protect from identification, potentially affecting what elites felt safe to share and the boundaries they set during interviews (ibid.) This challenge is well-documented in the literature on elite interviewing, where researchers highlight the ethical and methodological complexities of maintaining confidentiality and managing power dynamics (e.g., Mikecz, 2012; Conti & O'Neil, 2007), which I navigated through careful planning and ethical safeguards. Prior to fieldwork, participants received clear information regarding potential risk to enable them to make informed choices about a) whether they agreed to be interviewed and

b) what they chose to offer as research data, both in documents and orally. Post fieldwork, measures to codify names and services were made; any clearly identifiable indicators were considered for redaction and regular discussions with my supervisors on this subject were conducted during analysis.

Issues of power in elite interviewing are also significant, as the inherent power asymmetry between interviewer and elite interviewee can lead to manipulation of information and control over the narrative, making it challenging for researchers to maintain a critical observation role while fostering positive relationships (Hunter, 1993; Ostrander, 1993; Welch et al., 2002; Odendahl and Shaw, 2003; Rice, 2010). To mitigate as far as possible, using Aberbach and Rockman's work (2002), I took three approaches to my interview question framework.

First, my question framework started with general questions about participant's background, roles and responsibilities, based on the idea that people usually like to talk about themselves, and this would be a way to build rapport and trust. Next, I prepared a pool of carefully designed, bespoke questions on what I felt would interest and/or be of relevance to each participant (to maximise responses), while also speaking to my research questions. Finally, I utilised my supervision sessions to check, redraft and revisit my question frameworks with my supervisors, who have considerable knowledge and experience of elite interviewing. As a newly established interviewer, their advice and guidance on question design and facilitation of elite interviews was critical in maximising the opportunity for success; resulting in the development of a bespoke question framework for each elite interviewee that enabled me to maintain focus when interviews were challenging and remain objective when views were expressed that I particularly agreed or disagreed with.

In preparation, I conducted a pilot interview with a more familiar elite to practice techniques and address potential challenges. This approach was beneficial as it allowed me to refine my interview techniques, identify and mitigate methodological issues and build confidence before engaging with less familiar elites. Practicing with a known elite provided valuable insights into the dynamics of elite interviewing,

helping me to iron out challenges and improve the overall effectiveness of the interview process.

To collect relevant narrative data, a semi-structured interview approach was applied in conducting elite interviews. The approach allowed for versatility (Fylan, 2005) in exploring key points, and was well suited to unpicking and understanding participant's views as they emerged, offering a flexible, naturalistic approach to conversation development. This was essential in offering participants space and freedom to discuss their interpretations and enactments of the Measure (2011). It also enabled me as a researcher to delve into themes that emerged within the research I had not anticipated. For example, whilst I was aware and intended to discuss incorporation, I had not anticipated a discussion on a public sector duty. The semi-structured approach provided an opportunity to glean in-depth detail that would not have been possible through a formal interview structure where I stuck only to the original question framework (Ruslin et al., 2022). Equally, because of the varied nature of people's roles, an informal structure may have lost focus of the research questions. The flexibility of the approach allowed for in-depth exploration of participants' views and facilitating the collection of rich-nuanced data (Kallio et al., 2016). It enabled me to address sensitive topics and manage issues of identification and anonymity effectively, as the conversational yet guided format helped build trust while maintaining a clear research focus (Galletta, 2013).

Despite being an appropriate method to elicit data, from elite interviewees, the method also presented challenges, including maintaining focus and objectivity, especially when participants expressed strong opinions. An important aspect of my experience of elite interviewing has been to 'shift my position' (Macdowell, 1998:2138), to present myself effectively before and during interviews. For example, in one instance, a high profile, authoritative patriarchal figure agreed to participate in my study if conditions were met and reassurances made. These included purchasing of material authored by the interviewee and completion of provided reading lists by set dates in advance of meeting. Immediately in this situation, an assertion of power was set, and I found myself, uncomfortably, 'playing dumb' (ibid) to maintain a relationship and effectively interview this person. While this meant I could elicit an

interview and utilise the credence of the status of the interviewee in the study, it also meant that I found myself not delving too far, or asking anything too risky or intricate, to not alienate or upset the balance of power within the relationship that might result in withdrawal from the interview process.

In another exchange, an interviewee held strong views regarding the inability of children to make informed decisions (a viewpoint that clashed with my own). In the moment, I had to reflect that I might be presenting as 'brusquely efficient' (ibid), i.e., short and harsh in my body language and responses, in order to ensure that my own points of view were not (subconsciously) influencing the interview. To address this, I turned to more open questioning to allow the interviewee to express their thoughts and feeling at length to ensure it was their perspective gained. In instances where I had no prior relationship with participants, e.g., Estyn, I found myself presenting as 'superfast and well-informed' (ibid) to present myself as knowledgeable and make a good impression. In several interviews where I had connection and relationship with participants, I found myself presenting a familiar persona, whereby I could relate and be relatable to interviewees. In these cases, interviews were more informal and conversational and often led to participants feeling comfortable to divulge in-depth, detailed insights into questions asked.

While adapting my approach during interviews was necessary to maintain access and rapport, these decisions may have influenced the depth and direction of responses. For example, shifting position—presenting as 'playing dumb' or 'superfast and well-informed' depending on context—enabled participation but may have constrained opportunities to probe more challenging or contentious issues. Similarly, the non-participation of some invited elites inevitably limited the diversity of perspectives captured, particularly those who may have held more critical or dissenting views. Had all invited participants engaged, findings might have reflected a broader spectrum of interpretations of the Measure (2011), including greater resistance or alternative framings of rights. These reflections underscore the interpretive nature of qualitative research and the importance of acknowledging how researcher decisions interact with power dynamics when assessing validity and generalisability. Based on this, the idea

that 'elites' are a homogenous group for research purposes with fixed and consistent power is open to challenge (Glas, 2021). Instead, conceptualising power as fluid, relational, negotiated and changeable was helpful for being responsive to changing vulnerabilities and power dynamics in interviews. This perspective has also highlighted that a one-size-fits-all approach to interviewing was not only unnecessary, but in some cases would have proved problematic. For example, if I had presented as too knowledgeable or challenging to the first interviewee, I could have lost the interview. Flexibility and reflexivity were essential throughout the research process as the cases evolved in real time.

4.5.2 Data Collection and Analysis

I employed NVivo software to facilitate the collection and analysis of data from elite interviews. This tool proved invaluable in managing and organising the complex qualitative data, allowing me to systematically code and categorise responses. Utilising NVivo, I was able to identify patterns and themes that emerged from the interviews, ensuring a rigorous and transparent analytical process. Using a more inductive approach to analysis, i.e., using the four dimensional - contexts of enactment theory (Braun, Ball and Maguire, 2012) as a frame, I was able to create nodes to categorise relevant transcript data. For example, during the interviews, participants frequently discussed the concept of incorporation in various contexts. In my research, to systematically analyse these discussions, I created a node called 'External Context' and created sub-nodes such as 'Degree and Quality of Support from Government' and 'Expectations from Broader Society'. Within this, I established categories such as 'Direct Incorporation,' and 'Public Sector Duty'. As I reviewed the interview transcripts, I highlighted relevant sections and assigned them to these sub-nodes. For instance, when a participant mentioned a lack of enforceability in law, I coded that segment under 'Direct Incorporation.' This approach allowed me to organise the data effectively and identify recurring themes related to incorporation, enhancing the reliability and validity of my findings but also streamlined the overall research process, making it more efficient and effective. Themes emerging from these interviews shaped the development of the survey instrument in Phase 3.

4.6 Phase 3: Survey

Phase 3 of the study involved the development and administration of a survey, informed by findings from Phases 1 and 2. The survey aimed to explore several dimensions of frontline practitioners' engagement with the CRC and the Measure (2011). Specifically, it examined their knowledge and understanding of these frameworks, their confidence in applying rights-based approaches in practice and their interpretations of policy agendas that either facilitate or constrain the enactment of the Measure (2011). Additionally, the survey investigated practitioners' personal and professional orientations toward the CRC and the Measure (2011), as well as their perceptions of the Measure's effectiveness as a mechanism for supporting the fulfilment of their statutory duties. The survey, complemented by focus group data (discussed later) sought to examine RSQs3&4.

There are several reasons a survey was beneficial in Phase 3 of my fieldwork. First, the survey provided an efficient way to collect data, administering to large numbers of practitioners across Wales simultaneously. This allowed me to gather summative data quickly and efficiently (Vittana, 2020). The online distribution of surveys enabled me to reach a broad audience of teachers and social workers, collecting examples of how rights were interpreted and contextualised in education and social work. This approach was successful in obtaining a comparatively substantial amount of data compared to my interviews and focus groups, which could be tabulated and analysed. The baseline information from the surveys helped me develop relevant questions for focus group sessions, ensuring the collection of rich and high-quality data. Additionally, having larger-scale representative data allowed me to triangulate focus group findings and make generalisations useful for policy recommendations (ReviseSociology, 2025).

Surveys were instrumental in testing hypotheses. They provided a structured process for testing and developing theories. The survey allowed me to seek statistical evidence to either support or reject the theory that factors like level of seniority, length of service and field of work influence how social workers and teachers enact the Measure (2011). While recognising the complexity of confirming or falsifying theories, the survey aimed to establish statistical associations between

variables, rather than proving or disproving hypotheses. Secondly, a survey methodology helped limit bias. By following standardised methods of design, administration and analysis, the results were replicable. This standardisation ensured that differences in responses were more likely to be due to genuine differences in opinion rather than variations in how questions were asked⁶. The assumption of 'equivalence of stimulus' (Oppenheim, 1992) was maintained as the same questions were asked in the same way to all respondents.

Thirdly, surveys were useful for collecting sensitive information. The anonymity of responses encouraged participants to be more truthful, particularly regarding socially desirable responses. For instance, respondents could be more open about their true knowledge, attitudes and beliefs about the CRC, children's rights and the Measure (2011) without the obligation to provide identifying information. This anonymity added validity to the results. Lastly, surveys were economical (Vittana, 2020). Online surveys were cost-effective and allowed me to reach many geographically dispersed research subjects. This was crucial for my study, which focused on teachers and social workers across Wales. The survey method was the most efficient way to achieve a valid representative sample both numerically and geographically. It was resource-efficient and provided data on a scale that qualitative, in-depth narratives could not.

4.6.1 Survey Design

The survey design process involved several critical steps to ensure the collection of reliable and valid data. This section outlines the development of the survey, the types of questions used and the rationale behind these choices. A copy of the final survey is in Appendix 1.

The survey was developed to address the specific research questions and objectives of this study. The initial step involved a thorough literature review to identify existing validated scales and relevant questions. This helped in formulating questions that

⁶ It is acknowledged, however, that other contextual factors—such as time of day, respondent mood and situational context—can also influence survey responses, even under standardised conditions (Russell & Carroll, 1999; Diener & Emmons, 1984)

are both relevant and comprehensive. The survey included a mix of question types to capture different aspects of the research topic. Multiple choice questions were used to gather categorical data and provide respondents with predefined options, ensuring ease of response and consistency in data. Likert scales were employed to measure attitudes, perceptions and opinions on a range of statements and open-ended questions allowing respondents to provide detailed, qualitative insights. These questions were particularly useful for exploring complex issues such as why rights should/should not be prioritised and obtaining rich descriptive data. Each question was carefully crafted to ensure it directly contributed to the research objectives.

To support meaningful analysis and interpretation, the survey included a set of background variables aligned with theoretical frameworks on policy enactment and the four contextual domains influencing professional practice. These variables were selected to capture key contextual factors that may shape how rights are understood and prioritised. Specifically, the survey collected data on sector (e.g., education, social care), field of work, length of service, level of seniority and geographical remit of work. These variables reflect the structural, cultural and situational contexts in which participants operate, consistent with the domains outlined in enactment theory (Ball, Maguire & Braun, 2011). Including these variables allowed for subgroup analysis and helped ensure that findings could be interpreted considering relevant contextual influences as emphasised in more recent conceptual developments (Hay, 2024).

Low response rates were an issue in Phase 3. I was distributing a survey to individuals who did not know me personally, at a time where accessing social workers and educators was particularly challenging due to the pandemic (Ashcroft et.al., 2002). The shift to virtual platforms and increased workloads (Banks et.al., 2020) made it difficult for these professionals to participate. To maximise the interest and uptake of my survey, I adapted my methodology to ensure the survey was concise and focused to address workload constraints whilst being easily accessible online to mitigate for the virtual shift.

Regular reflections with my supervisors helped me drill down to the core of RSQs 3&4 to eliminate overly detailed or irrelevant queries. Discussed in more detail in *Phase 4: Focus Groups* (see next section), I developed a draft focus group framework alongside the survey to explore themes in greater depth. This approach allowed me to maintain the survey's conciseness while ensuring it complemented the broader mixed-methods design. The survey was estimated to take approximately 5-10 minutes to complete, balancing the need for comprehensive data collection with the importance of respondent convenience. Qualtrics features were utilised to enhance survey experience and ensure data quality. Skip logic and display logic were implemented to tailor the survey path based on respondents' answers, reducing irrelevant questions and improving the overall flow. Additionally, I minimised the use of matrix tables and text box entries, which can be cumbersome on mobile devices.

As well as length, the survey was designed to be accessible. To reduce potential for questions being too specific or too general, or for the language to be overly complex, obscuring intended meaning, I welcomed advice during supervisions around simplified language and the reduction of the number of matrix options, to improve accessibility. To minimise misinterpretation of questions and ambiguity in question meaning, which could lead to confusion and high incompleteness the questions were refined. Question refinement included providing clear instructions on how to complete the survey and the use of definitions and categories to clarify subjective terms, e.g. I described the meaning and purpose of prioritising the 3Ps and defined protection, provision and participation for ease of understanding. Questions were grouped under common themes to help respondents contextualise their answers and were designed to be as short and simple as possible. Each draft of the questionnaire was reviewed with my supervisors to refine the wording and ensure clarity. Additionally, the survey was translated into Welsh to enhance accessibility for both English and Welsh medium schools. Recognising that translation of meaning can be lost as wording is translated into other languages (Nes et al., 2010), translation of my Welsh version was checked for accuracy by a Welsh speaking expert. Welsh speaking practitioners also participated in my survey pilot (see below) to test issues of flow and functionality in the Welsh version.

Before the full-scale distribution, the survey underwent pilot testing with a small group representative of the target population. The pilot test aimed to identify any issues with question wording, survey flow and technical functionality. Feedback from pilot testers was used to make necessary adjustments to the questionnaire. Eleven participants were involved in the pilot, receiving information about the survey's purpose with follow-up questions specific to the pilot. The questions aimed to assess clarity, understandability, flow, technical issues and content relevance. Pilot responses highlighted various technical, content and audience-related issues, which were addressed through specific mitigation strategies. Technical issues included problems with focus group sign-up and comment visibility, both resolved by advising users to omit special characters and expanding text boxes. Content issues involved adding an accessibility statement, choosing the 3Ps model over other frameworks, questions relating to the specificity of enacting particular rights, e.g., participation. Pilot respondents also suggested adding roles not already mentioned in the occupation section of the survey. By following these steps, the survey design process ensured the development of a robust and effective questionnaire capable of capturing high-quality data to address the research questions.

4.6.2 Recruitment and Sampling

Participants for the questionnaire were recruited using information and contacts accessible through networks and relationships built through my current and previous work in children's rights. Ethical consent was obtained to disseminate and circulate information in specific ways. Overarching information regarding research aims, methods and expectations was broadly circulated to several existing relevant public networks. These networks included, but were not exclusive to, the National Association of Head Teachers, British Association of Social Workers Cymru, Children's Commissioner for Wales Network of Practitioners, Children in Wales Network of Members, National Participation Workers Network Members, schools via Estyn links, UNICEF Rights Respecting Schools National Officer for wider dissemination, Social Care Wales and dedicated education consortia links across Wales.

All participants were recruited electronically. Some mailing lists were directly developed, such as the TRW Social Care contact list and the Participation Workers Network contact list, while others were accessed via gatekeepers. These gatekeepers included the president of the National Association of Head Teachers, Swansea Director of Social Services to BASW, Participation colleagues to Children in Wales members, schools via programme managers such as Estyn Inspectors and Education Consortia via Challenge Advisors. All recruitment materials, both electronic and hard copies, contained covering information that provided clear details to maximise the opportunity for obtaining, monitoring and recording informed consent. Consent procedures are discussed in further detail within the ethics section of this chapter.

As of 1 March 2020, 35,171 individuals were registered with the Education Workforce Council as qualified teachers in schools and FE settings in Wales (EWC website, 2021). This figure does not include learning support staff, qualified youth workers, youth support workers or work-based learning practitioners. Additionally, Children's Services employed 1,694 social workers at the end of March 2019 (Social Care Wales, 2020). Survey participants were sampled using non-probability sampling methods. Individuals were selected based on non-random criteria, meaning not every individual had a chance of being included. While this approach was appropriate for exploratory research, it carried a higher risk of sampling bias, potentially limiting the inferences and conclusions that could be drawn. However, as part of a mixed-method, four-phase research design, where conclusions based on statistical evidence could be triangulated against focus group and interview data, valid and reliable conclusions were still achievable. The purpose of this questionnaire was to develop initial understandings and for this purpose, non-random sampling was justified.

The types of sampling applied included:

Convenience Sampling: This method involved sampling individuals who were most accessible to me, such as social workers and teachers who work in the same organisation, those I attend networks with and practitioners I met by chance during

the period the questionnaire was open, through site visits and workshops I facilitated. While convenience sampling provided an inexpensive way to gather data, it did not represent the teaching or social work population in Wales. To counter local sampling bias, wider purposive sampling was required to ensure fairer representation across the regions of Wales.

Voluntary Response Sampling: Like convenience sampling, this method was borne of ease of access. The survey was promoted electronically to known networks and through local and national newsletters targeting the desired population, such as the Social Care Wales Newsletter and Welsh Government's DYSG. People were able to volunteer by responding to the public survey link. Although it is unknown where respondents heard about the questionnaire, voluntary response samples are inherently biased, as some individuals are more likely to volunteer than others, such as those who are advocates of children's rights or have greater knowledge of the Measure (2011).

Purposive Sampling: As the researcher, I exercised my expertise and judgement to select a sample most useful to research purposes. My insider status provided a good understanding of roles, departments and services across Wales, enabling me to make informed decisions about who might provide quality data to answer the research question. Known contacts, networks and organisations were targeted to ensure the education and social work population had access to the questionnaire link and could choose whether to participate. The questionnaire was translated into Welsh to target Welsh medium settings and relationships with organisations such as Menter Iaith Cymru were utilised for purposive sampling in this area. Connections within the All-Wales Participation Network were also leveraged to approach workers in specific local authorities where uptake was low, requesting further encouragement to social workers and teachers in their area to ensure broad geographical coverage.

Snowball Sampling: Given the large number of teachers and social workers in Wales, snowball sampling was widely used to recruit participants via other participants. All correspondence included clear information requesting that the questionnaire be completed and shared with participants' networks and contacts.

To increase the trustworthiness of the study, purposive selection was underpinned by a developed understanding of enactment theory (Braun, Maguire and Ball, 2015). Using theory to hypothesise potential themes that could emerge from the data, participants were intentionally approached from social work and education, indifferent positions of power, with varying distances from direct work with children. For example, I purposefully targeted the Headteachers Association and forum of Directors of children's services across Wales to maximise uptake from those in senior positions. I targeted the All-Wales Participation Workers Network as this is made up of frontline practitioners.

144 valid survey responses were received⁷. Table 4.4 provides an overview of responses:

⁷ 10 participants responded to work in neither education nor social, instead working in preventative services such as youth work. As this is not within the scope of this study, these participants were directed to end the survey. These responses, while a useful area of study, were not counted in this research.

Number of survey respondents	144
Number of Local Authorities Participating (of 22* ³)	22
% of Respondents working in Social Work	50.7%
% of respondents working in education	49.3%
% of respondents in high level positions of seniority	25.9%
% of respondents in medium level positions of seniority	45.7%
% of respondents in low level positions of seniority	28.3%
% of respondents with less than 1 year of service	8.3%
% of respondents with 1-2 years' experience	5.4%
% of respondents with 2-5 years' experience	16.6%
% of respondents with 6-10 years' experience	23.3%
% of respondents with 11-15 years' experience	18.5%
% of respondents with 16-20 years' experience	11.1%
% of respondents with more than 20 years' experience	25.1%

Table 4.4 A Summary of Survey Responses

The recruitment strategy leveraged extensive professional networks and relationships, ensuring a broad reach across relevant sectors. The use of multiple sampling methods, including convenience, voluntary response, purposive and snowball sampling, allowed for a diverse range of participants. The use of enactment theory to guide purposive sampling helped in selecting a heterogeneous sample, enhancing the robustness of the data. The data in the table indicates a good spread across various factors known to influence the enactment of the CRC, such as sector, field of work and length of service. Despite response numbers being lower than hoped (largely attributed to post-pandemic recovery in social work and education), this diversity provided a strong foundation for identifying key themes and insights which could be further explored and validated through focus group discussions.

Despite these strengths, the non-probability sampling methods used introduced potential biases. Convenience and voluntary response sampling, while practical, may

led to over-representation of individuals with a particular interest in children's rights potentially skewing the results. That is orientations toward the CRC were resoundingly positive and authorities with formal CRC policies of their own, responded in higher numbers. As noted previously, a disproportionate number of responses were received from Swansea Council, a LA with a formal policy commitment that mirrors the Measure (2011). The impact of disappointingly low survey responses and the other acknowledged limitations were able to be mitigated through triangulation with qualitative data from focus groups and interviews. This is discussed in more detail in 'Issues of Validity and Reliability' later in the chapter.

4.6.3 Data Collection and Analysis

Throughout the data collection period, I monitored responses in real-time using Qualtrics' analytics tools. This allowed for immediate identification and resolution of any issues that arose during the data collection phase. To encourage participation and increase response rates, I sent reminder emails to non-respondents. These reminders were scheduled and automated through Qualtrics. The survey remained open for a period of 6 months during term-time, ensuring ample time for participants to respond. The closing date was communicated clearly in all recruitment materials.

Ensuring the confidentiality and integrity of the collected data was paramount. All survey responses were securely stored within the Qualtrics platform, which complies with data protection regulations such as GDPR. Access to the data was restricted to me only and to protect participant anonymity, no personally identifiable information was collected unless explicitly necessary and consented to by the participant. Responses were anonymised during the data export process. Regular backups of the collected data were performed to prevent data loss and these backups were stored in secure, encrypted locations on my Cardiff University One Drive. Measures were taken to ensure the integrity of the data, including validation checks within the survey to prevent incomplete or inconsistent responses.

The analysis of the survey data involved several statistical methods, facilitated by the Stats IQ software built into Qualtrics and Excel. Basic descriptive statistics, including means, medians, modes and standard deviations, were calculated to summarise the

data and provide an overview of the responses. Inferential statistical tests, such as t-tests and chi-square tests, were conducted to determine the significance of relationships and differences between variables. Pearson and Spearman correlation coefficients were calculated to explore the strength and direction of relationships between continuous variables. For open-ended responses, thematic analysis was performed to identify common themes and patterns. This qualitative analysis complemented the quantitative findings.

Before analysis, the data underwent a thorough cleaning process to ensure accuracy and reliability. Cases with significant missing data were excluded from the analysis. Where necessary, data transformations were applied to normalise distributions and meet the assumptions of statistical tests. This included standardisation of variables, e.g., levels of seniority were recategorised to better suit the needs of testing and reporting. Open-ended responses were coded systematically to facilitate thematic analysis. Codes were developed iteratively, ensuring they accurately represented the data.

By following these steps, the data collection, management and analysis processes ensured the integrity and robustness of the research findings. In conclusion, the survey methodology employed in this study was instrumental in gathering comprehensive data from a broad range of practitioners across Wales, providing valuable insights into their knowledge, attitudes and practices regarding the CRC and Measure (2011). The use of online surveys facilitated efficient data collection, reaching a diverse and geographically dispersed sample. Despite challenges such as low response rates and potential biases inherent in non-probability sampling methods, the survey's design ensured robust and reliable data through careful question formulation, pilot testing and the application of statistical analysis. This approach not only complemented the qualitative data from focus groups and interviews but also enabled triangulation, enhancing the validity and reliability of the findings and supporting the development of informed policy recommendations. These findings laid the groundwork for Phase 4, where focus groups were used to explore these themes in greater depth.

4.7 Phase 4: Focus Groups

Phase 4 employed focus group methodology to gather qualitative data from teachers and social workers across Wales, aiming to explore their perspectives on various educational and social work practices related to the enactment of the CRC and Measure (2011). I chose focus groups for their ability to facilitate in-depth discussions and generate rich, qualitative insights (Sim & Waterfield, 2019) that built on survey data and spoke to answering RSQs 3&4. Focus groups are particularly effective for exploring complex social phenomena and understanding collective experiences (ibid; Blee & Taylor, 2014) and so they allowed me to observe interactions and dynamics that revealed deeper insights into participants' attitudes and behaviours (Morgan, 1997) relating to children's rights.

4.7.1 Focus Group Design

Recruitment to focus groups was integrated into Phase 3 of my study. Within the survey, I offered participants the opportunity to take part in focus groups. Those who opted in were asked to provide their contact details, ensuring a seamless transition from survey participation to focus group involvement. This approach facilitated the recruitment of individuals who were already engaged with the research topic and were willing to contribute further. Five focus groups with a total of 28 participants were facilitated, with one follow up for an individual who needed to postpone but was keen to be involved. All focus groups comprised those working in education and social work (at various levels) from different regions of Wales. Participants were selected based on their professional experience and willingness to engage in discussions about their practices. The final group of participants included a diverse mix of professionals, ensuring a broad representation of both teachers and social workers, senior managers, headteachers and support staff. This diversity was crucial for capturing a wide range of perspectives and experiences that could provide insight into how different roles and disciplines affect enactment.

I designed the focus groups to be cross-disciplinary and cross-geographical, allowing for a broad range of perspectives. Four of the five focus groups were conducted online using secure video conferencing tools, either Zoom or Microsoft Teams

depending on participant's preference, providing a convenient and accessible means for participants to join from various locations. The face-to-face focus group was held in a centrally located space to those who expressed desire to meet in person, i.e., one focus group was held in Swansea, enabling participants from Neath Port Talbot, Bridgend, Swansea and Carmarthenshire to attend. Each group consisted of between three to seven participants, ensuring manageable group sizes that facilitated meaningful interactions. The composition of the groups was intentionally mixed to encourage cross-disciplinary dialogue providing two-fold benefits. Firstly, it allowed for the integration of diverse perspectives from both teachers and social workers, enriching the data and providing a holistic view of the issues discussed. Secondly, online focus groups enabled people from a variety of geographical regions making results more generalisable across Wales.

Table 4.5 outlines participant numbers and focus group length:

	No. of Focus Group Participants	Location	Focus Group Length
Focus Group 1	7	In person - Swansea	1:55
Focus Group 2	7	Online	1:31
Focus Group 3	4	Online	0:56
Focus Group 4	6	Online	1:27
Focus Group 5	3	Online	1:02
Individual catch up	1	Online	0:56

Table 4.5 A Summary of focus group information

Understanding that focus groups provided an invaluable opportunity to deep dive into survey findings with those on the front line, I developed a comprehensive focus group framework alongside the development of the survey and data collection. This framework (Appendix 2) was designed to complement the survey by allowing for more detailed exploration of key themes and issues identified during the initial survey phase.

For example, one area of the survey that required deeper exploration was the prioritisation of different categories of rights. In creating the focus group framework, I was able to develop complementary follow-up questions about why participants chose to/not to prioritise rights. In doing so I was able to elicit rich qualitative data about how various rights were balanced in practice, specifically the interplay between protection, provision and participation rights, that complemented the broader generalisable survey findings.

The survey pilot was also instrumental in the focus group framework design. In response to this feedback, I crafted focus group questions that would have been too long, complex or nuanced for the survey. For example, questions about knowledge of specific Local Authority commitments to the CRC were deemed too specific for the survey, but by adding them to the focus groups framework, useful discussions about the impact of the ideologies of senior leaders was explored in depth in focus groups. Another example includes suggestions by survey pilot participants to use The Right Way (CCfW, 2015) as a framework for survey questions. While this was deemed to be too specific for the survey, it opened thinking about frameworks people use to contextualise the CRC and questions of this nature were included in focus groups, resulting in nuanced data about what resources exist and are required that enable practitioners to enact the CRC in their practice.

By integrating the focus group framework with the survey, I was able to maintain a clear focus on my research objectives while also allowing for flexibility in exploring emerging themes. This iterative process not only enhanced the depth of the data collected but also ensured that the research remained responsive to the insights and needs of the participants. The development of the focus group framework was a critical component of my research design, enabling me to address specific areas of interest identified that were too complex or nuanced to elicit data in a survey alone.

4.7.2 Data Collection and Analysis

All transcripts were recorded with permission from participants and stored on Cardiff University's secure One Drive. As with elite interviews, I used NVivo software to manage and analyse the qualitative data collected from the focus groups. Drawing

on the contexts of enactment theory relevant to this phase, I used *professional cultures* and *material contexts* (Maguire, Braun and Ball, 2012) as a theoretical framework to guide the categorisation of transcript data allowing for a nuanced analysis of the participants' experiences and perspectives.

Within NVivo, I created a hierarchical coding structure that included main nodes and sub-nodes. For instance, under the main node of *professional cultures*, I established sub-nodes to capture specific themes and examples. One such sub-node was dedicated to the theme of balancing rights. This sub-node was used to store instances where participants discussed the practicalities of balancing different categories of rights—protection, provision and participation—in their professional practice. By organising the data in this manner, I was able to systematically analyse how professionals navigated the complexities of their roles. The use of sub-nodes allowed for a detailed examination of specific issues within the broader contexts of enactment theory.

4.7.3 Limitations and mitigations

Despite the advantages, my study faced several limitations. One major limitation was the predominance of online focus groups which may have affected the depth of interaction compared to face-to-face sessions. While this was beneficial in that it increased participation across Wales and provided spaces for people to engage without having to travel, their online nature potentially lacked the richness of face-to-face communication due to the absence of non-verbal cues and physical presence (Menary et al., 2023). In my focus groups, I noticed that participants were sometimes hesitant to speak up, possibly due to the virtual environment. To mitigate this, I employed strategies to enhance engagement, such as using an interactive live poll to find out people's overall knowledge of and confidence in applying the CRC to stimulate discussion to encourage active participation (Discuss, 2024).

Additionally, the potential for dominant voices to overshadow quieter participants was addressed through careful facilitation to ensure opportunities for all participants to contribute (Bloor et al., 2001). In one particular focus group, I observed that a few participants were more vocal, so I made a conscious effort to invite quieter members

to share their thoughts, ensuring a balanced discussion. In this discussion, a junior member of social work staff, who seemed hesitant was asked to contribute and shared a wonderful and insightful example of how they were able to bend services that would otherwise have prioritised protection, to treat families with agency so that their participation in decisions led to better outcomes for them and their children.

Another limitation was the small sample size which may limit the generalisability of findings. However, the triangulation of focus group data with survey findings helped to mitigate this limitation. While focus groups are designed to provide nuanced and in-depth insights rather than generalisable data, combining these qualitative insights with quantitative survey data ensured a more comprehensive understanding of the research topic (Taylor, 2022). For example, the themes identified in the focus groups were cross verified with survey results enhancing the robustness and credibility of the findings. I also acknowledged the potential biases introduced by the selection criteria and recruitment process and made efforts to include a diverse range of participants. This diversity was evident in the varied perspectives shared during the focus groups enriching the overall findings.

Furthermore, the increased cancellation rates due to the online format and post-COVID environment posed additional challenges. Literature suggests that the shift to online focus groups during the COVID-19 pandemic led to higher cancellation rates and difficulties in maintaining participant engagement (Vital Strategies, 2024). This phenomenon has been cited in various studies, highlighting the need for adaptive strategies to ensure consistent participation and data quality in virtual settings (Taylor, 2022). In my study, I experienced several last-minute cancellations which required rescheduling and additional recruitment efforts. To address this, I implemented reminder emails and flexible scheduling options which helped to reduce cancellations and maintain participant engagement.

In conclusion, the focus group methodology employed in Phase 4 of this study successfully facilitated in-depth discussions among teachers and social workers across Wales, providing rich qualitative insights into their practices related to the enactment of the CRC and Measure (2011). By integrating focus groups with survey

data, the research captured diverse perspectives and collective experiences enhancing the understanding of complex social phenomena. Despite limitations such as the predominance of online sessions and small sample size, strategies to mitigate these challenges ensured meaningful engagement and balanced contributions. The triangulation of focus group findings with survey results strengthened the robustness and credibility of the data, offering a comprehensive view of how different professional roles and disciplines influence the enactment of children's rights in practice.

4.8 Ethics

In this section, I will discuss the ethical considerations that underpin my research. I will begin by outlining the importance of ethical conduct in academic research and the specific ethical principles that guided my study. Following this, I will detail the procedures for obtaining ethical approval, ensuring informed consent and maintaining confidentiality and data protection. Additionally, I will address any potential risks to participants and the measures taken to mitigate these risks. Finally, I will disclose any conflicts of interest and how they were managed to uphold the integrity of the research.

4.8.1 Ethical Approval

To ensure the highest ethical standards and integrity in my research, I sought ethical approval from Cardiff University. The process involved several key steps and adherence to the university's comprehensive guidelines for ethical research. Before submitting my application, I thoroughly reviewed Cardiff University's ethical guidelines and policies. This included understanding the requirements for research involving human participants, human data or human tissue. The university operates a two-tier ethical review model consisting of a university-wide committee and School Research Ethics Committees (SRECs) responsible for conducting ethical reviews (Cardiff University, 2007a).

I prepared a detailed ethics application outlining the research objectives, methodology, potential risks and measures to mitigate those risks (Appendix 3). The application included information sheets, consent forms and a clear plan for

maintaining confidentiality and anonymity of participants. I submitted my application to the relevant SREC within my school ensuring it was complete and met all necessary criteria (Cardiff University, 2025b). Following the review, ethical approval was granted with no necessary amendment to my proposed process: My research plan was approved as ethically sound and compliant with university guidelines.

4.8.2 Consent

To obtain, record and maintain informed consent from participants, each participant was provided with the following information prior to the commencement of the research:

- A clear outline of the purpose of the research.
- Clear expectations of participant involvement.
- Detailed information on how the results of the research would be used.
- Information regarding individual privacy and measures taken to ensure anonymity, such as securely kept and anonymised data.
- Information regarding voluntary participation and the options and processes to opt out of the research.
- A request for remote sessions to be recorded.

Each interaction, interview or completion of a questionnaire was regarded as a one-off event, for which consent was acquired prior to the participant's contribution.

Participants were reminded of their option to opt out, even after participating, if they wished. This approach ensured the maintenance of informed consent as participants had the opportunity to make further decisions about whether their data would form part of the research process after their involvement. Should participants wish to opt out after participation their data was not used. If follow-up was required, the process of obtaining consent was repeated. All information provided was written or communicated in line with Cardiff University guidelines ethical guidelines (2007) provided by the Social Research Association (SRA, 2002).

Specific measures were also taken at each phase.

In Phase 1, all documents requiring analysis were categorised as public and required no consent for use.

In Phase 2 each participant documented their consent remotely, confirming their understanding of the information provided and their consent to be involved in the research process. This was done using the University's email consent template (Appendix 4). Specific information was given to interviewees regarding the interview process, time requirements and use of data. Consent was recorded in a participant information database and all information was stored securely on the University's network. Any hard copies received were scanned and stored securely until they could be shredded. At the beginning of each interview, consent procedures were reiterated using scripts outlined in the University's oral consent template. This included confirming the participant's identity and their agreement to be recorded for transcription purposes.

In Phase 3, the survey included an initial page at the start providing a summary of the project, information outlined above from the participant information sheet and researcher contact details. The participant sheet was included as a downloadable form ensuring participants were given the legally required data protection information in a form they could retain. Each questionnaire provided a final page containing a submit button, with a statement reminding participants that clicking 'submit' constituted full consent for the use of data entered their survey in full knowledge of the information provided within the information sheet.

In Phase 4 focus group methodology generated distinct ethical considerations relating to consent, confidentiality and anonymity (Sim and Waterfield, 2019). A principal challenge in obtaining consent in focus groups lay in the unpredictable nature of group conversation making it difficult to give a clear account of what might happen. Three key steps were taken to ensure informed consent was obtained. Information sheets clearly outlining the nature of participation in a focus group and the limitations of maintaining confidentiality and anonymity were circulated in good time, allowing participants to make informed choices about their involvement

(appendiced). A briefing took place at the beginning of each focus group, reiterating and emphasising the information given to participants in the information sheet. This served as an opportunity for participants to reiterate their informed consent. Finally, a debriefing took place at the end of each focus group activity to mitigate harm and reiterate the process of consent and voluntary withdrawal should participants wish to opt out.

4.8.3 Data Protection

Although no sensitive data was collected as part of this study, potentially identifiable data was. All documents, questionnaire submissions and interview participants were assigned a direct identifier. Names and roles were kept on a participant database, securely stored on the University Network in a password-protected file. Only I had access to this file. Each document, questionnaire and participant were provided with a unique and anonymous reference number by me. Only I had access to the information linking the unique reference number to the personal details of research participants.

Information on workplace or details that may identify the person from their responses to questions, particularly in in-depth interviews, posed a challenge to guaranteeing complete anonymity. Distinctive accounts during interviews made interviewees identifiable. Personal identities of anyone mentioned in transcriptions and places of work or information relating to specific departments were anonymised. Data gathered was analysed in themes and generalised to support findings. This was an ongoing discussion during supervision to balance the requirement of anonymity and the production of usable data that accurately reflected and addressed the interview question, whilst ensuring that the identity of the research participant could not be deduced from the reported research findings.

Despite rigorous anonymisation procedures, it was not possible to guarantee full anonymity for participants occupying unique or high-profile roles, such as Ministers or the Children's Commissioner. These individuals are often publicly associated with specific policy areas or decisions, making them potentially identifiable even when names and affiliations are removed. This limitation was clearly communicated in the

participant information sheets and reiterated during pre-interview discussions to ensure informed consent (Appendix 5). The ethical complexities of elite interviewing are well-documented in the literature, particularly the challenges of maintaining confidentiality and managing power dynamics (Tansey, 2007; Elwood and Martin, 2000). As Tansey (2007) notes, elite participants often expect a degree of visibility and influence which can further complicate assurances of anonymity. Acknowledging these constraints, the research design incorporated transparency and participant agency as key ethical safeguards.

4.8.4 Harm

In general, there was no realistic risk of any participants experiencing psychological distress, discomfort or any detriment to their interests because of participation. However, the potential for harm was forecast as follows and the following steps were taken to mitigate said harm.

In Phase 1, a potential risk, due to the small field, was anonymity could be broken, i.e., data included could reveal the identity of the subject particularly as in some instances, e.g., the role of the Children's Commissioner, is the only role of its kind. Therefore, the potential detriment to a person/organisation's professional standing that needed to be considered. While the anonymity of elite interviewees could not be guaranteed, strict measures to codify names and services were made. This is a common challenge in elite interviewing where participants often hold unique roles that make full anonymity difficult to achieve (Tansey, 2007). Any clearly identifiable indicators were considered for redaction and regular discussions with my supervisors on this subject were conducted during analysis. Participants also received clear information regarding potential risk prior to participation in order that they could make informed choices about a) whether they participated and b) what they chose to offer as research data, both in documents and orally. This aligns with best practices in elite interviewing where transparency about potential identification is essential for ethical consent (Salmons, 2018)

In my survey, topics contained within the questionnaire were not sensitive, participant personal details were not required (unless participants wished to be

involved in focus groups – there was an option for this), participation was confined, and data was easily generalisable and anonymised.

Obtaining informed consent was less straightforward in focus group methodology where clearly pre-defining an accurate account of what would happen during participation could be challenging. In this sense, setting inappropriate or unclear/misleading expectations to participants could be harmful both to the participant's wellbeing and to the researcher's reputation. Information sheets, pre-briefings and de-briefings occurred (see above) to ensure at several stages participants understood and consented to their contributions being used as a part of this study. Complete anonymity was almost impossible to guarantee in focus groups. While the absence of anonymity did not mean confidentiality could not be guaranteed to research subjects for what I, the researcher, could control (that is my own practice), the risk of deductive disclosure by participants outside of the groups went beyond that. This could become more acute in instances of over-disclosure by participants and must be carefully anticipated during the planning to avoid a) psychological harm and b) increased risk of breach of confidentiality and/or anonymity. As far as possible, data was codified and anonymised. To mitigate potential harm in this area, clear information and appropriate expectations were sent to potential participants beforehand, so that time was permitted for them to absorb the risks and make informed choices regarding their participation. In this sense, quality of consent was key. Expectations on inter-focus group confidentiality were also reiterated at the beginning and end of each meeting.

Finally, while in many respects focus groups can be supportive environments to participants, group contexts can also create a sense of public vulnerability. The nature of the online focus groups in this study was multi-disciplinary, i.e., comprising of a mixture of social work and education practitioners and while both groups are bound by the CRC and ultimately work in the interests of children, competing agendas or conflicting points of view may have led to challenges and harm to both participants and researcher. Without appropriate moderation, there was potential for distress, embarrassment, stigmatisation, disruption of existing relationships and/or

adverse employment consequences. The risk of this harm was deemed to be minimal, but still noteworthy.

To mitigate the potential for psychological or reputational harm to participants, the role of an experienced facilitator was critical, and mitigation was addressed in the following ways. As well as reiterating consent, the pre-briefing involved a process of boundary setting with participants, so that clear expectations of appropriate behaviours could be co-produced and co-owned by participants. My experience of facilitation of groups as a researcher and as a practitioner enabled me to facilitate caring and critical conversations, moderating sometimes challenging conversations in a de-personalised, constructive manner. This was certainly an asset in mitigating challenging, conflicting or personal and values-based conversations. After each focus group, I stayed in the (virtual) room for a while making myself available to support individual participants who may have had concerns and wished to discuss in a more private way. Nobody chose to do so. This risk was considered minimal, and it is worth noting that the benefit and richness of data that was achieved through the multi-disciplinary nature of the conversations was deemed to outweigh any potential harm that may have occurred.

4.8.5 Positionality

Having worked in the field of children's rights for over 20 years and currently holding a position within the Welsh Government, my insider positionality has significantly influenced my research. This extensive experience has allowed me to build a well-known reputation and a robust network within the sector which has been both advantageous and challenging in various ways.

Tacit knowledge has been a cornerstone of my professional journey. This type of knowledge is invaluable in navigating complex situations and making informed decisions. However, it also presents challenges, particularly in academic research, leading to biases and assumptions that may not be immediately apparent, potentially skewing the research process (Elton, 2006). For instance, my deep familiarity with the children's rights landscape in Wales might have influenced my interpretation of data, leading to a subjective rather than objective analysis. This issue is well-

documented in the literature where tacit knowledge is often seen as a double-edged sword—providing depth and insight but also posing risks of bias and uncritical acceptance of established norms (Shahzad & Soroya, 2024).

One of the key lessons I learnt is the importance of being aware of the potential biases that come with tacit knowledge. While my extensive experience provided me with deep insights and understanding, it also posed challenges in maintaining objectivity. I had to constantly reflect on my assumptions and ensure that my interpretations were grounded in evidence rather than preconceived notions. Student supervisions were critical in mitigating this. This process of self-awareness and critical reflection helped me mitigate the risks associated with tacit knowledge and strive for a balanced and objective analysis.

My reputation and extensive network have been instrumental in gaining access to key stakeholders and elite interviewees, especially during the challenging period of recovery from the COVID-19 pandemic. The pandemic significantly disrupted normal operations making it difficult to reach out to busy professionals. However, my established relationships and credibility within the sector facilitated access to influential figures who might otherwise have been inaccessible (Craik, 2008). This access was crucial for conducting elite interviews which provided rich and nuanced insights into the enactment of children's rights policies in Wales.

Elite interviewing presents well-documented challenges, including gaining access, establishing trust and managing power dynamics (Liu, 2019). Additionally, elite interviews often require non-probability sampling to ensure inclusion of key informants, rather than representativeness, which is critical for understanding complex policy processes (Tansey, 2007). My insider status helped mitigate these challenges by leveraging my reputation and network. The trust and rapport built over years of professional engagement allowed me to secure interviews with senior policymakers, commissioners and other influential figures. This access enabled me to gather valuable data that significantly enriched my research providing a deeper understanding of the complexities involved in policy enactment (Ahmed, 2024). The ability to conduct elite interviews during a period of heightened difficulty is a

testament to the strength of my professional network and reputation. These interviews were pivotal in uncovering the nuanced perspectives of key stakeholders, offering insights that would have been difficult to obtain through other means. The elite interviewees provided detailed accounts of their experiences, challenges and strategies in enacting children's rights policies contributing to a comprehensive understanding of the subject.

Being an insider allowed me to leverage my knowledge and connections, but it also required me to balance this with an outsider perspective to ensure objectivity. I learnt the importance of seeking external validation and engaging in peer debriefing to critically examine my interpretations. This approach helped me maintain a rigorous and unbiased analysis, ensuring that my research findings were credible and reliable.

One of the primary methods I used to mitigate bias was engaging in critical self-reflection. I continuously examined my assumptions and preconceptions, questioning how my extensive experience and insider knowledge might influence my interpretations. This process involved regularly reflecting on my positionality and considering how my background could shape my perspective. By being aware of these potential biases, I was able to approach my research with a more balanced and objective mindset.

To aspire to objectivity, I engaged in peer debriefing sessions with colleagues and supervisors. These sessions provided an opportunity to discuss my research findings and interpretations with external experts who could offer fresh perspectives and critical feedback. Peer debriefing helped me identify any biases or assumptions that might have influenced my analysis allowing me to refine my approach and ensure a more rigorous examination of the data.

Triangulation was another key strategy employed to mitigate bias. By using multiple data sources including elite interviews, surveys, focus groups and documentary analysis, I was able to cross-verify my findings and ensure their reliability.

Triangulation helped me identify patterns and inconsistencies providing a more comprehensive understanding of the research topic. This approach reduced the risk

of bias by ensuring that my conclusions were supported by diverse and corroborated evidence.

I sought external validation by presenting my research findings at conferences and seminars where I could receive feedback from a broader academic community. This external validation helped me ensure that my interpretations were not solely influenced by my insider perspective but were also critically examined and validated by other experts in the field. Engaging with the wider academic community provided valuable insights and helped me refine my analysis.

My insider positionality, characterised by extensive experience, tacit knowledge and a strong professional network, has been both a boon and a challenge in my research. While it has facilitated access to valuable data and influential figures, it has also required careful management to avoid biases and ensure objective analysis.

In conclusion, in following the robust ethical requirements of Cardiff University I was able to employ a meticulous process that ensured the highest standards of integrity and ethical practice in my research. I was able to secure informed consent, maintain confidentiality and anonymity and mitigate potential harm to participants. The measures taken, including detailed information sheets, pre-briefings and ongoing supervision, were crucial in safeguarding the welfare of participants and the credibility of my research. This rigorous approach not only upheld ethical standards but also enhanced the quality and reliability of the data collected contributing significantly to the overall success of my study.

4.9 Validity, Credibility and Trustworthiness

Ensuring the validity, credibility and trustworthiness of my findings is paramount. Throughout my study, I have encountered several limitations that could potentially impact these aspects, and I have taken deliberate steps to mitigate them.

As discussed throughout this chapter, a limitation in the validity of my research is the potential for response bias (Smith and Noble, 2024) in surveys and interviews. Participants may provide socially desirable answers rather than truthful responses, especially when discussing sensitive topics like children's rights. To mitigate this, I

ensured anonymity and confidentiality, as far as possible, in all data collection methods, encouraging participants to share their genuine perspectives without fear of repercussions (ibid.)

Another challenge is the generalisability of my findings (Burchett et al, 2020). Given the specific context of Wales and the sectors of education and social work, the results may not be applicable to other regions or sectors. While the study is context-specific, its implications for external validity warrant reflection. Wales provides a distinctive case study of how international human rights norms—here, the CRC—are interpreted and enacted within a devolved governance system. This uniqueness means findings cannot be assumed to generalise universally; however, they offer comparative insights for jurisdictions with similar characteristics, such as other devolved administrations or nations incorporating international treaties through indirect or sectoral duties. To address concerns about validity, I employed a mixed-methods approach, integrating qualitative and quantitative data to provide a comprehensive understanding of the phenomena. This triangulation enhances the validity of my findings by corroborating evidence from multiple sources (Tashakkori & Creswell, 2007). Importantly, the methodological approach—combining enactment theory with a four-phase mixed-method design—offers a transferable framework for examining enactment processes in different contexts. This adaptability extends beyond children's rights to other domains, including disability rights (UNCRPD), equality legislation, sustainability policies and broader governance reforms. In this sense, Wales serves as a valuable reference point for understanding how legal and policy commitments are negotiated and operationalised in practice, supporting future research that explores enactment across diverse systems.

Personal potential bias (Brannick and Coghlan, 2007) introduced by my insider status, having worked as a policy actor in the field of children's rights, was a potential issue in producing credible findings. While this insider perspective provides valuable insights, it may also lead to subjective interpretations. To mitigate this, as discussed in the section above, I engaged in robust reflexivity, continuously reflecting on my

positionality and its influence on the research process. For instance, when I struggled to balance what I was experiencing in my professional role with the findings of my research, I sought peer debriefing and supervision. I regularly reflected with my academic supervisor and colleagues within the research community to ensure that my interpretations were critically examined and validated by external experts (Lincoln and Guba, 1985).

The elite interviews posed another challenge in terms of power dynamics. Such dynamics can influence the flow of information and require careful interviewer preparation and reflexivity to ensure data integrity (Tansey, 2007; Salmons, 2018). The inherent power asymmetry between interviewer and elite interviewee can lead to manipulation of information. As discussed in *Phase 2: Elite Interviews*, to address this, I designed bespoke interview frameworks and conducted pilot interviews to refine my techniques. This careful planning and iterative process helped build rapport and trust, ensuring that the data collected was credible and reflective of the participants' true perspectives (Aberbach and Rockman, 2002).

Trustworthiness encompasses the overall integrity of the research (Pilot and Beck, 2014). One limitation is the potential for over-disclosure in focus groups, which could compromise confidentiality. As discussed in *Phase 4: Focus Groups*, to mitigate this, I implemented pre-briefings and debriefings to set clear expectations and boundaries for participation. Additionally, in several stages of data collection, I employed NVivo software to systematically analyse qualitative data, ensuring a rigorous and transparent analytical process (Sim and Waterfield, 2019). Another challenge is the small sample size in survey and focus groups, which may limit the generalisability of findings. However, the triangulation of both data sets, when combined, enhanced the robustness and credibility of the findings. By integrating diverse perspectives from both teachers and social workers across Wales, I ensured that the data collected was comprehensive and reflective of the broader context (Taylor, 2022).

In conclusion, while my research faced several limitations, the deliberate steps taken to address issues of validity, credibility and trustworthiness have ensured that the findings are robust, reliable and meaningful. By employing a mixed-methods

approach, engaging in reflexivity and implementing rigorous data analysis techniques, I have strived to produce research that is both academically sound and practically relevant.

An Introduction to Findings: The Four-dimensional Contexts of Enactment

As outlined in Chapter 2 (Literature Review), a harmful biproduct of the technicalisation of the CRC has been the distinct lack of contextualisation of it as a globally accepted framework (Quennerstedt, 2013). While a wealth of children's rights research exists, its largely technicist discourse does not account for the specific political, social, economic or cultural contexts that children grow up in (Burman, 1996), nor does it account for the diversity of children and childhoods (Leonard 2004, Hanson and Peleg, 2020). In opposition to such technicist and decontextualised approaches, it is advocated that the CRC should not be seen as a destination for what is considered good for children, but instead 'a provocation for critical thinking and further action' (Freeman, 2000).

The purpose of this study is to resist a technical account, articulated within a discourse of policy 'implementation' and instead focus on the enactment. I will evaluate the contextual enactment of the CRC through the non-statutory Rights of Children and young Person's (Wales) Measure (2011), particularly focussing on how the Measure (2011) affects practice in the education and social work. As a reminder, to realise this, the study asks the following research questions:

How do frontline practitioners enact the principles of the CRC through the subsidiary duties of the Rights of Children and Young Persons (Wales) Measure (2011) in their practice, to be answered through the following sub-questions:

RSQ1: How is the CRC enacted within Wales at a macro level?

RSQ2: How do meso-level interpreters enact the Measure (2011)?

RSQ3: What impact does the CRC have on the practice of teachers and social workers?

RSQ4: To what extent do participants perceive the Measure, to be important and successful in realising children's rights?

RSQ5: What lessons can be learned that aid the translation of the rhetoric of rights into reality for practitioners in education and social Work?

Of course, with all policy and legislation, there are distinct social processes and material constraints which frame enactment. Using the four-dimensional contexts of Maguire, Braun and Ball's (2012) enactment theory, I draw on research data from documentary analysis, elite interviews, survey and focus groups research (outlined in Chapter 4), to present findings that address the research question and sub-questions above,

I conceptualise my findings within the domains of situated and external contexts of enactment and later professional and, material contexts, to explore and explain the variety of complex factors that influence and shape the ways in which children's rights are interpreted and contextualised in practice in Wales. I explore how the CRC is interpreted across the macro (WG), meso (organisation and local authority) and micro (individual practitioner) levels of practice, but also, across the disciplines of social work and education, both in inter-disciplinary and intra-disciplinary terms. Being able to understand how obligations to the CRC are enacted across levels and disciplines is significant in furthering more acute understandings of the constraints, pressures and enablers in social work and education, from policy makers to policy actors, that provide opportunity and/or challenges to realising children's rights in practice. Drawing comparisons and distinctions between levels and sectors sheds light on how contextualisation of the CRC is and can be done in the future. Finally, in affording consideration to the complex interplay between a statutory duty on Ministers and a non-statutory expectation on public services, I explore the potential lessons that can be learned that contribute to understanding the mechanisms required to effectively translate the rhetoric of rights into reality.

Chapter 5 draws on documentary analysis and elite interview findings to explore how situated contexts affect policy enactment of the CRC in Wales. I draw largely on documentary analysis and elite interview data to interpret how situational factors such as history, locale and staffing have affected the ethos and culture of children's rights in Wales since devolution. Specifically, I interpret policy to understand national commitments to children pre-introduction of the Measure (2011) and seek to understand factors that led to the development of the Measure (2011) as an enactment. I highlight post-Measure (2011) scrutiny, drawing on elite interview feedback that suggests 'a golden age of rights'(EI4) culminated in the Measure (2011) and examine how Ministerial motivation and interpretation of the Measure (2011), as well as dominant political drivers such as raising standards in education have perpetuated this view.

Chapter 6 sets out my interpretation of external contexts, I explore children's rights policy expectations placed on the education and social work sectors in Wales in respect of children's rights post-Measure. i.e., rights-based duties placed on the social work and education sectors since 2012. Drawing on elite interview data and documentary analysis, I present findings on how these duties support/inhibit enactment of the CRC in practice, including the ways in which meso-level actors contextualise and implement these expectations on behalf of the micro-level practitioners for whom they occupy roles of gatekeeper and interpreter. I seek to understand how calls for direct further incorporation of the CRC and extensions of the due regard duty to public bodies might facilitate a clearer understanding of how Welsh Government and meso-level interpreters already and can in the future, contextualise children's rights in a way that is consistent and helpful to micro-level practitioners.

Chapter 7 draws on data from my survey and focus groups with social work and education practitioners, focussing on the professional context of enactment theory. Here, I am interested in the examination of practitioners' values, commitments and experiences, as well as policy management in the settings where participants' work. Firstly, I consider the impact of different constructed images of the child and the ways in which individual values and beliefs alter the lens through which children's

rights are perceived and therefore contextualised in localised practice. Secondly, I explore how dominant pedagogy and paradigms such as safeguarding and attainment and accountability dominate how policy actors' approach and perceive enactment of their duties to the CRC, both by leaders and by frontline staff. I examine the interplay between the individual's own values and experiences and the commitments and values of the organisation and sector, to understand how rights are prioritised and given effect.

Chapter 8 concludes my findings with an exploration of the material contexts of enactment theory. Drawing on data from across my research sources, I examine the 'physical aspects' (Ball, Maguire and Braun, 2012, p. 592) that frame contextualisation of the CRC within the remit of my study. Using documentary analysis, I examine examples where resources have been directed specifically to the enactment of the CRC in particular professional contexts. Elite interview data provides examples of infrastructure support developed by government and meso-level interpreters, such as professional learning tools and policy-to-practice frameworks such as *The Right Way* (CCfW, 2016). Using survey and focus group data I seek to understand the effectiveness of this infrastructure in supporting practitioners to enact their duties. This section will conclude, in response to RSQ5, from the perspective of participants, with an overview of material needs of practitioners, to enhance their confidence and capability to enact their duties most effectively to the CRC.

Chapter 5: The Situated Context of Enactment

The aim of this chapter is to illuminate the social processes which framed the development and enactment of the Measure (2011) at a macro and meso level. To best understand this, Chapter 5 draws upon my documentary analysis and elite interview data.

Documentary data refers to the documents that I analyse to examine the journey of children's rights discourse from early devolution, as a nation that distinctly chooses children's policy as an area of focus, through to contemporary interpretations of due regard in Welsh government duties on public bodies. The documents chosen,

determined to be seminal in terms of their surrounding narratives, contexts and significance in setting tone within the context of promulgating a children's rights discourse are examined, using critical discourse analysis, to outline overall meanings conveyed by language. That is, I attempt to explore the social, cultural, political and historical background of Welsh children's policy, to understand underlying meanings expressed through language within them.

Elite interview participants refer to ten elite actors in the field of children's rights (referred to individually as EI1-EI10) - individuals who hold/have held distinct roles since devolution, in the development, interpretation, implementation and scrutiny of the Measure (2011) since its inception; inception meaning these participants may also have been influential in the development of policy that shaped getting to the point of creating the Measure (2011). These participants include former Ministers, members of senior leadership at Estyn, Commissioners, academic experts and senior managers with lead responsibility for children's rights-based programmes of delivery in both the third sector and local authority.

Evidence collected from elite interviewees describe the situated factors that have and, continue to influence how the CRC is contextualised and enacted in Wales in what can be categorised broadly as waves:

Wave 1: a 'golden age' (EI4) of focus and prioritisation of children's rights observed in the early period of Welsh devolution. Wave 1 covers the period 2000-2009, led by Rt.Hon. Rhodri Morgan.

Wave 2: A period of contested commitment to the CRC, signalled by a retrenchment from foregrounding children's rights in place of accountability and measurement as means of securing success for children. Wave 2 covers the period of leadership by Carwyn Jones, 2009-2018.

Wave 3: An emerging return to the prioritisation of the CRC. A period led by Mark Drakeford, commencing in 2018 - 2024, where a return to the leftist principles of universalism and equality were arguably observed. A period which has seen to

varying degrees of success, with direct enactments of the CRC contextualised through primary legislation.

In this chapter I use these waves as a chronological framework to interpret how situational factors such as people, policy and politics have affected the ethos and culture of children's rights in Wales since devolution.

As outlined in Chapter 3, the three waves identified in this study are not strictly discrete periods but overlapping phases of reform. This overlap reflects the persistence of ideas and practices across political cycles and the incremental nature of legislative change. Readers seeking a detailed rationale for this periodisation should refer to Section 3.1.

5.1 Wave 1: An early commitment to the prioritisation of the CRC in Wales

Children's Rights are considered emblematic in Wales (Hoffman and Williams, 2013). This section presents that what is referred to by Elite Interviewee 4 (EI4) as a 'golden age of rights', framed as a progressivist, leftist and collaborative approach to children's human rights synonymous with the first decade of devolution.

EI4 was purposefully selected for their role as a prominent children's rights advocate and champion of over twenty years, in both NGOs and as an academic. As a key actor of the time, EI4 is well-placed to reflect on their experiences of the early post-devolution children's rights landscape. In the excerpt below, EI4 shares what they think to be important factors in what they describe as an influential period for children's rights in Wales:

Those days, under Rhodri, for me have to be seen as the most influential and clearly focused on the prioritisation of [children's] rights in Wales in my career ...

... Government was keen to listen and hear what we had to say. There was money available and a Labour Government in London increasing the block grant given to Wales. We saw school councils become mandatory, a push for youth forums, lots of training and awareness resources produced. There was a sense of encouragement and partnership between Government, NGOs and the people of Wales. Partnerships were developing, Children's Plans were everywhere. Ministers like Jane Hutt and Rhodri Morgan were committed, very committed and it paid off.

This excerpt typifies the perspectives of several elite interviewees and introduces important issues for consideration of and factors influencing, how at macro level, Government enact the CRC. Firstly, EI4's reference to ministerial commitment suggests that the orientation of leaders as policy actors, whether that be individual or organisational, plays an important role in establishing how children's rights are established in policy, practice and discourse. The attribution of partnership and participation between Government, the NGO sector and the people of Wales, to a willingness to listen and encourage collaboration, suggests that values and beliefs of key actors frames any policy enactment. Secondly, the excerpt exemplifies the idea that as well as individual, wider political commitment frames policy enactment in early devolution: the political landscape was such that funding was available potentially making the realisation of political aspiration via policy easier: for example, to develop training and resources. To understand these factors better, I will examine throughout this chapter, how the values and beliefs of political leaders and other contributors, as well as changing cultural, social and economic landscapes have influenced professional cultures in respect of the contextualisation and interpretation of children's rights in policy and practice.

5.1.1 People and Politics

This section demonstrates how the values and beliefs of people interplay with the realpolitik landscape to influence the shape of policy developed. This will become an important aspect of this chapter, in comparing, through different stages of devolution, how this changes discourse, pedagogy and practice in social work and education.

The role of women forms an important aspect of the situated context of children's rights in the very earliest period of devolution. EI4 specifically notes the role of gender in progressing children's rights in Wales:

You know it was a new beginning. A lot of the parliamentarians had been working in the third sector themselves. A lot of women, so there was a concern with women's issues and children's issues, which often go hand in hand. Not sure why, but they did, do... there was an opportunity to shine on the world's stage, which I think at the

time Welsh parliamentarians, including those in government, were keen on. So, it all came nicely in a focus on children needs.

EI4

The first election of the National Assembly for Wales in 1999 saw an unprecedented number of women representatives, constituting 40% of Assembly Members (AMs), increasing to a 'record breaking' (Watt, 2003:161) 50% in 2003. A gender-balanced devolution created an opportunity for 'key feminist actors' (Charles, 2010:8), to bring about significant change in the political and discursive process. Feminist activists and women's organisations were able to influence 'the shape of the new institution and its gendering, in turn creating a differently gendered political opportunity structure within which the social movement and other civil society organisations could engage' (ibid.)

In respect of children's rights this is significant. A political system was established that embraced collaboration in the creation of an institution and culture that gave high priority to issues of inclusivity and equality of marginalised groups, including children. A new political terrain was created where political rhetoric in Wales became symbolised by social justice, positioning children's rights as such an issue. This embracing of collaboration was essential between NGOs in the children's rights sector and the Welsh Government, instrumental in the enactment and implementation of the CRC in Wales. As EI10, a prominent and longstanding third sector Director states:

During the early stages of devolution in Wales, the collaboration between NGOs and the Welsh Government was transformative, particularly in the children's rights sector.

Organisations like Save the Children and Children in Wales were pivotal in advocating for legislative changes and shaping policies. The establishment of the Children's Commissioner for Wales, the development of the Child Poverty Strategy and the implementation of a national play policy are examples of our joint efforts, significantly improving the lives of children across Wales, ensuring their rights are protected and their voices heard. The success of these collaborations was made possible by a Welsh Government that embraced a partnership approach, recognising the value of NGO expertise and advocacy.

EI10

The input of NGOs was instrumental in influencing the Welsh Government's enactment and implementation of the CRC. Through advocacy, monitoring and collaboration, NGOs ensured that children's rights were embedded in the legislative framework and considered in policy-making processes. These partnerships were seen as a way of realising what they represented as 'progressive values' and a model of government which was based on inclusive governance and recognition of the importance of expertise of NGOs in advancing children's rights.

As we will observe later, NGOs such as Children in Wales and Save the Children played a crucial role in advocating for the incorporation of the CRC into Welsh law. Their efforts led to the Rights of Children and Young Persons (Wales) Measure (2011) and have been central in monitoring the government's adherence to the CRC and its implementation. For instance, Children in Wales, through the Wales CRC Monitoring Group (Monitoring Group, 2023), facilitated activities to identify key priorities for children's rights and submitted reports to the UN Committee on the Rights of the Child.

5.1.2 The ideological position of Labour leaders

The positioning of children is central to the arguments posited in this chapter. In the first wave of Welsh policymaking, children's rights were seen as central to the principles of equality, universalism (Morgan, 2002), social justice and collaboration. These values were strongly reflected in the beliefs of the First Minister at the time, Rhodri Morgan. Children were recognised as active rights holders—capable and agentic—but also in need of support to exercise their rights fairly. This understanding of children's rights sets Wave 1 apart from Waves 2 and 3 in how the CRC was put into practice. Using documentary analysis data below, I will demonstrate how this genealogy and discourse of policy developed in the first decade of Devolution, under the leadership of Rt Hon First Minister Rhodri Morgan.

From the outset, the Welsh Assembly Government (WAG) rooted its intention in driving forward the principles of Article 12 of the CRC. This is evident in their foundational policies, *Extending Entitlement: Supporting Young People in Wales* and

Children and Young People: A Framework for Partnership (WAG,2000). The Assembly's commitment is clear in their statement:

Over the past ten years, the UNCRC has helped to establish an internationally accepted framework for the treatment of all children, encouraged a positive and optimistic image of children and young people as active holders of rights and stimulated a greater global commitment to safeguarding those rights. The Assembly believes that the Convention should provide a foundation of principle for dealing with children.

NAfW, 2000b: 10

The focus on a 'positive and optimistic image' of children as 'active holders of rights' show a shift towards seeing children as autonomous individuals with their own rights. The strategy clearly aimed to support this view of the child as agentic and rights-bearing. The Assembly's belief that the Convention should be a 'foundation of principle' for working with children highlights a strong commitment to embedding these values across all policy and practice. This foundational approach helps ensure that children's rights are not only recognised but actively supported and promoted. In 2004, the Welsh Assembly Government reaffirmed its commitment through the document *Children and Young People: Rights in Action (WAG)*. By formally adopting the CRC through its 7 Core Aims, the Assembly underscored its position on universal and equitable entitlement for all children. They stated:

Children and young people in Wales are not all the same. There is a huge range and diversity of backgrounds, ethnicity, first language, family circumstances, wealth and ability. Our aim is to recognise and value diversity and to tackle inequalities.

NAfW, 2004: 8.

This quote is particularly significant as it acknowledges the diversity among children and young people in Wales. The recognition of varied backgrounds, ethnicity and circumstances highlights the Assembly's commitment to inclusivity and equity. By aiming to 'recognise and value diversity and to tackle inequalities,' the Assembly is addressing the need for tailored approaches that consider the unique needs and challenges faced by different groups of children. The narrative between 2000 and 2004, consistent with the rhetoric of the 'Clear Red Water' speech (Morgan, 2002), reveals a distinctive use of language that frames children's rights as a foundational

element in policy development. This period marks a shift towards a more inclusive and rights-based approach to children's work, demonstrating how the lens through which issues are viewed can significantly alter the direction and discourse of policy:

Framework for Partnership (WAG, 2000b) proposed a new method of planning services for children and young people through partnerships of local authorities, health services and other bodies. The policy attempted to provide clarity and focus to planning and funding. It set out a commitment to listening to children and young people, referred to plans to establish a Children's Commissioner for Wales and significantly, at a point where the National Assembly for Wales was still in its infancy, endorsed and established a commitment to the CRC.

As the basis for *Extending Entitlement* (WAG, 2000), ten universal entitlements were set out, which the Assembly identified as being essential to enable young people to achieve their potential. In line with the Assembly's commitment to the CRC, local authorities in Wales were required to develop strategies aligned with the CRC, outlining how they would address provision, protection and participation issues relevant to children in their area, emphasising how a positive approach to children's agency could be achieved.

In England, an equivalent provision, the *Connexions* Service (DfE, 2000), saw the establishment of a network of 47 multi-agency partnerships. Supported by funding through local authorities, the services 'uncomfortably' (Williams, 2007:96) straddled addressing issues for both the universal population of children and the targeted groups. The *Connexions* strategy focusses on outcomes in adulthood, e.g., on employment and *becoming*, whereas *Extending Entitlement* (WAG, 2000) and *A Framework for Partnership* (WAG, 2000) established the role of services and practitioners in providing services and support that enabled children and young people as agentic to thrive, reach their potential and to be heard in the present. The distinction to be made between the couplet of *Framework for Partnership* (WAG,2000) and *Extending Entitlement* (2000) and *Connexions* (DfE, 2000) is the framing of the constructed image of the child. In Wales the embrace of the principles

of the CRC meant promulgation of an image of the competent child, agentic and active as a stakeholder in their own life and community.

As analysed above, a main attribute to the idea of a 'golden age of rights' in the first Wave of devolution is the focus on children's participation. We have seen in a building narrative through the language of WAG documentation how explicit recognition and value of the CRC has been expressed through a recognition of children as 'being' rather than 'becoming' (Hemrica and Heyting, 2004): as such they are seen as social actors actively constructing their childhood, recognised in the individuality of children's needs, as children as rights bearers with entitlements and in a focus on participation as well as protection and provision rights. 2004-2009 saw a plethora of policies promoting the participation of children and young people. These are outlined in Table 5.1 below:

Initiative	Description
Funky Dragon, the Children and Young People's Assembly for Wales	Funky Dragon was established to ensure that children and young people's voices were heard, particularly by the Welsh Assembly Government. It supported participation in national decision-making, aligning with the fundamental rights under the United Nations Convention on the Rights of the Child.
Children and Young People's Participation Consortium for Wales and the Participation Unit	Funded by the Welsh Government, this multi-agency strategic body worked at a national level to enhance the capacity and practice of children's and young people's participation in decision-making. The consortium approach promoted coordination, sharing of best practices, and acknowledged diversity.
Participation in the Children and Young People's Voluntary Sector	The Voluntary Sector Partnership Council (VSPC) facilitated regular dialogue between the voluntary sector and the Welsh Assembly Government. Chaired by a Minister, it included representatives from 24 voluntary sector networks covering various areas of activity.
Statutory Requirement for School Councils	As of November 1, 2006, all primary, secondary, and special schools in Wales were required to have a school council. Wales was the first country in the UK to implement such legislation.
Young People's Plans - Statutory Guidance (2007)	This guidance strengthened partnership arrangements for services to children and young people, mandating local authorities and their partners to prepare three-year strategic Children and Young People's Plans. It also required the participation of children and young people in the work of the Children and Young People's Partnership.



Table 5.1 Examples of Agentic-Centric Policies from Wave 1

A second example of the appropriation of rights as a means for divergence is the establishment of the office for the Children's Commissioner for Wales (CCfW). This

can be traced to a specific recommendation in the Waterhouse Enquiry (1996-2000), led by Sir Ronald Waterhouse, investigating allegations of sexual abuse of children in care across North Wales. The resulting report, *Lost in Care*, published in 2000 (ibid), concluded that widespread, endemic sexual abuse of boys occurred in children's residential establishments in Clwyd between 1974 and 1990. A recommendation was made for the establishment of an independent Children's Commissioner in each nation of the UK, whose role would be to prevent such scandals in the future. The establishment of the *Care Standards Act 2000 (NAfW)* and its further extensions through the *Children's Commissioners for Wales Act 2001 (NAfW)* resulted in the establishment of the CCfW, the first of its kind in the UK.

The enactment of recommendations set out in Waterhouse, immediately represented a divergence in appropriation of children's rights through legislation and policy in Wales, compared to its UK counterparts. Not only was the decision to establish a Children's Commissioner deferred for several years by the UK Government, but when this did happen, the nature of the legislation surrounding their tenure was positioned differently, particularly in Wales. There is a clear reference to the CRC in the legislative framework for the CCfW (NAfW, 2001), where the Commissioner 'must have regard to' the CRC in everything they do (ibid.) Their functions are clearly set out to inspect and review complaints in relation to the administrative authorities in Wales (Williams, 2007). In contrast, the Children's Commissioner for England, established under the Children Act (2004), has a lesser statutory connection to the CRC, being required to refer to it only as an aid to the interpretation of the children's interests. These divergences in how issues of protection of rights are contextualised neatly articulate how, when faced with the same recommendation, dependent on the axiological orientation of those developing legislation, contextualisation of duties can be developed in very different ways.

What can be witnessed in the establishment of the offices of the Commissioner in England and Wales, is the rhetoric of the *Clear Red Water* (Morgan, 2002) being played out, the impact of which in Wales was a wealth of children's policy contextualised and interpreted explicitly through the lens of the CRC: Policies implemented in Wales, such as the *Welsh Baccalaureate* (WAG, 2004), *The*

Learning Country (WAG, 2001), the *Foundation Phase* (WAG, 2008) and the *Children Act* (UK Govt, 2004), collectively fostered a discourse of explicit respect for and enactment of children's rights. Each policy, through its specific language and objectives, contributed to a holistic approach to children's rights, emphasising their agency and participation in educational and social spheres.

The Learning Country (WAG, 2001) aimed to create a world-class education system in Wales, explicitly focusing on inclusivity and the well-being of all learners to ensure every child had access to quality education. Crucially, it stated that, 'Children and young people must be treated as partners in the learning process, with their views and experiences respected and valued' (NAfW, 2001), demonstrating a clear alignment with Article 12 of the CRC and reflects Welsh Labour's early appropriation of a rights discourse in education.

The *Welsh Baccalaureate (Welsh Bacc)* (WAG, 2004) was designed to provide a broader educational experience, focusing on essential and employability skills. While not framed as a rights-based qualification per se, the Welsh Assembly Government described it as, 'A qualification that supports the development of the whole learner, encouraging active citizenship and personal development' (WAG, 2003). This aligns with Article 29 of the CRC, which emphasises education directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential.

The *Children Act (2004)* established the Children's Commissioner for Wales, whose primary function is to safeguard and promote children's rights, stating, 'The Children's Commissioner for Wales shall promote awareness of the rights and welfare of children and young persons'. By institutionalising the role of the Commissioner, the Act reinforced the commitment to children's rights at a legislative level, embedding rights discourse into the statutory framework.

The *Foundation Phase* curriculum (WG, 2008) further emphasised experiential learning and the development of the whole child, acknowledging children as agentic individuals, capable of directing their learning experiences. The Welsh Government explicitly stated, 'The Foundation Phase (WG 2008) will place the child at the centre

of their learning, recognising their rights to be listened to and to influence their learning experiences' (WAG, 2003), a direct appropriation of rights discourse, linking progressive pedagogy to the CRC's participation rights.

These strategies, along with others referenced earlier in the section mark a deliberate alignment with the CRC, positioning rights as a central organising principle of devolved governance, where collectively contributing to a genealogy of children's rights-based policy. The explicit language used in these policies emphasised the holistic nature of children's rights, recognising children as agentic individuals. Each contributed to a discourse that respected and enacted children's rights, ensuring that children were seen as active participants in their education and social environments. When we take into consideration the limited legislative competency of the National Assembly for Wales at the time, this conceptual divergence becomes highly significant in establishing children's rights in the political and policy discourses of Welsh Labour. Within the devolved competencies available, a natural focus on children in policy emerged. However, the divergence from UK Labour to a values system based on rights as a social justice issue is arguably what establishes children's rights as emblematic of devolved governance in Wales.

At the beginning of this section, EI4 attributed the idea of a golden age of rights to, in part, the inclusion of the CRC in government documents. Based on my analysis of Welsh policy documents, children's rights—especially participation rights—became a central value in the early years of Welsh devolved government, emphasised in law and policy for children and young people. Early devolution provided a period of optimum conditions where the ideological positions of political actors, collaboration with practitioners and the public as stakeholders, strong governmental knowledge and skills and statutory framework/obligation segued into what can be regarded as a clear prioritisation of the CRC as an underpinning and fundamental framework for action for children in Wales.

5.2 Wave 2: Legislative Innovation and Ideological Shifts in CRC Enactment

Wave 2 (2009–2015) marks a pivotal phase in the enactment of the CRC in Wales, defined by legislative innovation and shifting political priorities. Central to this period

is the development of the Measure (2011)—widely regarded as the most significant legislative expression of children’s rights in Wales to date (Williams, 2022). As both a legal and symbolic milestone, the Measure (2011) anchors this section’s analysis of how political leadership, institutional structures and ideological shifts shaped the contextualisation of children’s rights. Drawing on elite interviews, documentary analysis and two autobiographical texts⁸, the chapter explores how the CRC’s holistic vision was variously advanced, reframed or constrained during this time

The 2008 UNCRC Committee remained concerned that the principles of the CRC were not being considered in legislation across the State Party, recommending:

steps are taken across the UK State Party, including in the devolved administrations, to incorporate the Convention into domestic law.

UN Committee on the Rights of the Child, 2008, Concluding Observation no. 10 and no. 11.

Building on the devolution of further powers to the National Assembly for Wales under the Government of Wales Act (NAfW, 2006), the Welsh Government were able to consider legislative enshrinement to policymaking for children that had not been possible previously. Documentation produced at the time suggests that the Welsh Government, in response to the UNCO and recommendations (2008), were eager to build on the positive feedback and respond to the concerns raised, relevant to Wales

⁸ As mentioned in Chapter 4, although these texts fall outside the formal selection criteria for documentary inclusion (i.e., publicly available policy and legislative documents from 2000–2024), I have included the following books due to their unique value in supporting the documentary analysis. Both Andrews (2014) and Jones (2013) offer insider perspectives on the political and policy-making processes in Wales during key periods of CRC-related development. As former politicians, their reflections provide rare insight into the internal dynamics, motivations and constraints that shaped public policy—insight that would otherwise remain inaccessible through official documentation alone. These texts therefore serve not merely as background literature, but as critical sources that illuminate the context and discourse surrounding the enactment and implementation of children’s rights in Wales.

Andrews, L. (2014). *Ministering to Education: A Reformer Reports*. Cardiff: University of Wales Press.

Jones, H.M. (2013). *Children and Young People’s Participation in Wales: A Study of Policy and Practice*. Cardiff: University of Wales Press.

in the State Party report. A 5-year action plan, *Getting it Right* (WG, 2009) was published in November 2009 identifying 90 actions that the Government proposed to undertake to meet the UNCO within devolved competence, the vision for which was:

that by the time of the next review of progress on the part of the UK State Party by the UN Committee we are able to demonstrate significant progress across all of the priority domains, for which Wales has legislative competence and devolved powers, in supporting all children and young people across Wales to know about, exercise and access their UNCRC and human rights, thereby leading happier lives, better fulfilling their enormous potential and achieving wellbeing.

WG 2009

This quote from the *Getting it Right* action plan (WG 2009) underscores the Welsh Government's ambitious vision for advancing children's rights in Wales, reflecting a holistic approach to children's rights, emphasising not only legal and policy changes but also practical outcomes that positively impact the lives of children and young people. The quote encapsulates the Welsh Government's dedication to embedding the principles of the CRC into domestic law and practice, aiming for tangible improvements in the lives of children and young people by the time of the next UN Committee review.

In response to the 2008 recommendations, Wales took significant steps to incorporate the CRC into domestic law. The most notable action was the development and incorporation of the Measure (2011) into Welsh domestic law. The Measure (2011) can be seen as an enactment in its own right, as it legally embedded the principles of the CRC, making Wales the first country in the UK to do so (WG, 2011; UN Committee on the Rights of the Child, 2008).

5.2.1 An issue of Pervasion

An important starting point for analysis begins in the examination of the text of the original Measure proposal, as introduced by Minister for Education, Huw Lewis on 14.06.2010, published for consultation the following day. Specifically, the content of interest relates to the issue of due regard where the proposed duty would read:

(1) The Welsh Ministers must, in making **any relevant decision**, have due regard to the requirements of— (a) Part I of the Convention, (b) articles 1 to 7 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, except article 6(2), 10 and (c) articles 1 to 10 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

(2) A relevant decision is a **decision of a strategic nature** about how to exercise any function exercisable by the Welsh Ministers

NAfW, 2010

Notably, by the time of the introduction of this proposal, Rhodri Morgan had stepped down as First Minister and had been replaced by Carwyn Jones AM. This is important in examining a noticeable change in the tone of approach to the legislation reform. Between Rhodri Morgan's commitment to exploring pervasive legislative reform in *Getting it Right* (WG, 2009) and the introduction of the Measure in 2010, where due regard had been reduced to 'relevant decisions' (NAfW, 2010), a disjuncture occurred. Understanding this issue of pervasion within the Welsh Government's legislative processes is complex and often obscured by internal and private matters, leading to a lack of public information to analyse. However, literature written by former members of the National Assembly for Wales, such as Helen Mary Jones and responses from ministers at the time provide valuable insights into these dynamics.

During a hiatus from her role as an Assembly Member (AM), Helen Mary Jones reflected on the civil service's influence and the timing of leadership changes between the commitment to explore a Measure and its eventual implementation. Jones noted:

The civil service appears consistently to have thwarted the wishes of the proposed Measure's original sponsors and to have sought to reopen the debate about the wisdom of such a measure with incoming ministers following Rhodri Morgan's retirement. For reasons that may remain the subject of debate and conjecture, the idea of a strong and pervasive measure on children's rights engendered opposition from

ranking officials from the day the then First Minister Morgan announced the intention to introduce the legislation.

Jones & Sullivan, 2013: 26-28

This statement highlights the civil service's role in challenging the Measure's original intent, particularly after Rhodri Morgan retired on December 8, 2009, and was succeeded by Carwyn Jones AM. Within a month, officials reopened discussions with the new minister and deputy minister about the Measure's feasibility, leading to a more restrictive proposal. The reasons for opposition by the Welsh Government, including the Deputy Minister for Children and the Minister for Education, remain subject to debate and conjecture. Jones and Sullivan (2013) suggest that resistance may have stemmed from a belief that there was no clear policy problem to address, as the CRC was already embedded in government work through the seven core aims. Additionally, concerns about significant additional expenditure and resource requirements may have influenced opposition.

Oral evidence from Deputy Minister Huw Lewis provides further insight into the rationale behind limiting the 'due regard' duty to strategic decisions:

We are proposing to bring forward a duty that targets the decisions that we think will have the greatest effect on children and concentrate our resources for having due regard to the UNCRC on those decisions... If we encompassed all decisions within the remit of the legislation, we would run the risk of diluting the effect of the legislation to such an extent that it became a tick-box exercise.

NAfW, 2010:23

The Minister's response indicates that resource implications and the potential workload for civil servants were significant factors in shaping the Measure's final form. The concern was that a pervasive application of the due regard duty could dilute its effectiveness and reduce it to a mere administrative exercise. The original vision of the Measure (2011) was diluted due to internal opposition, resource concerns and strategic considerations.

5.2.2 The role of the NGO and Committees at Stage 1

For contextual purposes, the four legislative processes of the Senedd are outlined in Table 5.2 below:

Prior to Stage 1 is the introduction of the Bill
Stage 1 – consideration of the general principles of the Bill by a committee, and the agreement of those general principles by the Senedd. Within Stage 1 is a public consultation.
Stage 2 – detailed consideration by a committee of the Bill and any amendments tabled to that Bill.
Stage 3 – detailed consideration, by the Senedd, of the Bill and any amendments tabled to that Bill.
Stage 4 – a vote by the Senedd to pass the final text of the Bill.
There is also an additional amending stage, called the Report Stage, which can take place between stages 3 and 4, if proposed by the Member in Charge and agreed by the Senedd.

Table 5.2 A Guide to Legislative Processes for Bills and Acts in Senedd

These stages are important in both Chapters 5 and 6, as a framework for understanding how CRC duties have been developed and the points at which change has been made and by whom.

From the outset, apparent fractures in the Measure (2011), as introduced in its original form caught the attention of NGOs, the Children's Commissioner for Wales and the legislative Committee charged with taking it forward alike. Documentary analysis of the themes in the stage 1 consultation cast light on issues of conflict, consensus and ambiguity in rights-based conversations and policymaking, that bring to the fore everyday complexities in its contextualisation and enactment. The following findings provide context to the complexities in the contextualisation and enactment of the CRC that permeate almost every section of my findings herein.

Consultation responses demonstrate the wording of the bill, as introduced, raised concerns among stakeholders. The terms 'relevant decision' and 'strategic nature' were criticised for being vague and restrictive, receiving collective challenge

regarding the extent to which the wording of the Measure (2011) as introduced, left open to interpretation the instances where a due regard duty would apply to Ministers. Responses retrieved from documentary analysis of National Assembly for Wales records (2010:19-22) are tabled in Table 5.3 below:

Excerpt 1: CCfW <i>The high-level aspirations are not always being translated into tangible outcomes which positively impact on the lives of children and young people in Wales. We need to build constructively on the Welsh Government's aspiration, providing a mainstreaming of the UNCRC into service delivery in Wales based on experiences of children and young people.</i>	Excerpt 2: UNCRC Monitoring Group <i>It will not improve or strengthen children's rights as there are no new rights or obligations as contained in the proposed legislation...Our little ad hoc group of lawyers offered an amendment to pre-consultation draft legislation that would have removed 'relevant' meaning the main duty was simply to have due regard when exercising functions.</i>	Excerpt 3: WLGA <i>The Measure should be all pervasive and apply to all decisions of the Welsh Ministers and First Ministers. The proposed Measure needs to be practical and applicable, and we need to be clear about its scope. In understanding this we have considered the word 'strategic' and what it will encapsulate.</i>
Excerpt 4: NSPCC <i>The Measure in its current form does not fully diffuse into everyday practice within the legal framework in Wales. This is because it is dependent on Government exercising its decisions of a strategic nature.</i>	Excerpt 5: Swansea School of Law <i>The Measure should impact the whole organisation's basic functions then apply only to those aspects that are more 'Welsh Ministers' - simple duty on Welsh Ministers to have due regard to the UNCRC when exercising their rather than only applying it strategically.</i>	

/Table 5.3 NGO Response, Stage 1: The Measure (2011)

The findings above can be categorised into three main themes: pervasion in the development of the Measure (2011); Government response and reality of enactment of the CRC.

On pervasion in the development of the Measure (2011), analysis reveals significant concerns regarding its pervasive impact. The Commissioner's comment that 'high-level aspirations are not always being translated into tangible outcomes which positively impact on the lives of children and young people in Wales' (Excerpt 1), underscores the gap between policy intentions and practical outcomes, a common issue in policy implementation (Morgan & Bach, 2018), where effective policy implementation requires not only robust frameworks but also mechanisms for accountability and continuous evaluation (Neely et al., 2005). In noting that 'recent legislation has furthered our understanding that there are no new rights or obligations as contained in proposed legislation' (Excerpt 2), the UNCRC Monitoring Group imply a stagnation in legislative innovation, hindering the realisation of children's rights: As introduced the Measure (2011) would not be sufficiently dynamic to address emerging needs (Choong, 2020).

NGO feedback suggests government's response to the Measure (2011) is perceived as limited and strategic rather than comprehensive. The NSPCC points out that 'the Measure (2011) in its current form does not fully translate into effectively impacting upon the legal framework in Wales' due to its dependency on the government restricting its decisions to a strategic nature (Excerpt 4). This selective application can be seen as a form of 'policy selectivity' (Zhou et al, 2002) where governments implement policies in a manner that aligns with their strategic interests rather than broader societal needs. I will explore this in more detail in the next section. Additionally, WLGA stresses that 'the Measure (2011) should be all pervasive and apply to all decisions of the Welsh Ministers and First Ministers' (Excerpt 3) recognising the need for a more holistic approach, aligned with the principles of comprehensive policy frameworks, which advocate for the integration of policy measures across all levels of decision-making (Dergiades et al., 2022).

Finally, the reality of the enactment of the CRC is reflected in the excerpts, highlighting the challenges in fully realising its principles. In arguing that 'the Measure (2011) should impact the whole organisation's basic functions rather than only those aspects where they choose to apply it strategically' (Excerpt 5), the Swansea School of Law is suggesting that partial implementation undermines the CRC's holistic vision, which emphasises the importance of granting children enforceable legal rights in a manner that develops their capacity to claim their rights as autonomous individuals (O'Mahony, 2019). The Children's Commissioner for Wales also notes the need to 'build on scrutiny by the Welsh Government's own *Children's Rights Scheme* (WG, 2021) to ensure effective consideration of children and young people' (Excerpt 1), aligns to the idea effective implementation of the CRC requires robust monitoring and evaluation mechanisms to ensure that children's rights are not only recognised but actively protected and promoted (UN Committee, 2003).

Overall, the findings suggest that while the Measure (2011) had potential, its current form at the time and potential for pervasive implementation fall short of fully realising the principles of the CRC.

The proposal was not well received by Committees either. Both Legislative Committee No.5 (NAfW, 2010) and CYP Committee (ibid) raised objections to the wording of the Bill as introduced. In their Stage 1 Committee Reports, the Committees remarked as follows (Table 5.4):

	Remark
Legislative Committee No.5	<i>"The current wording is confusing and complicated and believes the phrase 'decisions of a strategic nature' to be limited and restricted. The Committee is disappointed the 'due regard duty' imposed on the Welsh Ministers in the proposed Measure does not correspond with the duties imposed on them regarding equality of opportunity and sustainable development in the Government of Wales Act 2006...The Committee recommends the proposed Measure is amended to insert the following or similar words into section 1(1) 'The Welsh Ministers must, when exercising their functions, have due regard to the requirements of... and that consequential amendments are made to the proposed Measure to reflect this recommendation."</i>
CYPE Committee	<i>The proposal to restrict the scope of the duty to 'relevant functions' will significantly undermine the positive impact of the duty and could undermine progress already made by the Welsh Assembly Government in building respect and protection for children's rights...The 'relevant functions' approach is minimalist and sectoral, in opposition to the holistic approach the CRC demands. It fails to recognise the indivisibility and interdependence of rights, a fundamental feature of the CRC and its implementation. These adverse effects can easily be rectified by removing the reference to 'relevant functions' and making the duty apply across the exercise by Welsh Ministers of all their functions. This is the single most important change that needs to be made".</i>

Table 5.4 Committee Responses at Stage 1 of the Development of the Measure (2011)

The analysis of the proposed Measure (2011), as reflected in the remarks from the Legislative Committee No.5 and the CYPE Committee, reveals critical insights into its development and stakeholder responses. The Legislative Committee No.5 highlights significant concerns regarding the Measure's clarity and alignment with existing duties under the Government of Wales Act 2006 (NAfW), particularly those related to promoting equality of opportunity and sustainable development. The committee's call for amendments to ensure that Welsh Ministers have a clear and comprehensive duty to consider the Measure's requirements underscores the need for a more coherent and effective legislative framework. Meanwhile, the CYPE Committee's critique of the 'relevant functions' approach, which they argue undermines the progress

made in respecting children's rights, reflects a broader concern about the Measure's limited scope. Their recommendation to adopt a holistic approach, as demanded by the CRC, emphasises the importance of considering children's rights in all aspects of governance. These findings highlight the necessity of refining the Measure (2011) to address stakeholder concerns and ensure it supports key principles such as equality, sustainable development and children's rights. The committees' responses illustrate the critical role of stakeholder feedback in the policy development process and the importance of creating a comprehensive and inclusive legislative framework.

These responses underscore the significant influence of the NGO sector as a cohesive and credible advocate, which the Committee evidently valued in formulating its recommendations. Throughout this chapter, we observe the dynamic relationship between the NGO sector's provision of evidence and the Committee's responsiveness at Stage 1, which was crucial in transforming initial proposals into due regard duties in the final legislation. In this instance, the steadfast partnership between NGOs and the committee successfully altered the discourse trajectory of the final Measure (2011). The strength of this united front led the Deputy Minister to acknowledge the concerns raised and propose amendments to strengthen the Measure's language. These amendments, approved at Stage 2, resulted in the final text we see today:

I have listened carefully to the messages that we have received during the consultation at the start of the legislative process... there has been concern about some of the terms used in the proposed Measure and the scope of the duty to have due regard to the UNCRC... The Government is proposing amendments which clarify and make a significant change to the scope of the due regard duty... due regard duty will apply directly to the exercise by the Welsh Ministers and the First Minister of any of their functions.

NAfW, 2011

The Minister's conclusion highlights the essential role of NGO advocacy and committee responsiveness in shaping effective and comprehensive legislative measures, providing a direct acknowledgment of the concerns raised during the consultation process and illustrates the government's responsiveness to stakeholder feedback. The Minister explicitly states that the consultation revealed significant concerns

about the terms used in the proposed Measure (2011) and the scope of the 'due regard' duty. This acknowledgment led to the government's proposal of amendments to clarify and significantly change the scope of the duty. The quote highlights the government's commitment to ensuring that the 'due regard' duty applies to all functions of the Welsh Ministers and the First Minister, effective from 1 May 2014. This explicit analysis of the data underscores the importance of stakeholder engagement in the legislative process and the government's willingness to adapt the Measure (2011) in response to feedback. It also demonstrates the critical role of clear legislative language in addressing stakeholder concerns and ensuring the effective implementation of the Measure (2011). The amendments resulting from this consultation process reflect a significant shift towards a more comprehensive and robust legislative framework for protecting children's rights in Wales.

In conclusion, the Measure (2011), as an enactment, represents a significant milestone in embedding the principles of the CRC into Welsh law. The process of its development and implementation highlights the complexities and challenges inherent in translating high-level aspirations into tangible outcomes. The Measure's evolution, from its initial proposal to its final form, underscores the critical role of stakeholder engagement, particularly the influence of NGOs and legislative committees, in shaping effective and comprehensive legislative measures. The resistance from civil service and strategic considerations that led to the dilution of the Measure's original vision reflect broader issues in policy implementation, where resource constraints and administrative priorities can impact the scope and effectiveness of legislative actions (Ball, 1993). The final amendments, which expanded the due regard duty to all functions of the Welsh Ministers and the First Minister, demonstrate a commitment to a more holistic and pervasive approach to children's rights. This aligns with the principles outlined by the UN Committee on the Rights of the Child (2003), which emphasises the importance of integrating the CRC into domestic legislation comprehensively.

The Measure's enactment process provides valuable insights into future legislative developments. It highlights the necessity of clear legislative language, robust stakeholder engagement and continuous evaluation and adaptation to ensure that the

principles of the CRC are fully realised in practice (Braun, Ball, & Maguire, 2011). This process also underscores the importance of addressing potential resistance and ensuring that legislative measures are not only symbolic but also practical and enforceable (Neely et al., 2005). Finally, the Measure (2011) serves as a case study in the complexities of legislative enactment and the importance of a comprehensive approach to policy implementation. It demonstrates that while high-level aspirations are crucial, the practicalities of enactment require careful consideration of resource implications, stakeholder engagement and the need for ongoing evaluation and adaptation to achieve meaningful and lasting change in the protection and promotion of children's rights.

5.2.3 The Contested Retrenchment of Rights

In this section, building on the constructed image of the child as being or becoming in Wave 1, I continue to seek to understand macro level enactment of the CRC, examining how changed political landscapes and ideological positions of policy actors in this second wave influenced how children's rights were contextualised in policy for children.

This period saw more direct government intervention and control within policy areas- especially education- which directly affected how children's rights were conceived and enacted. For some, such as E14, this represented a retrenchment, where explicit foregrounding of the holistic principles of the CRC was withdrawn in place of policy enactments that focus on the protection of and provision for children. However, for other participants, this renewed emphasis on accountability and measurement ensured that children's interests were being pursued and their rights realised. This discussion of Wave 2 illustrates how the political framing, and the philosophical and ideological interpretation of rights affects macro and micro-level enactment in supporting practitioners to consistently and effectively understand, contextualise and enact the CRC.

For those advocating recognition and enactment of the holistic principles of the CRC, the second decade of devolution saw a 'terrorisation' of children's rights, explaining this as:

the systematic stripping away of the structures in place to ensure the UNCRC is implemented. Knowledgeable staff, reference in policy, clear governance structures, all gone in pursuit of a new and different legacy

EI4

This statement highlights a significant shift in the approach to implementing the CRC in Wave 2. From the perspective of EI4, a children's rights advocate, this represented that the established structures, including knowledgeable staff, policy references and clear governance frameworks, were systematically dismantled. The phrase 'systematic stripping away' implies a deliberate and thorough removal of these elements. The pursuit of a 'new and different legacy' indicates a change in priorities or direction, potentially at the expense of the established mechanisms that ensured the effective implementation of children's rights as outlined in the CRC. EI4's analysis points to a potential loss of expertise, continuity and clarity in governance, which could impact the protection and promotion of children's rights. If true, this systematic dismantling of structures ensuring the implementation of the CRC may lead to frontline practitioners facing significant challenges in effectively advocating for and upholding children's rights, potentially resulting in inconsistent application and enactment of the CRC principles in Wales. EI4 features prominently in this chapter due to their long-standing role in Welsh children's rights advocacy and their dual practitioner-academic perspective. While their views are critical and not neutral, they are treated as reflective of broader NGO discourse and are triangulated with other data sources. I will use EI4's quote above as a reference point and anchor, returning to it and reflecting on their points made throughout this section:

As outlined in the literature review, political and economic factors such as the global economic crisis of 2008, the defeat of UK Labour in the 2010 elections, the cessation of the One Wales Coalition and pressure building because of poor PISA results converged as driving factors in how Wales was governed from 2011 to 2018. These pressures precipitated a very different landscape than in Wave 1. The introduction of austerity measures significantly affected funding, leading to budget constraints across various sectors (Jones, 2019; Smith, 2020). These factors contributed to influencing a perceived change in policy discourse.

A particular impact of austerity affecting enactment, according to elite interviewees, was the loss of institutional children's rights memory and knowledge, as redundancies were made in response to financial crises. Interviewees highlighted that the substantial reduction in staff, following austerity policies, led to the loss of experienced personnel who possessed valuable institutional knowledge disrupting the continuity of ongoing projects and programs, as new employees lacked the historical context and understanding necessary to perform their roles effectively. EI10 noted that 'the organisational memory was 'gone' and new staff 'didn't have a clue', illustrating the challenges faced in embedding and enacting children's rights. They elaborated:

I remember after that ending up in meetings with all these new people who didn't have a clue. We had to go over the same conversations with less skilled people, who cared but did not specialise in children's rights, so the lens changed. We were looking at children's rights in a different way

EI10

EI10 emphasised the frustration and inefficiency that arose from the need to duplicate efforts to regain lost ground, stating:

We really have to go through all this again, you know. It felt like we were starting from scratch every time a new person came on board. That really wasn't helpful in establishing consistency and commitment to the CRC.

EI10

This sentiment reflects the broader impact of losing corporate memory, where the lack of experienced staff meant that efforts had to be duplicated, leading to inefficiencies and delays in policy implementation (Foroughi, et.al., 2020). Consequently, the loss of institutional memory due to austerity has posed significant obstacles to the consistent and effective promotion of children's rights within government operations. Shifts in perspective and the need to repeatedly re-establish foundational knowledge have undermined the ability to maintain a focused and informed approach to children's rights, highlighting the critical importance of preserving institutional knowledge.

5.2.4 The Ideological Position of Labour Leaders – a response to realpolitik?

The second administration of Welsh devolution is synonymous with increased accountability, raising standards and narrowing the equality gap (Connolly et al, 2018). Consequently, from the outset, there was a change in approach towards how children's rights were framed and enacted. In this section, I will use data from First Minister, Carwyn Jones' 2011 *Standing up for Wales* manifesto (Welsh Labour, 2011), an elite interview with a former cabinet member during the administration, speeches and, autobiographical literature by the former Minister for Education, to analyse the ideological position on children's rights of the First Minister and his administration. This analysis will cover their political aspirations for children and the realpolitik enactment in response to national and international pressures.

In the foreword to his Manifesto, Carwyn Jones sets the tone of his vision for Welsh Labour as:

We are standing up for the whole of Wales and providing fairness for families and children, fresh hope for our communities, new opportunities and jobs for our younger generation and support for businesses in Wales... to support the development of a more equal society, in which every Welsh citizen is able to make the most of their abilities and contribute to the wider community...to improve the wellbeing of all. We also recognise our responsibility to future generations.

(Welsh Labour, 2011:3)

The vision does not explicitly refer to rights, which could be surprising following the previous administration where consistency of explicit reference to rights is noted as a key element of the approach to reinforcing their commitment. Its absence signals a shift in values between leaders. However, the vision does use language that speaks to the underpinning principles of CRC and the fulfilment of rights. The principles of equality and fairness for all align with the principle of non-discrimination that underpins the CRC and the previous administration's foundation of universalism and equity, nodding to entitlement for every person (or at least citizen) in Wales and a recognition that not all people's access is equal. Opportunities for young people to thrive and participate in civil society speak to participative articles within the CRC and a focus on wellbeing speaks to general survival and development principles that

underpin the CRC where rights to be healthy and safe are fundamental. On the face of it, the vision of the (soon to be) new Welsh Labour leader can be seen as rights based. Children remained a priority in the second wave of government. Despite austerity, a 1% budget increase was allocated to education and in terms of policy aspiration, this meant an enhanced focus in education, an integrated approach to child welfare and breaking the cycle of poverty to improve life chances for children and their families. While the core principles of social justice and equity and a distinctly Welsh approach to governance remained, this manifesto set out a clear intention to make 'step change' (Labour, 2011:33), implying significant and transformative changes.

The quote below from EI4, reflects the nuanced approach to children's rights within government leadership:

Ironically, when they then were told they had the [legislative] powers themselves, they suddenly went quiet on the issue, but that was after the heady days were over and Carwyn became the first minister. And I don't think he was against children's rights, but he didn't prioritise them in the same way that Rhodri had done.

EI4

EI4 notes that while Carwyn Jones, as First Minister, was not opposed to children's rights, he did not prioritise them as his predecessor, Rhodri Morgan, had. This shift in prioritisation underscores that the commitment to children's rights can vary significantly depending on leadership. EI4's observation suggests that maintaining children as a priority requires not only a supportive policy environment but also leaders who actively champion these rights. We saw at the top of this chapter, EI4 attributed good prioritisation of children's rights to several factors including dedicated funding, awareness campaigns, legislative efforts and the specific recognition of children's policy as addressing children's rights problems. By recognising that the prioritisation of children's rights can be constructed in multiple ways, it becomes clear that sustained advocacy and leadership are crucial for keeping children's rights at the forefront of governmental agendas. The constructed images of children and childhood are central to understanding these step changes in childhood policy and

philosophy when comparing contextualisation and enactment of the CRC in Waves 1 and 2.

The 2011 Welsh Labour manifesto provides a valuable lens through which to examine the evolving discourse of children's rights in the context of devolved governance. Across several key themes, the manifesto reflects a shift from the earlier framing of children as autonomous rights-holders in the first wave of devolution, toward a more instrumental and protective discourse. This recontextualisation can be evidenced in the way children are positioned in relation to early years development, participation, equality and future generations.

Excerpt 1 from the manifesto can be interpreted as framing early childhood primarily as a preparatory stage for future societal participation, rather than as a period in which children are entitled to rights in the present. As the manifesto states:

The quality of experiences during the first years of life are particularly significant... early experiences help strengthen brain development... crucial not only to a child's subsequent ability to learn, but also their ability to participate effectively... in the classroom, the labour market or society.

Excerpt 1 (Labour, 2011:32).

The emphasis on the importance of early experiences in shaping a child's potential for learning may suggest that childhood is constructed as a foundational period for future development, particularly in relation to educational attainment. The connection between early childhood experiences and a child's ability to participate effectively in various social contexts, including the classroom, labour market and society, can be seen to imply that government views childhood as a preparatory stage for future roles and responsibilities (Matthews and Limb, 1998; Such and Walker, 2005). Within this framing, children are positioned as individuals in the process of developing and acquiring the skills and abilities they will need in adulthood—what Hemrica and Heyting (2004) describe as a discourse of becoming.

This future-oriented framing continues in Excerpt 2, which may be seen to recontextualise children's rights within a protective framework. The manifesto asserts that:

A rights-based approach brings benefits through... participation and active citizenship... particularly important in helping address... entitlements of vulnerable children. Living in or being free from poverty is a civil right; being free from abuse is a fundamental entitlement

Excerpt 2 (Labour,2011::58).

While this language appears to support a rights-based approach, the accompanying policy commitments focus exclusively on safeguarding, with no mechanisms for incorporating children's voices into decision-making. Excerpt 2 highlights that the view of children as active participants in society who deserve to have their rights recognised and protected. It emphasises the importance of a rights-based approach, which not only promotes engagement and participation but also ensures that vulnerable children receive their basic entitlements. Specifically, it underscores that living free from poverty and abuse are fundamental rights for all children. This perspective connects and reflects the discourse of protecting the vulnerable and narrowing the equality gap with rights.

However, this excerpt is followed by six commitments related to its fulfilment, all centred on safeguarding the welfare of children, none of which include listening to the experiences of those affected to influence or shape policy. This focus on protection aligns with the view of children as innocent and in need of safeguarding. The six commitments, centred on safeguarding the welfare of children, without including the experiences of those affected to influence or shape policy, further reinforce the idea that children are seen primarily as needing protection rather than as active participants in society. The manifesto includes three other references to children's voice or participation; one a statement 'to improve opportunities for all children to participate in decisions made that affect them' (Labour, 2011:57) and two relating to 'ensuring learner voice is central to strategic decision making/good governance at an FE/HE level' (ibid:37&38). All are related to consumer participation with an arguable lack of emphasis on children's agency and where there are explicit examples of how children might be heard, these relate to the oldest of children. The absence of references to children as agentic or as stakeholders and the lack of acknowledgment of the support required to give children an equitable voice to adults, indicates that the government did not prioritise or value children's active participation

in shaping their experiences of policies affecting them or recognise children as agentic in the present. A focus on children's need (education, wellbeing and welfare) can imply their self-determination may be promoted, but within the limits imposed by adults' decision-making and agendas.

The selective application of rights discourse can also be evidenced in Excerpt 3, which outlines commitments to equality across protected characteristics but omits children as a distinct group. The manifesto states:

Our public sector duties will provide the basis for securing equality... Black, Asian and ethnic minority people, gay and lesbian people, disabled people and transgendered people... to shape their own lives... especially in key public services such as education and social care.

Excerpt 3, (Labour, 2011)

While this excerpt is comprehensive in covering protected characteristics, the omission of children as a homogenous demographic, vulnerable solely based on the characteristic of age (and subjects of a specific UN Convention because of it) can be seen as a values position. The inclusion of older people, based on age, amplifies the omission of children and prioritisation of the holistic CRC and of the universal entitlement and need to support all children to access their rights, as without adult support they are inherently less likely to be able to. This is notwithstanding issues of intersectionality whereby children who possess additional protected characteristics require further additional support. Specific references to equalities of children are signposted to other sections of the Manifesto; the Tackling Poverty section references equality for disabled children, the Education section references equitable access to free children for young children and broader references to narrowing the gap for children in terms of poverty, raising standards in education and child wellbeing (welfare and/or health) as key themes throughout the manifesto.

Excerpt 4 reinforces a future-oriented framing of rights, where children are positioned as symbolic of future generations. The manifesto claims:

Welsh Labour wants citizens of all ages and backgrounds to have opportunities... by putting forward the world for their children's children.

Excerpt 4, (Labour, 2011)

This excerpt can be interpreted as emphasising the portrayal of children in the manifesto as representatives of future generations. While this aligns with principles of intergenerational equality, it may also suggest a tendency to prioritise long-term societal goals over children's immediate rights and needs. Viewing children as passive recipients of adult decisions rather than active participants in their own lives can restrict their opportunities to express their opinions and influence societal decisions that impact them. These implications are intrinsically linked to societal perceptions of children and childhood and the way society views children—whether as innocent, dependent or capable—significantly influences the development of policies and practices. In this case, combined with the ideas presented in excerpts 1–4, there is a real sense of discourse as children's value in what they bring to the future, as adults, passive in society until then. This can impact the enactment of the CRC by prioritising long-term benefits over immediate needs and limiting children's agency in shaping policies that affect them.

5.2.5 Reframing Children's Rights Through Structural Reform (Education)

This section presents findings from a thematic analysis of elite interview data, documentary sources and policy texts, focusing on the role of a former Minister for Education (EI6) during the second wave of policy reform in Wales. The analysis explores how EI6's ideological orientation shaped the interpretation and enactment of the CRC within education policy. Two key themes emerged: (1) a commitment to structural equity framed as 'levelling the playing field,' and (2) a critique of participatory rights as a form of libertarian idealism. These themes are situated within a broader shift from a holistic, rights-based discourse in Wave 1 to a more outcomes-driven, performative policy environment in Wave 2.

EI6's policy agenda was underpinned by a strong commitment to addressing socio-economic inequality. This was articulated not only in policy documents but also in

personal reflections shared during the interview. EI6 described their motivation for reform as rooted in lived experience:

This was very much about ensuring that children in the poorest parts of Wales...could have the same life chances as children in wealthier parts of Wales... I had the experience in secondary school where I was eligible for free school meals, I'd seen the stigma of that firsthand... I understood... that stigmatisation of poor children...that obviously had an impact on how I responded as Education Minister.

EI6

This narrative illustrates how personal biography informed a policy orientation that prioritised provision and protection rights, particularly the right to education. While EI6 explicitly stated that the CRC was not within their ministerial remit— ‘UNCRC wasn’t my portfolio, you should speak to Huw. My role was to improve education’ — their reforms nonetheless had significant implications for how rights were interpreted and enacted. The emphasis on raising standards, particularly for disadvantaged learners, reflects a social justice framing of rights, where the state is positioned as an active agent in mitigating structural barriers to opportunity.

A second theme emerging from the data was EI6’s scepticism toward participatory rights as they had been conceptualised in earlier policy phases. In published work, EI6 articulated a critique of what they termed ‘libertarian myth’ within the education system:

We had to challenge three obvious libertarian myths that floated around our system: that we should simply let children develop at the pace they decided; that if we simply expanded learner choice everyone would want to learn; that we should let teachers teach as they saw fit. Radical cultural change was necessary in my view.

(Andrews, 2014: 9, 35)

This position stands in contrast to the Wave 1 emphasis on children as agentic stakeholders and on participation as a right in itself. EI6’s approach reframed rights in terms of outcomes and accountability, rather than autonomy or voice. This was operationalised through a suite of reforms—including the *20-point plan* (WG, 2012), the *School Standards and Organisation (Wales) Act 2013* (NAfW, 2013) and the

Literacy and Numeracy Framework (WG, 2013)—which collectively positioned the right to education as a right to high standards, enforced through state-led intervention and performance monitoring. Documentary analysis these policy texts from, supports this interpretation, revealing a shift in discourse from rights as autonomy to rights as performance and accountability:

The 20-point plan (WG, 2012) emphasised the importance of effective school leadership and governance, advocating for robust performance management systems for headteachers and the development of leadership skills at all levels within school. It also highlighted the need for high-quality teaching, proposing targeted professional development programs for teachers, including initial teacher training and ongoing professional development. The *School Standards and Organisation (Wales) Act 2013 (NAfW)* focussed on safeguarding children's right to high quality education, aiming to improve performance and accountability by leaning into and increasing Ministerial power 'to intervene in schools to ensure the rights of children to a high standard of education is upheld' (ibid.) Focusing on leadership, teaching quality and student engagement, the *Schools Challenge Cymru* initiative targeted the most underperforming schools in Wales, 'dedicated to breaking the link between deprivation and educational attainment, ensuring all children can achieve their potential' (WG, 2017).

A second significant component of the plan was the promotion of effective learning and teaching practices, with specific initiatives to improve literacy and numeracy outcomes. This included the implementation of literacy and numeracy programs and the use of ICT to support learning. The *Literacy and Numeracy Framework (LNF) (WG, 2013)* set out the intention that 'every child and young person in Wales has the right to develop their literacy and numeracy skills to the highest possible standard', providing a structured approach to teaching essential skills, setting out clear expectations for what students should achieve at different stages of their education. The *National Support Programme (NSP) (WG, 2014)* was established to provide targeted support to schools in implementing the LNF, with a focus on equitable access to education for 'all children, regardless of their background, to have access to high-quality literacy and numeracy education'. This included professional

development of teachers and resources to help schools improve their teaching practices.

Thirdly, the *Plan* addressed the importance of inclusion and safeguarding, ensuring that vulnerable children receive the necessary support and protection. It also called for the development of effective partnerships at both national and regional levels to build collective capacity and support school improvement efforts. Four regional education consortia were created to support school improvement and provide targeted interventions: The consortia were charged with ensuring ‘every child in Wales receives an education that meets their individual needs and rights’ (Estyn, 2022) working closely with schools to share best practice and provide additional support where needed. A *Pupil Development Grant (PDG)* was introduced to ‘reduce the impact of poverty on educational attainment, ensuring that all children have the opportunity to succeed, regardless of their background’ (WG, 2015). A significant emphasis was placed on professional development for teachers and school leaders, deemed ‘essential to providing the best possible education, respecting the rights of every child to high quality teaching’. This included the introduction of new professional standards and a focus on continuous improvement in teaching practices (WG, 2017).

In terms of enactment this potentially poses significant challenges for frontline practitioners in social work and education, as they must navigate the tension between adhering to performance standards and maintaining a child-centred approach that respects children’s rights and agency. This will be explored further in Chapters 7 and 8.

This shift from participatory to performative rights discourse was not confined to education. In the social care sector, similar tensions emerged between legislative ambition and practical enactment, most notably in the development and implementation of the SSWBA (2014).

While education policy during Wave 2 has been shown to shift toward performative and outcomes-driven interpretations of children’s rights, similar dynamics were evident in the social care sector. The development of the SSWBA (2014) marked a

significant legislative moment, framed as a progressive reform intended to embed rights-based principles across health and social care. The Act introduced a statutory duty to have due regard to the CRC and emphasised well-being, voice and control and co-production as guiding principles.

However, documentary analysis of the Welsh Government's own evaluation, *From Act to Impact?* (WG, 2023), reveals that the implementation of the Act (2014) often reframed children's rights in ways that prioritised protection and service integration over participation and agency. The evaluation notes:

There was a lack of clarity about how the principles of the Act, including well-being and voice and control, should be interpreted and applied in practice, particularly in relation to children and young people.

(WG, 2023:44)

This ambiguity contributed to a narrowing of the Act's rights-based potential. Rather than enhancing children's agency, the Act often reinforced a protective and managerial framing of childhood. As the evaluation further states:

Children's rights were often subsumed under broader safeguarding or family support agendas, rather than being treated as distinct entitlements

(WG, 2023:51).

This reframing aligns with broader patterns observed in Wave 2, where rights discourse remained present but was increasingly interpreted through the lens of adult-defined priorities and institutional constraints. The evaluation highlights that:

The Act's ambition to embed participation was not consistently realised in frontline practice, where risk management and resource constraints often took precedence

(WG, 2023: 53)

In this context, the SSWBA (2014) illustrates how legislative commitments to children's rights can be reshaped in practice, reflecting a shift from the holistic, participatory ethos of Wave 1 to a more instrumental and protective model. While the Act introduced important structural reforms, its enactment reveals the challenges of

translating rights-based principles into consistent, child-centred practice—particularly in a climate shaped by austerity, workforce pressures and competing policy priorities.

5.2.6 Divergent Interpretations of the CRC

The findings from both education and social care during Wave 2 demonstrate how the CRC can be interpreted and enacted in different ways, shaped by political priorities, sectoral goals and individual ideologies.

In education, EI6's reforms focused on structural equity and raising standards, interpreting rights primarily through provision and protection. Participation—central to the CRC—was deemphasised in favour of measurable outcomes and accountability, reflecting a rights enactment centred on redistribution and performance rather than agency. In contrast, the SSWBA (2014) explicitly references CRC principles including voice and co-production. Yet, in practice, these were often overshadowed by safeguarding and managerial concerns (WG, 2023), where children's rights have been inconsistently applied and often subsumed under broader adult-defined agendas.

These contrasting approaches show that the CRC is not enacted uniformly. While some actors emphasise participation and agency, others prioritise protection and service delivery. EI4's description of this period as a 'terrorisation of children's rights' reflects concern over the erosion of participatory structures, while EI6's focus on equity represents a different, yet still rights-informed, interpretation. Ultimately, the CRC's flexibility allows for varied enactments—but this also risks selective implementation. Understanding these differences is key to evaluating how children's rights are realised in practice.

5.3 Conclusion

Wave 2 reveals a complex interplay between legislative ambition and the situated contexts in which policy enactment occurs. While the Measure (2011) marked a historic step in embedding the CRC into Welsh law, its evolution underscores the tensions between symbolic commitment and the practical enactment of rights. Political shifts, resource constraints and divergent ideological positions arguably

reframed children's rights from a holistic vision to a more selective, outcomes-driven agenda. These findings highlight how political will and institutional dynamics—understood here as situated contexts—shaped the enactment process in ways that both enabled and constrained rights-based reform. The next chapter critically examines how these dynamics intensified in Wave 3, as legislative reforms sought to reassert and embed children's rights more systematically across public policy and practice.

Chapter 6: The External Context of Enactment

This chapter critically examines the ambitious reform journey that characterises the third wave, beginning around 2015 and marked by significant legislative changes aimed at embedding children's rights into public policy and practice. This chapter explores the legislative measures enacted to guarantee the rights of children, in the SSWBA (2014), the ALN Act (2018) and the Curriculum Act (2021). It analyses the challenges and debates surrounding the inclusion of children's rights duties in these Acts, highlighting the influence of advocacy efforts by the CCfW, NGOs and political actors. Chapter 6 aims to provide a comprehensive understanding of how broader societal, economic and legislative frameworks shape the implementation and interpretation of children's rights policies in Wales. This analysis offers valuable insights into the mechanisms required to effectively translate the principles of the CRC into tangible outcomes for children, ensuring their rights are consistently upheld across different sectors and levels.

The Measure (2011) is well regarded as emblematic of children's rights progress in Wales. Its significance is not contested. What is less clear and a central focus of the examination of external contexts in this chapter, is the influence the Measure (2011) has had on framing enactment of the CRC in the practice of education and social work practitioners. Elite interviewees assert that implementation of rights rhetoric through policymaking in Wales is inconsistent and fragmented. Consequently, public service staff are often left struggling to comprehend and interpret the CRC. Throughout this chapter, I will explore how the influence of mandatory legislation, the degree and quality of support provided to public bodies and how non-mandatory resources

such as guidance, frameworks and professional learning affect enactment and support/inhibit practitioners to give effect to the CRC.

6.1 Expectations from Broader Policy

An examination of expectations from broader policy is fundamental to understanding enactment (Ball, Maguire and Braun, 2012). The CRC mandates that state parties, including the UK and its devolved nations, must implement all necessary measures to uphold children's rights, with public services also playing a crucial role in fulfilling these obligations (UNCRC, 1989; UNICEF, 2023; NAFW, 2011). We observed in Chapter 3, the Ministerial perspective being one of the Measure (2011) 'connecting' the work of Welsh Ministers to children's rights and state party obligations (NAFW, 2011). The recognition of the relationship between duty and connecting work to children's rights opens discussions about whether 'type of policy' affects enactment (Ball, Maguire and Braun, 2012:43-71). While the Measure (2011) gives further effect to the CRC in Wales, the primary legislative duty to pay 'due regard', is not extended to public bodies, through which many Ministerial functions are realised. Documentary analysis of CYPE Committee minutes reveals, despite the Measure (2011) not being the duty of practitioners, an expectation of the realisation of children's rights as duty bearers themselves, exists:

Welsh Government translate the duties in the Measure to the work of local authorities and health boards in Wales through guidance and other legislation... Despite the Measure not imposing duties on public bodies, they play a pivotal role in delivering services to children and young people and as such receive a significant amount of public money

(CYPE Scrutiny Committee, Senedd, 2020).

In chapter 5, we examined the importance of explicit recognition of the CRC to the enactment of the holistic range of rights the Convention affords children. Therefore, if the expectation that children's rights work and the duties in the Measure (2011) are translated through the funding provided to public services to deliver, the Minister's statement of duties connecting work to children's rights might suggest that mandated policy and statutory duty is a central element to making that a success.

For EI1, a prominent academic expert in children's human rights, the legal status of policy is an integral factor when considering how the Measure (2011) can influence and impact the realisation of rights in Wales:

There may be something that's more influential on practitioners, but you need the statutory framework...It is too easy to dismiss children's rights or to overlook them completely in policy development. The measure was designed to try and force the engagement between policy development and children's rights.

EI1

The data extract underscores several critical themes in the integration of children's rights into policy development. Firstly, EI1 acknowledges the complex dynamics influencing practitioners' enactment emphasises the necessity of a statutory framework to ensure children's rights are not dismissed or overlooked. This highlights the vulnerability of children's rights in the absence of explicit legal mandates. Secondly, EI1 stresses the proactive approach required to 'force' engagement between policy development and children's rights, underscoring the importance of deliberate efforts to systematically integrate these rights into policy-making processes. These themes collectively advocate for robust legal structures to safeguard children's rights and ensure their consistent consideration in policy development, particularly when we have seen the ease with which aspects of the CRC can be dismissed if they do not align with the values of policy actors charged with either developing policy or enacting it (see Chapter 5). EI2, a former Children's Commissioner, explains the necessity of bringing the duty closer to practice. Speaking on the inclusion of due regard in the ALN Act (2018), their response typifies two reasons why calls for public sector children's rights duties are made:

We know that there is an implementation gap between the rhetoric of the UNCRC and the reality of children's rights in children's lives. We wanted it [a due regard duty] because we'd seen so many breaches of children's rights in schools...a duty on public services needed to be underpinned in primary legislation, because a different government perhaps with a different colour might decide that children's rights were all woke nonsense and children weren't to be taught them anymore

EI2

EI2 highlights several significant themes related to children's rights and public sector duties. Firstly, EI2 emphasises the gap between the ideals of the CRC and the actual experiences of children. This gap suggests that while policies may exist, their practical application often falls short, leading to breaches of children's rights. The disparity between rhetoric and reality underscores the need for more effective mechanisms to ensure that children's rights are upheld in practice. Secondly, the data extract underscores the necessity of a legal framework to protect children's rights. EI2 argues that embedding children's rights within primary legislation is crucial. Without a strong legal foundation, children's rights could be undermined by changing political climates or governments that may not prioritise them, or as we have seen in Chapter 5, may prioritise them in a way that can be considered a retrenchment from the holistic CRC. Thirdly, EI2 expresses concern about the protection against the vagaries of Government's political orientations and commitments. The data extract suggests that future governments might dismiss children's rights as 'woke nonsense', thereby jeopardising the education and protection of these rights. This theme underscores the need for robust legal protections to ensure that children's rights are maintained regardless of political changes. Finally, the data extract calls for public sector accountability through a due regard duty. EI2 advocates for public services to be held accountable by considering children's rights in their decision-making processes. This theme promotes a more consistent and rights-focused approach within the public sector, ensuring that children's rights are integrated into everyday practice.

As a Director and Programme Lead for Children's Rights within a Local Authority (LA) that has made a formal commitment to the CRC, EI3 have observed first-hand the challenges public services face in understanding their roles and responsibilities:

Practitioners are being confronted with a dilemma that when it comes to children's rights, it's very often unclear what exactly they need to do to realise or give effect to children's rights... Our commitment to the CRC is not just a symbolic gesture; it requires a comprehensive approach to policy and practice that includes clear mandates and robust support systems. Without these, the risk of inconsistent application and the potential for rights breaches remain high.

EI3

Building on EI1 and EI2's perspectives, EI3's observations further illuminate the practical challenges of realising children's rights within public services. EI3 highlights the uncertainty practitioners face in understanding their roles and responsibilities, emphasising the need for clear guidelines and directives. This aligns with EI1's call for a statutory framework to ensure children's rights are not dismissed or overlooked in policy development. Additionally, EI3 underscores the necessity of a comprehensive approach to policy and practice, including clear mandates and robust support systems, which resonates with EI2's emphasis on bridging the gap between the rhetoric of the CRC and the reality of children's rights. The risk of inconsistent application and potential breaches of children's rights, as noted by EI3, reinforces the importance of establishing structured legal protections and support mechanisms to ensure the consistent and effective enactment of children's rights across various contexts.

The subsequent section will explore the legislative measures enacted by the government to address these challenges, including the resistance encountered and the expectations placed on public services to fulfil their duties.

6.2 Degree and quality of support afforded to public services - Legislative Measures to guarantee the rights of children.

Since the development of the Measure (2011), three pieces of legislation have placed explicit CRC duties upon public bodies. These are the SSWBA (2014), ALN Act (2018) and the Curriculum Act (2021). Table 6.1 outlines these duties:

Name of Act	Overview of Duty
SSWBA (2014)	A person exercising functions under this Act in relation to a child falling within section 6(1)(a), (b) or (c) must have due regard to Part 1 of the United Nations Convention on the Rights of the Child adopted and open for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 ("the Convention").
ALN Act (2018)	A relevant body exercising functions under this Part in relation to a child or young person must have due regard to Part 1 of the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 ("the Convention"). Subsection (1) does not require specific consideration of the Convention on each occasion that a function is exercised.
Curriculum Act (2021)	Duty to promote knowledge and understanding of UN Conventions on the rights of children and persons with disabilities. Applies to: 1. The head teacher and governing body of a maintained school or a maintained nursery school. 2. A provider of funded non-maintained nursery education. 3. The local authority, the management committee (if there is one) and the teacher in charge of a pupil referral unit. 4. A local authority in Wales.

Table 6.1 Overview of Subsidiary CRC Duties in Social Work and Education

Notable inconsistencies exist between duties outlined in Table 6.1, highlighting significant challenges for public services in enacting these duties uniformly. The SSWBA (2014) and ALN Act (2018) both mandate regard for the CRC, but the ALN Act (2018) explicitly states that this does not require specific consideration on each occasion, introducing a level of discretion not present in the SSWBA (2014). Meanwhile, the Curriculum Act's (2021) broader duty to promote knowledge and understanding of UN Conventions across various educational settings further complicates uniform implementation. These inconsistencies can be seen as a form of resistance to the development of comprehensive duties within public services, as they allow for varying degrees of adherence and interpretation: a potential attributing factor to public services facing dilemmas in understanding how exactly they give effect to children's rights (EI3). This resistance is often rooted (this will be explored later in the Chapter) in the desire to maintain flexibility and avoid the administrative burden of

strict compliance, a phenomenon observed across public sectors when implementation demands exceed bureaucratic capacity (Fernández-i-Marín et al., 2023). Such variability can undermine the effectiveness of these duties, leading to fragmented service delivery and potential inequities in how rights are upheld across different sectors.

EI1 and EI2 offer insight into the influence of legislative measures on public sector duties to pay due regard and the challenges associated with advocating for these duties. EI1 highlights the impact of the Measure (2011) on public policy:

The research I have conducted suggests the Measure has had impact on bringing due regard into public policy, bringing the duty closer to practice... [in regard to the SSWBA] without the duty on Ministers, it is unlikely that such duties would have been imposed on public services.

EI1

This underscores the significant role of legislative measures in embedding the duty to pay due regard within public sector practices. EI1 asserts that the Measure (2011) has been instrumental in integrating this duty into public policy, particularly in the context of the SSWBA (2014). The data extract highlights the essential role ministerial duties have played in ensuring the implementation of such obligations, suggesting that without them, the imposition of due regard duties on public services would have been unlikely. This emphasises the broader theme of legislative impact on public sector practices, demonstrating the necessity and usefulness of legislative measures to drive meaningful change in policy and practice.

EI2 is less optimistic, reflecting on the advocacy process as a challenging and emotionally taxing endeavour, providing a reflective account of the challenges faced in advocating for public sector due regard duties within legislative processes:

In pretty well every one [pieces of legislation] where we have managed to get a due regard put in, it's always been as an amend and it's always been a difficult battle... I feel ashamed that we've had to make that argument every time. I almost feel like it's been harder since time has gone on to make that argument.

EI2

EI2 describes the advocacy efforts as a 'battle', indicating the persistent and arduous nature of these efforts, conveying a sense of struggle and conflict, suggesting that securing amendments to include due regard duties has been a contentious and difficult process. Furthermore, their sense of shame and frustration over the repeated need to argue for these amendments, suggests that the difficulty of making these arguments has increased over time, implying a growing resistance or complexity in legislative processes.

Exploration of the resistance articulated by EI2 provides valuable insights into the challenges faced in advocating for and securing legislative changes. On each occasion the duty placed within the Acts were opposed, by Ministers and officials alike and always included a motioned amendment. While duties can be seen in final versions of each Act (already outlined in Table 6.1 above), the apparent battlefield on which this occurred, is reflected in the inconsistent application of duties and to whom they affect. For example, the SSWBA (2014) places duties upon individuals, the ALN Act (2018) upon public bodies and in the Curriculum Act (2021) due regard has been replaced with a duty to promote knowledge and understanding. Taking account of both EI and EI2's contributions, there is a need to understand the extent to which the Measure (2011) has been influential in ensuring subsequent duties in legislation and how it has or has not provided safeguards in the face of changing political perspectives in respect of children's rights.

To better understand the processes and decisions that led to the inclusion of CRC duties in each subsidiary Act, I have undertaken a systematic documentary analysis of the legislative processes from start to finish for each of the three pieces of legislation across the legislative processes outlined in Fig 5.2 in Chapter 5. Table 6.2 below, provides a summary of key findings considered important to this analysis: 'x' marks the stage in the legislative process at which a due regard amendment was motioned. Lead member relates to the person(s) who motioned to amend the legislation to include due regard to the CRC and summary of actions provides a brief synopsis of the final duty, whom the duty affects and in what circumstances.

Name of Act	As Introduced	Stage 1	Stage 2	Stage 3	Stage 4	Lead Member	Summary of action
SSWBA	No reference to due regard	No reference to due regard			x	Darren Miller MS	Amendment to include duty on individual practitioners to pay due regard in all decisions included at final stage (stage 4) before passing.
ALN Act	No reference to due regard	Committee Report recommendation to include due regard		x		Llyr Gruffydd MS	Amendment to include due regard duty on relevant public bodies in decisions they deem relevant motioned and agreed during stage 3.
Curriculum Act	No reference to due regard	Committee Report recommendation to include due regard		x		Darren Millar MS supported by Llyr Gruffydd MS	Due regard duty opposed. Alternate amendment to promote knowledge and understanding of the CRC, applying to head teachers, governing bodies and Local Authorities motioned by Kirsty Williams MS and agreed at Stage 3.

Table 6.2 Summary of Findings in Legislative Processes of Subsidiary CRC Duties

Table 6.2 reveals five critical insights into the legislative process concerning the inclusion of 'due regard' to the CRC in the three Acts:

1. Initially, none of these Acts referenced 'due regard' to the CRC, highlighting a significant omission in their original drafts.
2. Scrutiny committees played a pivotal role in recommending the inclusion of 'due regard' at Stage 1 for the ALN Act (2018) and Curriculum Act (2021), with notable influence from the CCfW and the NGO sector⁹;
3. The introduction of 'due regard' occurred at late stages (Stage 3 or Stage 4) through motions to amend the legislation, underscoring the reactive rather than proactive approach to integrating CRC considerations.
4. A small cohort of longstanding Assembly Members/Members of Senedd, particularly Darren Miller MS and Llyr Gruffydd MS, consistently championed these amendments, demonstrating their commitment to child rights advocacy and;
5. The final text of each Act applied the 'due regard' duty inconsistently; the SSWBA (2014) imposed a duty on individual practitioners, the ALN Act (2018) targeted relevant public bodies and the Curriculum Act (2021) aimed to promote knowledge and understanding of the CRC among head teachers, governing bodies and local authorities. This inconsistency in application reflects the varied interpretations and implementations of CRC principles across different legislative contexts. Each point will be examined in more detail below.

⁹ this influence is not explicitly depicted in Fig6.2 but is explored in greater depth in subsequent sections of this chapter

6.2.1 Omission of Due Regard in any Bill, as Introduced

The analysis of children's rights within public policy reveals significant insights into the evolving nature of these rights and the challenges faced in their realisation in policy. EI5, a senior Policy Officer for the CCfW, provides a valuable perspective on this issue:

In my view it [a culture of embedding rights] has got stronger and I think the Measure played a part in that... resistance to the idea of children's rights has waxed and waned, since the Measure's inception, but through the ability of NGOs to speak up and challenge, alongside the Measure to hold government to account when we need it, which we do, we are seeing strengthened interpretations of the Measure in policies for public services. These are welcomed.

EI5

This quote underscores the strengthening culture of embedding children's rights, attributing this progress to the Measure's role in holding the government accountable. EI5 acknowledges the fluctuating resistance to children's rights since the Measure's inception, highlighting the efforts of NGOs in advocating for stronger interpretations of the Measure (2011) in public service policies (examined in the next section). The reference to waxing and waning resistance illustrates the inconsistencies in the application of each duty, emphasising the ongoing challenges in fully integrating children's rights into legislative practice. Additionally, EI2's view, as established earlier, points to the contentious nature of including children's rights duties in the public sector, often resulting in late-stage amendments. This omission in the explanatory memorandum and the initial text of the Bill reflects the persistent difficulties in embedding children's rights within legislative frameworks and the nods to the potential impact on frontline enactment of understanding and interpreting duties, to enact the Measure (2011).

Table 6.3 below outlines the key objections to placing due regard duties on the face of the Acts, identified during documentary analysis of the Senedd Record:

Opposer	Reason for Opposition to due regard to the CRC
Alun Davies, minister for Lifelong Learning and Welsh Language on the ALN Act:	"I feel strongly about that the assembly has already legislated on this point and rightly placed the duty on ministers. It is for Governments to ensure that their laws comply with the Convention. It can even be said to be a dereliction of the Government's duty under the Convention to transfer to frontline practitioners' duties that are aimed at States. This is not something I can support. If we were to place a due regard duty directly on those exercising functions under the Bill, we risk distracting frontline practitioners from supporting learners by creating layers of red tape and bureaucracy... It was very clear to me as a Minister of that Committee (that considered the 2011 Measure), that once it is on the face of one piece of legislation, putting an enduring duty on Ministers and the delivery of public services, we will not have to go through this process of slavishly placing the same duty into every piece of legislation subsequent to it...we wanted to move away from that box- ticking exercise and have a piece of legislation that was broad, all-encompassing and enduring.
Kirsty Williams, Minister for Education on the Curriculum Act:	"The UNCRC is aimed at states and, accordingly, it is for Governments to ensure compliance through their laws, administrative actions and other appropriate measures. This is an important principle and, unless the state is directly providing the service, this Convention is not targeted at frontline providers of service. If we were to place a due regard duty directly on those exercising functions under the Bill, we risk distracting frontline practitioners from supporting learners by creating layers of red tape and bureaucracy – teachers, schools and governing bodies would have to evidence that they have taken the Convention into account in their interactions with all children and young people with 'better' discernible outcomes for children being questionable. Children's rights are at the forefront of our ambitions for the new curriculum. We think the focus should be on meaningful actions for the benefit of children and young people. The statements of what matters in the Humanities AoLE published in January include the need for learners to understand their rights and engage with the concept of rights more generally. We would expect this to be a mandatory part of every school's curriculum".

Table 6.3 Key Objections to Placing CRC Duties on the Face of Secondary Legislation

The two key arguments highlighted are: 1) responsibility to comply with the CRC belongs to the State, not frontline practitioners; and 2) placing duties on practitioners' risks distracting them from providing services for children with bureaucracy.

The arguments in Table 6.3 that responsibility to comply with the CRC belongs to the state, not frontline practitioners, posits that the obligation to adhere to the CRC should rest solely with the state, rather than being distributed among individual practitioners or public services. The rationale behind this perspective is that the state, as the primary duty bearer, has the overarching responsibility to ensure that children's rights are upheld. This centralised approach is believed to provide a clearer and more cohesive framework for enacting the CRC. However, this viewpoint overlooks the critical role that frontline practitioners play in the day-to-day realisation of children's rights (UNICEF, 2023). Public services, as highlighted by the CYPE scrutiny committee at the beginning of the chapter, are pivotal in translating the rhetoric of the CRC into tangible outcomes for children. The juxtaposition of a duty for Ministers and a duty for all underscores the complexity of this issue. It is not a binary choice between state responsibility and individual duty bearers; rather, it is a collaborative effort that requires both levels of commitment.

The second argument in Table 6.3 against the introduction of due regard duties is the concern that imposing such duties on practitioners could lead to an increase in bureaucratic tasks, thereby diverting their attention from direct service provision. This perspective suggests that the additional administrative burden could hinder practitioners' ability to effectively support and protect children's rights. While this concern is valid, it is essential to recognise that mandatory duties can also promote clarity, understanding and efficacy in enacting the CRC in practice. As noted by EI2, despite the dedication of many public services to realising children's rights, breaches are still regularly observed. The introduction of due regard duties could provide a more structured and accountable framework, ensuring that children's rights are consistently prioritised and upheld.

The political opposition to the introduction of due regard duties is rooted in these two primary arguments. The absence of a due regard duty to the CRC in any Bill, as introduced, signifies a lack of initial commitment to extending the Measure's obligations to public bodies. This omission reflects the persistent difficulties in embedding children's rights within legislative frameworks and the explicit opposition from political leadership further exacerbates these challenges. The resistance outlined in Table 6.3 to incorporating due regard duties into legislation is not merely a matter of administrative preference but is indicative of deeper ideological and practical concerns.

Contesting arguments to the Ministers' have been provided throughout this chapter in the context that mandatory duties promulgate clarity, understanding and efficacy in enacting the CRC in practice. It is not surprising then, that omission of due regard duties in each Bill, as introduced, combined with explicit opposition of doing so by the political leadership, was largely contested. In each legislative process there were, by the time the Stage 1 Committee Report was published, recommendations by the respective committee relating to the rights of the child. Here, I seek to particularly pick out the significant events of Stage 1 that led to a transformation of approach between the introduction of each Bill and their final iterations. In all cases, I attribute this to three components: the influence and advocacy of the Office of the CCfW, the collective NGO sector opposition during consultation and the strength and willingness of scrutiny committees to incorporate public evidence into their committee reports and influence their recommendations to the Assembly/Senedd. In Chapter 5, I briefly examined the importance of the relationship with NGOs, as stakeholders, in giving effect to the CRC in Wales. The next section amplifies the significance of this relationship and the role of NGOs.

6.2.2 The Influence and Advocacy of the Office of the Children's Commissioner for Wales (CCfW)

In this section, I examine evidence from two children's commissioners – one employed during the development of the Measure (2011) and one after to examine what impact, if any, the Measure (2011) has had in driving children's rights duties in the public sector. I have split this analysis into two parts: the SSWBA (2014) and then the

ALN Act (2018) and Curriculum Act (2021) for four reasons: 1) evidence in the development of the SSWBA (2014) was provided by a different Commissioner to that of the ALN and Curriculum Acts; 2) the SSWBA (2014) is an all-age Act meaning it does not only affect children, whereas the other Acts solely affect children; 3) the SSWBA (2014) was the first test of including due regard; there was no precedent to build on; and 4) SSWBA (2014) is only instance where the Scrutiny Committee did not agree with the Commissioner's view.

6.2.3 SSWBA (2014) development

In the case of the SSWBA (2014), calls from the Commissioner did not relate to a specific due regard duty. Instead, contest focussed on the all-age nature of the Bill and the potential contravention of the principle of best interests:

The introduction of legislative change designed to introduce a 'common set of processes' across ages is contrary to article 3 of the UNCRC...The Committee may wish to consider the approach that has been adopted by the Scottish Government in their Children and Young People Bill...to bring together earlier plans for separate legislation on children's services and children's rights into a single, comprehensive framework...Their proposals seek to embed the rights of children and young people across the public sector in line with the UNCRC into one piece of legislation. The approach of introducing changes to align adult and children's social care and well-being services in the Welsh Bill does not afford the same level of protection to the distinct needs and rights of children.

CCfW response, NAFW, 2013

The Commissioner critiques the proposed SSWBA (2014) for its potential to undermine consistent and contextualised interpretations of the CRC, which are crucial for effective frontline enactment. By unifying processes for children and adults under a single Act, the SSWBA (2014) risks adopting a one-size-fits-all approach that fails to address the distinct needs and rights of children. The lack of a dedicated framework for children's rights may hinder the effective contextualisation and enactment of the CRC across social care services for children, reducing accountability and responsiveness of these services to children's needs. In contrast, the CCfW highlights how, in their opinion, Scottish Government's *Children and Young People (Scotland) Bill (2013)* provides a comprehensive framework that consolidates children's services and rights, ensuring that children's best interests are

consistently prioritised. The Commissioner suggests such an approach could embeds the rights of children and young people across the public sector, facilitating a more effective and contextualised enactment of the CRC. The excerpt is useful in casting light on improvements that can be made to legislation that aid frontline enactment; in the case of the SSWBA (2014), the government could have considered adopting a similar dedicated framework (to Scotland) that explicitly prioritises children's rights and best interests, in a single piece of legislation, ensuring that all subsequent legislative changes affecting public services are accompanied by supporting text that demonstrates compliance with the CRC. This would enhance the accountability and effectiveness of public services in fulfilling their duties under the CRC. I will return to the idea of a single public sector duty later in this chapter.

Linking to the point above regarding child-centredness, EI4 also provides a critical perspective on the SSWBA (2014)

I think the Social Services and Well-being Act, I suppose I see as a real missed opportunity. All the Social Services and Well-being Act did was bring in a couple of new things that affected children and roll over the bits from the Children Act... The Social Services and Well-being Act was about adults, wasn't about children. We didn't gain anything for children.

EI4

This quote supports the Children's Commissioner's critique by highlighting the Act's failure to adequately address children's rights and needs. EI4 views the SSWBA (2014) as primarily focused on adults, with minimal enhancements for children, aligning with the Commissioner's concern that the unified approach undermines the distinct rights of children. By merely incorporating elements from the Children Act (2004) without substantial improvements, the SSWBA (2014) falls short of providing a dedicated framework for children's rights. It is essential for ensuring their best interests are consistently prioritised, underscoring the perceived necessity for a specialised legislative approach, as advocated by the Commissioner, to effectively protect and promote children's rights within social care services.

The Health and Social Care (HSC) Committee, responsible for scrutiny at Stage 1 did not agree with the position of the Commissioner. Table.6.4 outlines the response from the Committee, their recommendation and response from the lead Member.

Response from scrutiny committee	Recommendation made in Stage 1 report	Response by Lead Member
We have carefully considered the Children's Commissioner for Wales's claim that the Bill contravenes the UNCRC and undermines the paramountcy principle under Article 3. We note his concerns that this is contrary to the best interests of children in Wales, but we do not agree with his interpretation. We also note the distinction the Deputy Minister makes regarding the application of the paramountcy principle by the Courts and by Local Authorities and her view that there is no risk to the rights of the child arising from this Bill. We are not convinced by this interpretation of the matter.	Recommendation 42: We recommend that the Deputy Minister makes a statement, prior to the end of stage 2, on how the scheme of legislation accompanying this Bill will include regulations and codes of practice will promote and protect the underpinning principle of the best interest of the child throughout the Bill.	I will be making a Written Statement on an annual basis about Children's Social Care with the first statement being made in the Autumn. I will ensure that the issues the Committee raises are included within these forthcoming statements.

Table 6.4 HSC Committee responses at Stage 1: SSWBA (2014)

The differing interpretations of the Commissioner and the HSC Committee regarding the SSWBA (2014) highlight a fundamental debate on the best approach to interpreting and enacting children's rights. The government's commitment to the CRC can be inferred from its acknowledgment of the concerns raised by the Commissioner and the Committee, indicating a willingness to consider and address issues related to children's rights. The commitment to make annual statements on children's social care suggests an ongoing effort to monitor and address the impact

of the SSWBA (2014) on children's rights. Additionally, the inclusion of regulations and codes of practice to promote and protect the best interests of the child demonstrates an attempt to align the Bill with the principles of the CRC. However, the government's refusal to adopt the Commissioner's interpretation and the lack of a dedicated framework for children's rights in the SSWBA (2014) may indicate a less robust commitment to the CRC compared to other approaches, such as the Scottish Government's Children and Young People Bill (2013), which provides a comprehensive framework for children's services and rights. While the government's actions show a degree of commitment to the CRC, the HSC Committee's response and the subsequent recommendations highlight areas where this commitment could be strengthened. Adopting a more dedicated framework for children's rights, like the Scottish approach, could enhance the accountability and effectiveness of public services in fulfilling their duties under the CRC. This analysis underscores the importance of scrutinising legislative change to ensure effective contextualisation and enactment of the CRC, suggesting that adopting a more specialised approach could enhance the accountability and effectiveness of public services in fulfilling their duties under the CRC.

An amendment was motioned to insert due regard to the CRC in the latest stages of plenary (Stage 4). This was agreed without objection. Significantly, a motion to include a due regard to the *UN Principles on the Rights of Older Persons* (UN, 1991) (also motioned by Darren Miller AM) was agreed a whole stage earlier, suggesting that the inclusion of children's rights was somewhat of an afterthought. Gwenda Thomas AM, in response to the CRC amendments states:

I would like to thank Darren Millar for bringing forward these amendments. I am pleased that, following the inclusion of the United Nations Principles for Older Persons at Stage 3, Darren Millar has sought to balance the provision by including a reference to the United Nations Convention on the Rights of the Child. This clearly shows that he shares my belief that this is a people's Bill and one in which people's rights are at the core. As Members may have already deduced, I am delighted to support these amendments, especially given that I had the privilege to be the Deputy Minister who brought forward the Rights of Children and Young Persons (Wales) Measure (2011).

NAFW, 2013

It is interesting here to note the reference to a belief system where rights are at the core of the Bill, despite early calls from the CCfW (and NGOs – see next section) and the motion being neither tabled nor agreed until the final stage of passing. This potentially provides substance to EI4's concerns that the Bill was first and foremost an all-age Bill, largely focussed on adult's need and to the Commissioner's concerns that that the Act could dilute the priority given to children's rights. If this were not the case, then perhaps the inclusion of due regard to the CRC would have been included early in the process, or at least simultaneous to the amendment relating to the rights of older persons.

Although the CCfW did not directly influence the outcome of the SSWBA (2014), their contribution was significant in several ways. Their critique highlighted the potential risks of an all-age legislative approach, emphasising the need for dedicated frameworks that prioritise children's rights. This scrutiny cast light on the challenges of ensuring that children's unique needs are met and opened the door to wider debates on the necessity of a single, unified public sector duty for children's rights. By drawing comparisons with the Scottish Government's Children and Young People Bill, the CCfW underscored the importance of embedding children's rights across the public sector in a comprehensive and specialised manner. This comparison provided a valuable perspective on how legislation can be structured to better realise the rights of children. While it was not the CCfW's position that altered the immediate legislative outcome, their contribution to securing due regard in the SSWBA (2014) paved the way for future children's legislation and future commissioners' ability to scrutinise

Government's efforts to provide children's rights mandates that aide consistent and effective enactment of the Measure (2011) and CRC in social care and education.

6.2.4 ALN (2018) and Curriculum (2018) Act Development

In contrast to the SSWBA (2014), there is a clear argument for due regard and clear record of influence of the CCfW in shaping the recommendations made by committee to include due regard on the face of each Bill. To examine the influence of the Commissioner particularly at stage 1, Table 6.5 summarises Ministerial and Committee responses to the CCfW for each Act:

Act	Essence of Challenge from CCfW	Ministerial Response	Scrutiny Committee Response
ALN Act	Emphasised the need for incorporating children's rights to avoid extensive amendments.	Highlighted the broad and enduring nature of the legislation, avoiding detailed amendments.	Acknowledged the general duty on Welsh Ministers but noted the lack of specific duties on practitioners.
Curriculum Act	Stressed the importance of due regard for children's rights at the school level.	Argued that general duties would not guarantee improved outcomes and could be counterproductive.	Agreed with the need for explicit duties to ensure children's rights are central to decision-making.

Table 6.5 Committee and Ministerial Response to CCfW

The evidence presented by the CCfW underscores the critical need for explicit duties to uphold children's rights within legislative frameworks.

On the ALN Act (2018), the CCfW argued that incorporating a general duty of due regard to children's rights within the Act would prevent the need for numerous amendments, stating 'there is probably no greater opportunity for further incorporation to further Welsh Government's duties than in this piece of legislation.' (NAFW, 2017). This highlights the significance of the ALN Act (2018) as a vehicle for embedding children's rights comprehensively.

Ministerial responses, however, emphasised the broad and enduring nature of the legislation. Alun Davies, Minister for Education and Welsh Language, noted:

Once it was on the face of one piece of legislation [The Measure], putting an enduring duty on Ministers and the delivery of public services, we will not have to go through this process of slavishly placing the same duty into every piece of legislation subsequent to it..we wanted to move away from that box-ticking exercise and have a piece of legislation that was broad, all-encompassing and enduring.

Alun Davies, Labour, NAFW, 2017

The Minister acknowledges that the duty established in the Measure (2011) is effective in creating a long-lasting, holistic obligation to uphold the CRC, suggesting that this comprehensive approach negates the need for repetitive, individual duties in subsequent legislation. This raises critical questions about the rationale behind accepting fragmented, inconsistent duties across various public sectors, rather than adopting a unified, enduring duty that could ensure consistent application of children's rights across public sector services. The Scrutiny Committee acknowledged the Minister's view but pointed out 'reflecting the relevant articles of the UNCRC in the Bill's provisions is not the same as placing a duty on those working in the area.' (CCfW response, NAFW, 2017). This distinction is crucial as it underscores the need for specific duties to ensure that children's rights are actively considered in decision-making processes. The Committee and CCfW 's critique of 'slavishly placing the same duty into every piece of legislation' (ibid) and the desire to move away from a 'box-ticking exercise' (ibid) underscore the need for a more integrated and effective legislative strategy; an approach that could ensure children's rights are consistently prioritised, avoiding the pitfalls of piecemeal obligations that may lead to variability and gaps in enactment.

In the context of the Curriculum Act (2021), the CCfW stressed the importance of due regard for children's rights at the school level. The Commissioner argued, 'children's rights should not be left to chance in this way' (ibid), highlighting the potential variability in how rights are upheld across different schools (UN Committee 2023; UN Committee 2016):

Due regard to the UNCRC should not and does not start and end with Ministerial functions...That duty [due regard] is placed only on Ministers—it's not placed on local authorities, it's not placed on headteachers, it's not placed on governing bodies. And we're looking now at a curriculum that I think quite rightly gives more autonomy to schools and governing bodies and local authorities. It's beyond the scope of the Measure to ensure that children's rights are central to the decision making of headteachers and governing bodies.

CCfW response, NAFW, 2017

Ministerial responses to the Commissioner were cautious, with Kirsty Williams, Minister for Education, stating, 'a general due regard duty on persons or bodies exercising functions under the Bill would not in itself lead to improved outcomes for children and young people' (William's response, NAFW, 2017). This response reflects concerns that general duties might not translate into tangible benefits and could even be counterproductive. The Scrutiny Committee, however, agreed with the need for explicit duties, noting 'the omission [of a duty to pay due regard] is a glaring and significant gap in the Bill' (NAFW, 2017). This agreement with the CCfW's position indicates a recognition of the importance of specific duties to ensure consistent application of children's rights. Returning to the complex interplay between state party and individual obligation and the evidenced arguments for the need for consistent application of duty on practitioners who work affects the lives of children, despite the opposing arguments, in both cases the scrutiny Committee agreed with the arguments of the Commissioner, significantly differentiating the impact that a duty on the face of a Bill has in placing the CRC at the forefronts of the minds of practitioners reinforcing the Convention, in ways that Bills without such duties do not. That is, the inclusion of explicit duties in legislation significantly influences the enactment of the CRC by those working in education (and social care). Such duties ensure that children's rights are consistently considered, reducing the likelihood of rights being overlooked.

The influence of the CCfW is evident in both the ALN and Curriculum Acts. The Commissioner used the precedent of CRC duties within the SSWBA (2014) to advocate for similar provisions in the ALN and Curriculum Acts, calling it 'incongruous for such a duty to apply to one group of professionals and not to another' (NAFW, 2017). Their advocacy and resulting influence on recommendations

made by scrutiny at Stage 1 are tangible, in setting in motion the inclusion of children's rights duties in education, in Bills that, again, as introduced, included no reference to the CRC on their face.

6.2.5 The Influence and Advocacy of wider NGOs

Not dissimilar to the objections of the CCfW, at Stage 1 of each legislative process discussed so far, the knowledgeable and sensitised NGO sector (Williams, 2012) provided a collective voice in the advocacy of mandatory children's rights duties on the face of legislation affecting children. Table 6.6 provides an overview of calls from NGOs to strengthen duties relating to children's rights. For succinctness, I outline one example from each public consultation that typifies responses:

Name of Act	NGO	Example NGO Response
SSWBA	NSPCC	“The provisions of this Bill should have been examined against the UNCRC as it underpins and is the primary legal duty placed on Welsh Government by the Rights of Children and Young Persons Measure. However, this Bill does not set out strong children's rights in its analysis and should be amended to ensure that rights are better embedded and more clearly reflected in the Bill if children's rights to protection are to be fully realised within the child protection system. We cannot recommend that the 'due regard' to the UNCRC analysis form should be an annex to this Bill”.
ALN Act	UNCRC Monitoring Group	“We can see no reason why a duty of due regard to the UNCRC and the UNCRPD is not explicit on the face of this Bill but believe that it would be better included here in order to help deliver its principles and aims for children with additional learning needs”.
Curriculum Act	EHRC	“We recommend that persons exercising functions under this legislation be subject to such a duty with respect, rather than 'pay due regard' to, the UNCRC... the omission of such a duty represents a risk that human rights may not be considered across implementation in an adequate manner”.

Table 6.6 Summary of NGO Responses in each Act

In each case, NGOs have acted as intermediaries between the Government and the public, articulating public concerns and advocating for policy changes. The NSPCC critiqued the SSWBA (2014) for not adequately embedding children's rights, recommending revisions to better reflect the CRC (NAfW, 2013). This advocacy led to increased scrutiny of the Bill, ensuring that children's rights were better embedded and clearer in the legislation. The *UNCRC Monitoring Group* was instrumental in advocating for the explicit inclusion of a duty of due regard to the CRC in the ALN Act (2018), providing specialised expertise and pushing for stronger legislative language to ensure children's rights were upheld and more likely effectively enacted by public services (NAfW, 2017). The EHRC recommended that persons exercising functions under the Curriculum Act should be required to 'act in accordance with' the CRC, rather than merely 'pay due regard to' it, renegotiating the social contract between the state and society by advocating for the rights and needs of marginalised groups (Senedd, 2020). The EHRC's advocacy emphasised the risk that children's rights might not be considered across the enactment of the Bill, leading to legislative amendments that strengthened the language of the Act to ensure human rights, including children's rights, were a central consideration in the curriculum.

While we will observe in the next part, this was faced with objection in all instances, the powerful combination of influence by the CCfW and NGO Sector, resulted in the production of formal recommendations, published in each Stage 1 Committee report for scrutiny by Assembly/Senedd in Plenary. Table 6.7 summarises the recommendations:

Name of Act	Recommendation in Stage 1 Committee Report
SSWBA	Recommendation 42: We recommend that the Deputy Minister makes a statement, prior to the end of stage 2, on how the scheme of legislation accompanying this Bill will include regulations and codes of practice will promote and protect the underpinning principle of the best interest of the child throughout the Bill.
ALN Act	Recommendation 31: The Bill should be amended to include a specific duty on relevant bodies to have due regard to the UN Convention on the Rights of the Child.
Curriculum Act	Recommendation 12: That the Welsh Government consider how it can ensure that the place of human rights, including children's rights, is secure in the long term within the Curriculum for Wales. Recommendation 13: That the Welsh Government amend the Bill to include, on its face, a duty to have due regard to the UN Convention on the Rights of the Child (UNCRC). Given their respective roles in relation to the Curriculum for Wales, this duty should be placed on all persons listed in section 66(3) of the Bill when exercising any of their functions conferred by or under the Bill.

Table 6.7 Stage 1 Committee Responses to each Act

In each recommendation we can see, combined with the chronological analysis observed so far in this chapter, the clear influence of the oral and written evidence provided by the CCfW and NGOs on the final recommendations made at scrutiny. The table above also demonstrates the willingness and strength of those committees to listen to that evidence and reflect it in their findings to Senedd. This influence of relationship with scrutiny is important and one highlighted by EI2:

In the consultations on the Acts, during the scrutiny by the committee, the committee were universally supportive, as far as I'm aware, which really helped. Having a very strong chair on the committees, with a very strong commitment to children's rights, really helped with that. There was a lot of lobbying from us and from third sector organisations also and the work we did with the Committees set about the amends later on. Definitely.

EI2

The significance of Stage 1 engagement and scrutiny was instrumental in initiating changes that ultimately led to the inclusion of a due regard duty in the ALN and Curriculum Acts. This process was similarly crucial in the development of the Measure (2011) (see Chapter 5). In every instance, the collective power and influence of the CCfW, the NGO sector and a strong committee that values children's rights were decisive in shaping the mandate of duties on public services. This collective effort has been pivotal in shaping the children's rights landscape in Wales. This highlights the need for further encouragement and support for civil servants to strengthen the contextualisation of children's rights for the intended policy actions and to brief Ministers accordingly, from the outset of policy and legislation development. This should be based on the legislation and the values position set by the Senedd since the inception of Welsh Devolution.

6.2.6 Introduction of CRC Duties at a late stage.

Each Bill that places specific duties to the CRC on public services, i.e., the SSWBA (2014), The ALN Act (2018) and The Curriculum Act (2021), has done so because of a motion to amend the Bill, usually as late as stage 3. In the case of the SSWBA (2014), this happened in its final stage. In fact, the motion to include a due regard duty on the face of the SSWBA (2014) was agreed on the same day as the final text of the Bill was passed. Despite the influential advocacy of the CCfW and NGO sector and clear recommendations made by Committee for the incorporation of CRC duties, in both the case of the of the ALN (2018) and Curriculum (2021) Acts, these recommendations were rejected by the lead Minister. Table 6.8 outlines the process of contest and rejection between Ministers for the inclusion of CRC duties on the face of the ALN Act (2018):

Stage	Amendment	Intended Purpose
Stage 1	Recommendation to include a duty to pay due regard to the CRC	Rejected by lead minister
Stage 2	Motion to include a duty to pay due regard to the CRC	Rejected by lead minister
Stage 3	Motion to include a duty to pay due regard to the CRC	Accepted by lead minister

Table 6.8 Motions to Amend ALN Act (2018)

As can be seen in Table 6.8 above, the process of including duties related to the CRC in this Act (2018) was marked by significant opposition and debate within the National Assembly. Recommendations/motions to include CRC duties were twice rejected by the lead minister for reasons typified below:

I am not convinced by the arguments put forward during Stage 1 scrutiny on this matter. The Bill is based upon children's rights... a child's right to education, ensuring those with different needs have access to education and that children and young people not only have a voice, but are at the very centre of the process to assess and meet their needs. Members will be aware that all UN conventions are written to apply to states and not to individuals or practitioners. It is not the purpose of any UN convention to be applied in the way that is being suggested and it is not the intention of this Government to do so.

Alun Davies, Labour, NAW, 2017

The role of Senedd members and their ideological positions and value of children's rights becomes crucial in advocating for the inclusion of CRC duties. Utilising the formal recommendations of Committee in plenary debates to motion amendments, Members were able to emphasise the importance of embedding Wales's commitment to children's rights into legislation:

The Committee very much welcomes the emphasis in the Bill on placing the interests of the child or young person centre stage and believes that using a model of person-centred planning is the right approach. However, we believe it would be a missed opportunity not to embed Wales's overarching commitment to children's rights on the face of the Bill and we recommend the inclusion of an overarching duty of due regard to the UNCRC.

Lynne Neagle, Labour, NAW: *ibid*

Lynne Neagle was Chair of the CYPE Scrutiny Committee that recommended inclusion of due regard to CRC duties at Stage 1. During the plenary debate, the AM was able to effectively integrate the Stage 1 Committee recommendations into her arguments. She emphasised the importance of the Committee's findings and recommendations, highlighting the need for a dedicated CRC duties to ensure that children's rights are upheld within the framework of the ALN Act. The excerpt above reflects a strong commitment to children's rights, advocating for a person-centred approach, placing the interests of children and young people at the forefront of policymaking. Her ideological position underscores the necessity of a comprehensive approach to children's rights, ensuring that legislation explicitly reflects Wales's dedication. Her arguments were grounded in the Committee's thorough scrutiny and the evidence gathered during Stage 1, making a compelling case for the CRC's role in safeguarding children's rights and ensuring equitable access to education and support services.

Similarly, Darran Miller AM highlighted the precedent set by previous legislation and urged the Minister to reconsider:

In respect of the UN Convention on the Rights of the Child, it's very clear that a precedent has been set in the National Assembly in the past and by the Welsh Government, in accepting amendments to legislation, including the social services and well-being Act, that have put on the face of that Act references to UN conventions, including the convention on the rights of the child...So, I cannot accept, Minister, your rejection of our suggestion that they ought to be on the face of the Bill and that there ought to be due regard from all of those organisations that will have duties in the future under this new additional learning needs legislation.

Darren Millar, Conservative, NAFW: *ibid*

This statement underscores the importance of legislative precedents and consistency in upholding children's rights. He highlights the significance of referencing UN conventions in legislation to ensure adequate protection of these rights. Millar values consistency and the maintenance of legislative standards, arguing that previous actions by the National Assembly for Wales and Welsh Government set a precedent that should be followed. His ideological position suggests that rejecting the inclusion of references to UN conventions undermines the

established commitment to children's rights, advocating for a consistent approach across all relevant legislation.

The persistence of Assembly/Senedd members and advocates eventually led to the inclusion of CRC duties in the ALN Act (2018) at Stage 3. The inclusion of CRC duties in the ALN Act (2018) was heavily influenced by the ideological positions and campaigns/commitments of political actors. The success of the duties reaching the face of legislation depended on the persistence of advocates and the willingness of Ministers to pursue their values and beliefs at plenary, in the face of objection. The case of the Curriculum Act (2021) was no different. Reinforcing the idea of a battle on each occasion, the process of including CRC duties in this Act were again marked by significant opposition and debate within the Senedd. Twice, motions to pay due regard to the CRC were rejected and ultimately a compromise was made resulting in a duty that further exacerbates the inconsistency of mandate placed upon public services by promoting knowledge and understanding of the CRC (s64, 2021) distinct from due regard.

Objections within the Curriculum Act (2021) development to the inclusion of CRC duties, are expressed by Kirsty Williams, Minister for Education during the plenary debate:

I will not be accepting the amendments... that [UNCRC] is aimed at States and it is not aimed at front-line service providers. Through this Bill, headteachers and governing bodies of schools will be obliged to design, adopt and implement a curriculum that includes learning on children's rights and the UNCRC. The proposed curriculum provides clear guidance on human rights learning and education, including an explicit reference to children's rights and the UNCRC. It is specific and practical duties, however, on public bodies that will result in improved outcomes.

Kirsty Williams, LibDem, Senedd, 2021

Analysis of the quote reveals key takeaways. Firstly, the debate and complexity of state vs duty bearer responsibility continues to affect Government's enactment of the CRC and its contextualisation in legislation. Her viewpoint that the responsibility of headteachers and governing bodies to design and implement a curriculum that includes the CRC, underscores the importance of educational leadership in human rights education, suggesting and undermining her argument of the enactment of the

CRC being the responsibility of the State (Gouëdard et al., 2020; Sorsogon, n.d.). Secondly, the necessity of specific and practical duties for public bodies opens a discussion about whether clear, actionable guidelines to achieve improved outcomes, is more useful to ensuring effective frontline enactment (Gouëdard et al., 2020). These points collectively emphasise the significance of state-level focus, duties whether they be practical or other to support effective educational leadership and comprehensive human rights education in effectively enacting children's rights at the frontline level.

As before, Members of the Senedd played crucial roles in advocating for the inclusion of CRC duties on the face of the Curriculum Act. Again Lynne Neagle, a member of the 2021 CYPE Scrutiny Committee of the Curriculum Act (2021) at Stage 1, Darren Millar and Llyr Gruffydd vocalised their opposition to the lead Minister's objection, which for a second time was rejected, on the basis that:

The UNCRC and the UNCRPD are aimed at states. Accordingly, it is for the Government to ensure compliance through their laws, administrative actions and other appropriate measures. That's an important principle and this convention is not targeted at front-line providers of service.

Kirsty Williams, Senedd, 2021

While the Minister did not move on the bureaucratic burden of due regard duties or State obligations, they eventually motioned an amendment to promote knowledge and understanding of UN Conventions. This amendment was agreed upon and passed, though not without contest. Darren Millar argued that schools and further education colleges are already well-positioned to fulfil their duties regarding the Convention:

Schools are already familiar with the rights-based agenda... with more than sufficient capacity to ensure their duties to have due regard to the UN Conventions... So why shouldn't we expect teachers and others delivering functions under this Act to do so likewise?

Darren Millar, Conservative, Senedd, 2021

Millar's remarks challenge the notion that such responsibilities should rest solely with the State. He underscores the existing expectations placed on social workers under the SSWBA (2014), suggesting that similar duties can and should be extended to educators and governing bodies. His argument is rooted in the practical experience of these institutions in navigating complex legislation and fulfilling obligations.

In contrast, Member of the Senedd, Suzy Davies, expressed frustration at the persistent resistance to strengthening due regard duties through legislation:

The Measure is 10 years old and needs a refresh... amendments like this will come back time after time... Reinforcement in primary legislation is a strong message about what public bodies need to be doing—even if they are not obliged to.

Suzy Davies, Conservative, Senedd, 2021

Davies' comments reflect a broader dissatisfaction with the current legislative framework, which she views as outdated and insufficient for ensuring the consistent application of children's rights. They point out that without a new, consolidated law on UN rights, amendments will continue to be necessary, reflecting the ongoing struggle to embed children's rights within public policy effectively. Her emphasis on primary legislation highlights the symbolic and practical importance of embedding these duties more firmly within law.

For EI2, the passage of the amendment represented a strategic compromise that balanced idealism with pragmatism:

Do I be purist about this or get something that would make a positive change... agreeing the compromise meant we could support learning and training... so we agreed.

EI2

This perspective illustrates a calculated decision to prioritise actionable change over legislative perfection. By accepting a compromise, the Commissioner's office aimed to promptly initiate supportive measures—such as training and messaging—to ensure effective interpretation and enactment of the CRC, ultimately leading to positive outcomes for children.

So far, Chapter 6 has explored the main challenges and debates around putting children's rights into practice in Wales. While indirect incorporation has helped raise awareness and support advocacy, many areas still fall short in giving children's rights proper attention. The SSWBA (2014), ALN Act (2018) and Curriculum Act (2021) have helped embed the CRC into policy but have predominantly come about thanks to strong advocacy from the CCfW, NGOs and a few key politicians—often in the face of political resistance.

The way rights are applied varies across services, creating an uneven and inconsistent picture. Elite interviewees attribute this inconsistency to the lack of a single, unified law requiring all sectors to give due regard to the CRC. A key debate is whether responsibility for upholding the CRC should lie only with the State or also with individual professionals and services. While the State is the main duty bearer, many agree that frontline workers play a vital role in making rights real for children.

According to interviewees, the solution lies in stronger legislation—both to expand due regard duties to more public bodies and to directly incorporate the CRC into Welsh law. Nearly all participants called for both steps, to ensure children's rights are fully protected and enforceable.

6.3 A Single, Unifying Public Sector Duty

Members, Committees and stakeholders have relied on the due regard duty as a lever in the foundation of their arguments to further guarantee the Convention in practice. We have observed the opinion of experts in the field that mandated due regard duties included within statutory frameworks through secondary legislation, are the 'type' of policy that often affects change on the ground (Ball, Maguire and Braun, 2012: 43-71). At a time where Scotland has successfully fully incorporated the CRC into Law, it is natural that participants drew comparisons between the two nations. Scotland's legislative application of duty upon relevant public authorities as well as Ministers was a significant point of interest, but not perhaps from the perspective I might have first expected. For example, getting due regard 'right' appeared equally as important as direct incorporation for some participants.

To put this viewpoint in perspective, EI1 explains the divergence in approach between Scottish and Welsh Government: an area they consider Welsh policy making to be of advantage:

One of the disadvantages of the Scottish legislation is it doesn't... recognise... the need to avoid enforcement through courts... it's far better to ensure that policy is developed fully taking account of children's rights... serious consideration should be given to retaining due regard, because when it works... it should make the difference to the lives of children.

‘ EI1

This point being made to utilise due regard as a preventative measure to legal enforcement of rights has become a central theme. While there are clear calls for direct incorporation of the CRC into Welsh law (see next section), this is not necessarily the first and preferred option. According to EI1, the decision of National Assembly for Wales in 2011 to enact the CRC through a due regard approach, as opposed to full incorporation, was inherently driven by this notion, at least in respect of Ministerial obligation:

the desire to ensure children's rights were taken account of... to avoid... court-based support for enforcement... children face numerous hurdles... and if... compelled to enforce this legal course... 'that would... be a failure in policy.

EI1

It is well known that children face numerous hurdles in enforcing their rights through court (Williams, 2012) and if children or their advocates felt compelled to enforce this legal course of action, that would be a failure in policy. Therefore, the desire, according to meso-level interpreters in this study, who were involved in the development of the Measure (2011), was for an approach that considered the CRC, ensuring children's rights were given effect in policy so as to 'minimise the need to enforce children's rights through the courts' (EI1, EI2, EI4, EI5). In addition to the breadth of NGOs calls observed in the legislative processes of the SSWBA (2014), the ALN Act (2018) and the Curriculum Act (2021) observed in previous sections, several calls for Welsh Government to extend its due regard duty to public bodies

were made during interviewing. The following reflections from Elite Interviewees illustrate several key themes related to the understanding and enactment of children's rights within the public sector in Wales.

One of the most pressing issues is the limited and often superficial understanding of children's rights across various sectors. This is emphasised by EI2, who stated:

There is a shallow understanding of children's rights in some sectors...in many sectors people think it's about children's voice only and that's not what the Convention says. So, I think a public sector duty would help to raise awareness and acceptance of children's rights and create a more supportive environment for legislation.

EI2

This quote highlights a common misconception that equates children's rights solely with participation or voice, thereby neglecting the broader and more comprehensive framework established by the CRC. Such a narrow interpretation can significantly hinder the effective enactment of rights-based approaches, as it fails to account for the full range of entitlements and protections children are owed. EI2's suggestion that a public sector duty could address this gap points to the potential of legislative mechanisms to foster a more informed and supportive environment for children's rights.

The second contribution from EI2, previously cited in *Section 6.1: Expectations from Broader Policy*, addresses the discrepancy between the rhetoric of the CRC and the actual realisation of children's rights in practice, remaining relevant here:

We know that there is an implementation gap between the rhetoric of the UNCRC and the reality of children's rights in children's lives. We wanted it [a due regard duty] because we'd seen so many breaches of children's rights in schools...a duty on public services needed to be underpinned in primary legislation, because a different government perhaps with a different colour might decide that children's rights were all woke nonsense and children weren't to be taught them anymore.

EI2

Their observation that there are ‘frequent breaches of children’s rights’ and that ‘there’s a gap between the rhetoric of the CRC and the reality in children’s lives’ underscores the persistent disconnect between policy commitments and lived experiences. This reinforces the argument for embedding CRC obligations in primary legislation to ensure that children’s rights are not subject to the shifting priorities of political administrations. As discussed in earlier chapters, political ideology and leadership transitions can significantly influence the prioritisation of children’s rights. A statutory duty could provide a stabilising force, ensuring continuity and consistency in rights-based governance.

The importance of translating principles into practice was also emphasised by EI4, who reflected on the Welsh Government’s commitment to the ‘due regard’ principle:

The Welsh Government is very proud of the due regard principle, but it has to mean something. It has to be reflected in tangible actions that impact on people’s lives.

EI4

EI4’s emphasis on the ‘due regard’ principle being reflected in tangible actions that impact people’s lives highlights the role of legislation in bridging the gap between policy and practice, ensuring that children’s rights are not only recognised but actively enacted. While symbolic commitments are important, their value is ultimately determined by their impact on policy and service delivery. EI4’s comment suggests that without concrete actions, the principle of due regard risks becoming a rhetorical device rather than a driver of meaningful change.

Finally, EI5 highlighted the importance of sustained effort and investment in building on existing progress:

We’ve done some good work in the past, but it needs to be built on. That takes time, effort and resources. A duty could help to ensure that children’s rights remain a priority.

EI5

This perspective reinforces the need for long-term commitment and resource allocation to embed children’s rights within public sector practice. A statutory duty

could serve as a mechanism to maintain momentum and ensure that children's rights remain central to public service agendas, even amid competing priorities.

Together, these reflections suggest that a single, unifying public sector duty could significantly enhance the ability of public services to understand, interpret and contextualise their responsibilities under the CRC. By establishing a clear and consistent framework, such a duty would reduce ambiguity, promote alignment across sectors and support the realisation of the principal aims of the Measure (2011) in Wales. Ultimately, it would help bridge the gap between the rhetoric of the CRC and the reality of children's lives, ensuring that rights are not only recognised but actively upheld.

6.4 Full and Direct Incorporation of the CRC

Participants emphasised the significant benefits that direct incorporation of the CRC could offer in protecting and promoting children's rights, particularly in instances where government ministers fail to comply.

EI1 highlighted the importance of direct incorporation in creating a stronger legal foundation:

Due regard is an important element to aid incorporation but still puts the onus on public bodies to enact their duties. Because there are still areas where children's rights are not given sufficient consideration, where ministers may be seen as acting in ways which are not fully compliant with children's rights, it may be that a move toward direct incorporation where the CRC becomes directly enforceable by law is necessary to hold Ministers and the Welsh Government to account in court... My view is in Wales we should take an approach which both embraces due regard and then as a fallback enables children to enforce their rights directly. I feel that in relation to all incorporation, not just children's rights.

EI1

EI1's statement underscores the limitations of the 'due regard' approach, which relies heavily on public bodies' discretion. By advocating for direct incorporation, EI1 suggests that a legally enforceable CRC would provide a more reliable mechanism for holding government officials accountable, thus ensuring that children's rights are consistently upheld.

EI2 discussed the ongoing struggles with the government to ensure consistent application of children's rights:

I think the benefits of incorporation would be to have, you know, several factors. One would be that we wouldn't have to have our battle and an argument with legislators. Usually, it's the government who brings forward legislation and we would have to have a battle with them in every one that concerns children to have some form of due regard or other form of incorporation of children's rights into that piece of legislation. I am increasingly convinced incorporation and enforceability would go some way to addressing that.

EI2

EI2's remarks reveal the adversarial nature of advocating for children's rights within the legislative process. The frequent 'battles' with legislators highlight the inefficiencies and inconsistencies in the current system. Direct incorporation, according to EI2, would streamline this process, reducing the need for constant advocacy and ensuring that children's rights are automatically considered in all relevant legislation. EI2 also pointed out the direct benefits of incorporation for those most impacted:

I think the advantages of that [direct incorporation as proposed in Scotland] are that there will be the opportunity for children to enforce their rights. And what we're finding in Wales increasingly through our work is that there is a desire for mechanisms by which children can enforce their rights in Wales when there is no other option.

EI2

This statement emphasises the practical implications of direct incorporation. By making children's rights directly enforceable in Welsh courts, individuals would have a clear legal pathway to seek remedies in cases of rights violations. This approach not only empowers children but also addresses the systemic issues that lead to rights violations.

Finally, EI5 discussed how incorporation could improve the awareness and practices of professionals working with children:

I think it [incorporation] would give a much stronger emphasis on all public sector services and workers. It would have much more emphasis for them on incorporating children's rights into everything, all their decision making and again would go some way to prevent inconsistency into how the Convention, in its entirety, is applied in practice... we would still need toolkits, because it could just sit in a piece of legislation and not make much difference except for in some legal challenges, etc. So, we would need these anyway. But perhaps we especially need to give people a framework because there isn't a very strong legal framework in several aspects of children's lives, there needs to be.

EI5

EI5's insights highlight the potential for direct incorporation to standardise and improve the application of children's rights across various public sectors. By embedding these rights into all decision-making processes, professionals would be better equipped to uphold the CRC consistently. However, EI5 also acknowledges the need for practical tools and frameworks to support this legal foundation, ensuring that the incorporation translates into meaningful change on the ground.

The analysis of elite interviewees' statements reveals a strong consensus on the benefits of full and direct incorporation of the CRC. Such incorporation would not only strengthen the legal framework for children's rights but also reduce legislative conflicts, empower affected individuals and enhance professional practices. These findings underscore the importance of moving towards a more robust and enforceable system for protecting children's rights.

6.5 Frameworks

To end this chapter, I will briefly draw on, where in the absence of guidance from Welsh Government, meso-level interpreters have worked together to develop frameworks that support public services. According to elite interviewees, in the absence of comprehensive guidance from the Welsh Government, meso-level interpreters such as the CCfW and various academic institutions have played a pivotal role in developing frameworks, guidance and initiatives to embed children's rights into practice. EI2, a former Commissioner notes the development of a

principled approach to children's rights, *The Right Way* (CCfW, 2016), the framework which will underpin this section¹⁰:

We worked with Swansea University colleagues to develop a framework... it was designed to be versatile and applicable across various sectors, ensuring that children's rights are considered in all aspects of public service...and you know, I think those five principles are the best five principles and I think that actually it's proven to work really well across different sectors.

EI2

Developed in partnership between CCfW and Swansea Observatory on Human Rights and Social Justice, *The Right Way* (TRW) (CCfW, 2016) is designed to help public bodies integrate children's rights into every aspect of decision-making, policy and practice (CCfW, 2016)¹¹. EI2 claims the framework is designed to ensure that children's rights are consistently considered in all aspects of public service. The framework's adaptability is a key strength, allowing it to be integrated into diverse fields such as education, health and social services (see footnote below). The framework is underpinned by five principles, which are highlighted as the most effective for embedding children's rights. These principles have been tested and proven to work well across different sectors, demonstrating the framework's robustness and effectiveness (*Ambition to Action*, CCfW, 2021). By providing a clear set of principles, the framework offers a structured approach that can be adapted to

¹⁰ This framework is utilised here for three reasons: 1) it is a specific framework raised by elite interviewees; 2) it is a framework endorsed by Government as the basis for their own arrangement to enact the Measure (through their Children's Rights Scheme (WG, 2021) and 3) academic recommendations relating to it as an enactment of the Measure in supporting public services exist, i.e., recommendations made in Hoffman et. al's independent report for the Welsh Government, (2021) and Crick and Knight's (2022) study of inclusive education in Wales.

¹¹ 'The Right Way' (TRW) refers to a series of guidance documents published by the Children's Commissioner for Wales that promote a principled and practical framework for embedding children's rights into public services, based on the UN Convention on the Rights of the Child. When I refer to 'TRW,' I mean the collective range of supporting guides published under this title, which include: *The Right Way: A Children's Rights Approach to Social Care* (2017); *The Right Way to Education* (2ed 2021); *The Right Way to Social Care* (2017); *The Right Way to Additional Learning Needs* (2022) and *The Right Way to Tackling Poverty* (2025). These guides are intended to support public bodies in Wales in integrating children's rights into decision-making, policy and practice.

various contexts. This adaptability is crucial, as it allows different sectors to integrate children's rights into their specific practices and policies. According to Fairhall and Woods (2021), the comprehensive nature of the CRC, despite its complexity, provides a robust foundation for rights-based policy creation. The Right Way framework, in the view of EI2, leverages this comprehensiveness, making it accessible and practical for practitioners.

EI1, a human rights academic, speaks further on the approach as addressing children's rights as a phrase in need of definition (Clinton, 1973):

Each principle is justified on the basis of research into human rights and what needs to be done to give effect and better realise rights... we've backed each principle up with some practical examples... this is a principle which we think will help you... and here are some concrete examples which you can pick up as is, or... adapt to your particular area... I think Hillary Clinton described it as a phrase in need of a definition... we are not saying it's the only children's rights approach... but it is an approach which is... academically rigorous, but also reflects current practice... we know that this is an approach that can work in Wales.

EI1

Meso-level interpreters play a crucial role in translating the principles of CRC into actionable practices within organisations. As highlighted in the quote by EI1, each principle is justified based on research into human rights and practical examples from current practice in Wales. This approach ensures that the principles are both academically rigorous and practically relevant, providing a solid foundation for practitioners to understand and implement them effectively (MacFarlane et al., 2020). The quote emphasises the importance of offering concrete examples that practitioners can adopt or adapt to their specific areas, which helps bridge the gap between theory and practice (Henry et al., 2023). By contextualising these principles and providing clear guidance, meso-level interpreters reduce ambiguity and enhance the practical utility of the CRC. This method fosters a deeper understanding and commitment to children's rights among practitioners, ultimately leading to more effective and meaningful implementation (Trechsel, 2006). The reference to Hillary Clinton's description of the phrase as 'in need of a definition' (Clinton, 1973) underscores the necessity of clear and actionable guidance, which meso-level interpreters provide through their work.

Finally, EI7, a children's rights manager, reflects on their use of *The Right Way* (CCfW, 2016) across a large and complex organisation:

We have received training packages developed to accompany the framework and they have been incredibly useful in helping practitioners across the organisation understand how to apply the principles in their work. We've used a number of the guides in different settings. They've really helped to put the meat on the bones.

EI7

The quote from EI7 highlights several key aspects of the effectiveness and impact of training packages developed to accompany the framework. Firstly, EI7 underscores the utility of these training packages in helping practitioners across the organisation understand how to apply the principles in their work. This indicates that the training is not only informative but also practical, providing clear guidance on the implementation of children's rights principles. The phrase 'incredibly useful' suggests that the training has had a significant positive impact on the practitioners' ability to integrate these principles into their daily practices.

Secondly, EI7 mentions the use of guides in different settings, which demonstrates the versatility and adaptability of the framework. This adaptability is crucial for ensuring that the principles can be effectively applied in various contexts, whether in education, social care or other sectors. The ability to use these guides across different settings indicates that the framework is comprehensive and flexible, catering to the specific needs of diverse environments.

Lastly, the expression 'put the meat on the bones' metaphorically illustrates how the guides have provided substantial, practical content that enhances the theoretical principles of the framework. This suggests that the guides offer concrete examples and actionable steps, making the principles more tangible and easier to implement. This practical approach aligns with the findings of Quennerstedt (2010), who argues that constructing children's rights from a general human rights language of civil, political and social rights forms a better base for research and practice. By providing structured tools and real-world examples, the framework ensures that practitioners can see the direct impact of their actions on children's rights, thereby fostering a more committed and informed approach to their work. In sum, the development and

implementation of The Right Way framework by meso-level interpreters have proven to be effective in embedding children's rights into various sectors.

6.6 Conclusion

This chapter has critically examined the external context shaping the enactment of children's rights in Wales, focusing on the legislative and policy landscape since the introduction of the Measure (2011). Through detailed analysis of the SSWBA (2014), ALN Act (2018) and Curriculum Act (2021), it has demonstrated how the inclusion of children's rights duties has been inconsistent, often reactive and heavily reliant on advocacy from the CCfW, NGOs and committed political actors.

The chapter has shown that while the Measure (2011) has been instrumental in embedding a culture of rights, its influence on public services remains uneven. Legislative duties have been introduced late in the policy process, often through contested amendments and applied variably across sectors. This has created a fragmented landscape in which practitioners struggle to interpret and enact the CRC consistently. The analysis has highlighted the tension between state-level obligations and the role of frontline professionals, revealing a persistent gap between the rhetoric of rights and their realisation in practice.

Importantly, the chapter has surfaced a growing consensus among elite interviewees for a more coherent and enforceable framework—through a single, unifying public sector duty and/or full and direct incorporation of the CRC into Welsh law. It has also illustrated the vital role of meso-level interpreters in developing practical frameworks, such as *The Right Way* (CCfW, 2016), to support enactment in the absence of consistent statutory guidance. Together, these findings underscore the need for stronger, more consistent legislative mechanisms and support structures to ensure that children's rights are not only recognised but meaningfully enacted across all areas of public service.

The next chapter builds on this foundation by turning inward to examine the professional cultures of enactment—specifically, how individual practitioners and institutions interpret, negotiate and apply children's rights within their everyday

professional settings. While Chapter 6 has mapped the structural and legislative terrain, Chapter 7 will explore how these external pressures are experienced and enacted on the ground, offering a closer look at the lived realities of rights-based practice in Wales.

Chapter 7: The Professional Cultures of Enactment

This chapter seeks to examine *Professional Cultures* (Braun et al. 2011) and their impact on how frontline practitioners interpret and enact the CRC in practice. I am interested understanding practitioners' individual and shared values, beliefs and practices that influence their commitment to and experiences of policy management, in the settings within which they work. I start by drawing on focus group and survey data to examine how 'professional cultures' (ibid) impact frontline practitioners' interpretations and enactment of the CRC (and subsequently the Measure (2011) and their derivative legislative duties) in practice. I will examine the role of professional development on knowledge and confidence of enactment of the both the CRC and the Measure (2011). This chapter will draw on data from my survey and focus groups of practitioners in education and social work in Wales.

7.1 Knowledge and Confidence of the CRC and Measure (2011)

Within the survey of practitioners, when asked 'How would you rate your knowledge of the UNCRC?', 56% of respondents overall reported having good knowledge, indicating a strong awareness among participants. A significant portion (32%) indicated that they have some knowledge, while 19% reported excellent knowledge. Only a small percentage (3%) indicated they know little or nothing about the CRC. Table 7.1 breaks my survey data down by field:

Field	Excellent Knowledge	Good Knowledge	Some Knowledge	Little Knowledge	No Knowledge
Social Work	10.0%	45.0%	30.0%	5.0%	10.0%
Education	15.0%	50.0%	25.0%	5.0%	5.0%

Table 7.1 Overall Knowledge of CRC

Most respondents in both the social work and education fields reported good to excellent knowledge of the CRC with no significant differences between fields. Table

7.2 outlines responses to my survey question, ‘Have you heard of the Measure before today?’:

Professional Field	Yes	No
Overall Response	68.1%	31.9%
Education	75.0%	25.0%
Social Work	64.5%	35.5%

Table 7.2 Awareness of Measure

Like knowledge of the CRC, overall, most respondents (68.1%) had prior knowledge of the Measure (2011) before taking the survey. However, while there was no discernible difference between knowledge of CRC and professional field, individuals working in education were notably more likely to have prior knowledge (75%) compared to those in social work (64.5%).

Before further analysis of the difference between knowledge of the Measure (2011) and field (as well as other contexts that may affect enactment), it is important at this point to highlight the correlation between knowledge of the Measure (2011) and knowledge of CRC. Using Pearson’s co-efficient (1896), I sought to understand whether respondents who were familiar with the Measure (2011) are more likely to have good knowledge of the CRC and whether there is a correlation between these two variables. A Pearson correlation coefficient of 0.32 indicates a moderate positive correlation between knowledge of the Measure (2011) and knowledge of the CRC; a p-value of 0.01 (<0.05) evidences this correlation as statistically significant.

There are two interpretations we can suggest from this correlation that are important in the consideration of enactment in the remainder of this chapter. Having an awareness of the CRC may indicate a professional disposition to children’s rights which resulted in an interest in rights-based approaches and the Measure (2011). The Measure (2011) itself may sensitise professionals to rights-based approaches embedded within the CRC. This in turn has secondary outcomes, e.g., those who have better knowledge of the CRC may have a better understanding of the duties

placed upon them in secondary CRC legislation, e.g., SSWBA (2014). The other interpretation is that while it might be assumed that a person who is motivated to know about and understand the CRC might be more familiar with the Measure (2011), this relationship casts light on efforts government and others can make to increase knowledge and understanding of children's rights, the CRC and its translation into legislation and guidance, particularly for those less inclined.

According to Maguire, Braun and Ball, where you stand depends on where you sit (2015). In respect of professional cultures, where people 'sit' (ibid), that is their axiological orientation, personal and/or professional, toward children's rights that might affect how they enact the CRC or their legislative duties in respect of doing so, can be affected by the field they work in, their level of seniority and/or length of service. Returning to Figs 7.1 and 7.2 above, while there was no significant difference in knowledge of the CRC between participants working in social work and education, a notable proportion of participants working in education reported prior knowledge of the Measure (2011) compared to participants working in social work. There are two possible explanations for the difference in responses between professional field: the differences in awareness levels between social work and education may be attributed to the varying levels of exposure to policy and legislative frameworks within these fields and/or education professionals might have more opportunities to engage with policy measures through training and professional development.

At the time of conducting fieldwork (2022), the Curriculum Act (2021) had recently been launched for implementation. The Act had been a key political priority for Welsh Government during the 2016-21 Senedd term, described by the CCfW as 'a once in-a-generation opportunity to tangibly underscore our education system with human rights values and principles' (CCfW , 2018). The development of the Curriculum Act (2021) had shortly followed the royal ascension of the ALN Act (2018) which had brought into legislative focus understanding and responding to the needs of children in education. These two significant pieces of legislation released in short succession and the status afforded to education reform by government during the third Senedd term, contributed to why knowledge of the Measure (2011) and CRC were more

prominently reflected in participant responses from those working in the professional field of education during my fieldwork.

Education reform was a key policy focus, as shown by the CYPE Committee's Inquiry into Children's Rights (Senedd, 2020). In response to *Recommendation 9* of that inquiry, the Welsh Government published a *Raising Awareness of Children's Rights Plan* (WG, 2021). This plan included specific actions to help education professionals understand and promote children's rights, supporting their duties under Section 64 of the CRC (WG, 2021). Despite social work practitioners having to pay due regard to the CRC (but not to promote knowledge of the CRC) via the SSWBA (2014), the *Raising Awareness Plan* (WG, 2021) does not include a strand covering rights-based approaches to social care. This suggests a lesser focus, at the time my research was conducted, on the holistic understanding of rights in social work and may mean that social work practitioners have less/different access to professional learning opportunities. This may contribute to the reason why fewer social work practitioners were aware of the Measure (2011), pointing to the need for targeted raising awareness approaches in fields beyond education where practitioners are duty bound by secondary CRC legislation.

Also important in understanding any disparity in knowledge between social work and education is the role of Welsh Government's political prioritisation of rights-based issues. As was emphasised in Chapter 5, the focus of *Programme for Government* in relation to children at any time significantly influences the contextualisation and enactment of children's rights. This was typified by the focus on safeguarding and attainment in the Wave 2 (2009-2018) where participants perceived a retrenchment in understanding and application of the holistic CRC and a pedagogy of protection was promulgated. In Wave 3 (2015-2024), where educational reform has been prioritised in a way that claims to place human rights at the heart of the new education curricula (Curriculum Act, WG, 2021), it makes sense that those working in education have a greater knowledge of the Measure (2011) and children's rights, at that point in time. The disparity in knowledge of the Measure (2011) between fields continues to contribute to the idea that, despite there having been direct children's rights duties in social work for almost a decade longer than in education

(2014 and 2021 respectively), the ways in which rights are understood and contextualised is very different across fields. I will analyse this later in the chapter.

As well as by field, notable differences can be observed knowledge of the CRC and Measure (2011) by level of seniority and length of service. The next section examines these factors affecting enactment¹². Figs 7.3 and 7.4 use survey data to visually represent levels of knowledge of the CRC by level of seniority in education and social work and respectively:

¹²¹For clear and easy reporting, I have recategorised the variables within 'level of seniority' into three categories: low, med and high. The table below defines what each category means. I will from hereon in use this categorisation when analysing level of seniority.

Recategorized Level of Seniority	Roles Education	Roles Social Work
High	Head Teacher, Deputy Head Teacher	Head of Children's Services, Principal Officer
Medium	Class Teacher, Lecturer	Social Worker, Supervising Social Worker
Low	Class Support Teacher, Pastoral Support, Other (e.g., Youth Worker, Higher Level Teaching Assistant)	Assistant, Other (e.g., Family Support Practitioner, Youth Worker, Family Worker)

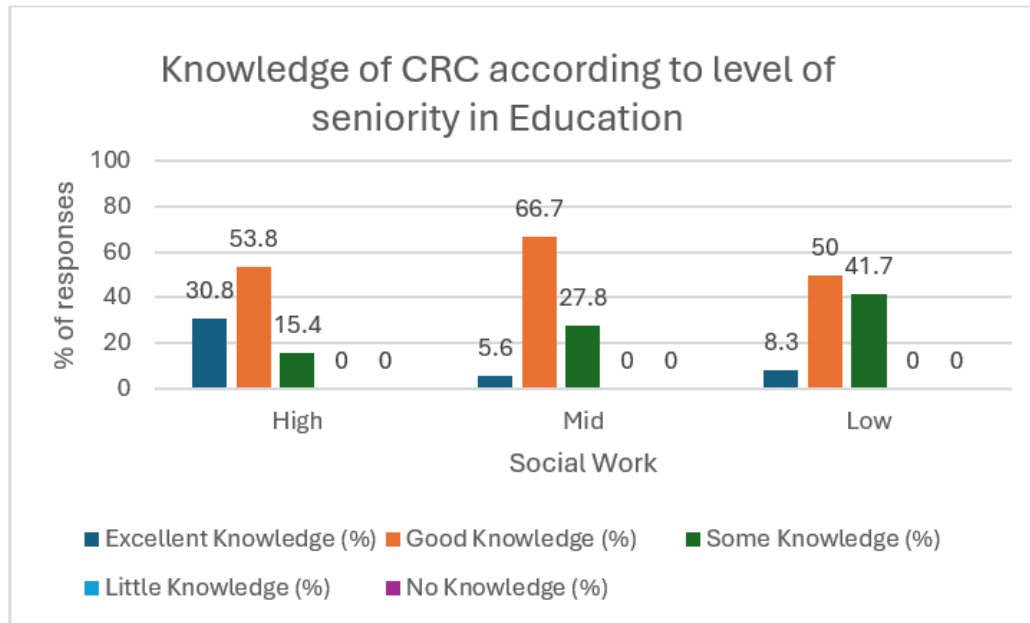


Fig7.3 Knowledge of CRC according to level of seniority in Education

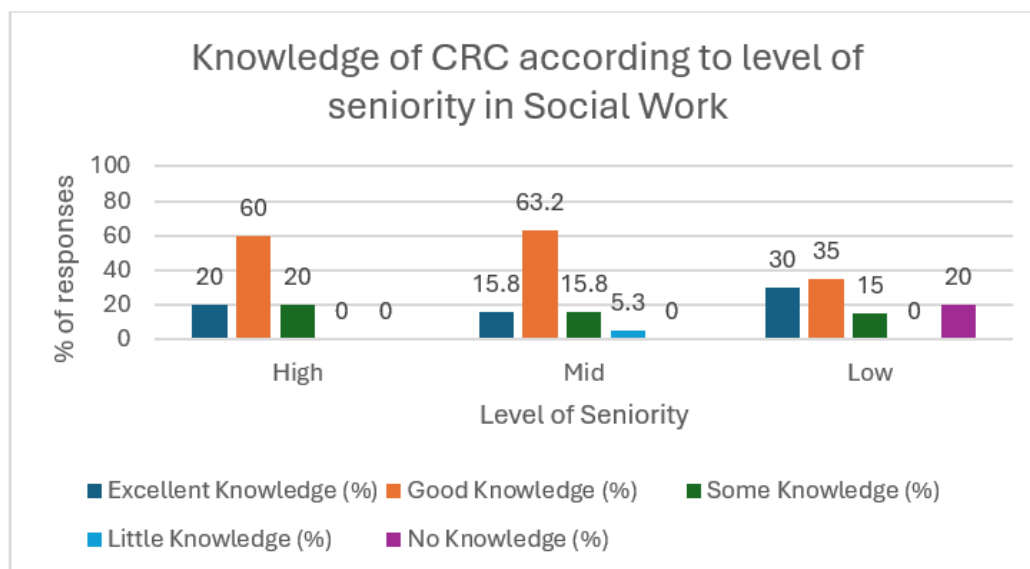


Fig7.4/Knowledge of CRC according to level of seniority in Social Work

The data presented in Figures 7.3 and 7.4 reinforce the association between professional seniority and knowledge of the CRC in education and social work sectors. While the overall pattern remains consistent with earlier findings, the updated figures reveal a more pronounced disparity in knowledge levels, particularly among staff with lower seniority.

In education, individuals with high seniority report markedly higher levels of knowledge, with 53.8% indicating excellent knowledge and 30.8% reporting good knowledge. In contrast, those with low seniority show a significant decline in excellent knowledge (5%), although a relatively high proportion (45%) still report good knowledge. This suggests that while foundational understanding may be present among less experienced staff, deeper expertise is more prevalent among senior professionals.

In social work, the knowledge gap is even more pronounced. Among those with high seniority, 20% report excellent knowledge and 60% report good knowledge. However, among low seniority staff, only 2.5% report excellent knowledge and good knowledge drops sharply to 15%. This group also shows a notable increase in the proportions reporting some or little knowledge, indicating a broader distribution and lower overall knowledge levels.

These findings underscore the critical role of seniority in shaping knowledge acquisition and retention within professional settings. The sharper disparities observed in social work, highlight the need for targeted professional development strategies.

This is no different for knowledge of the Measure (2011). Fig. 7.5 presents data on participants' prior knowledge of the Measure (2011), disaggregated by professional field and level of seniority:

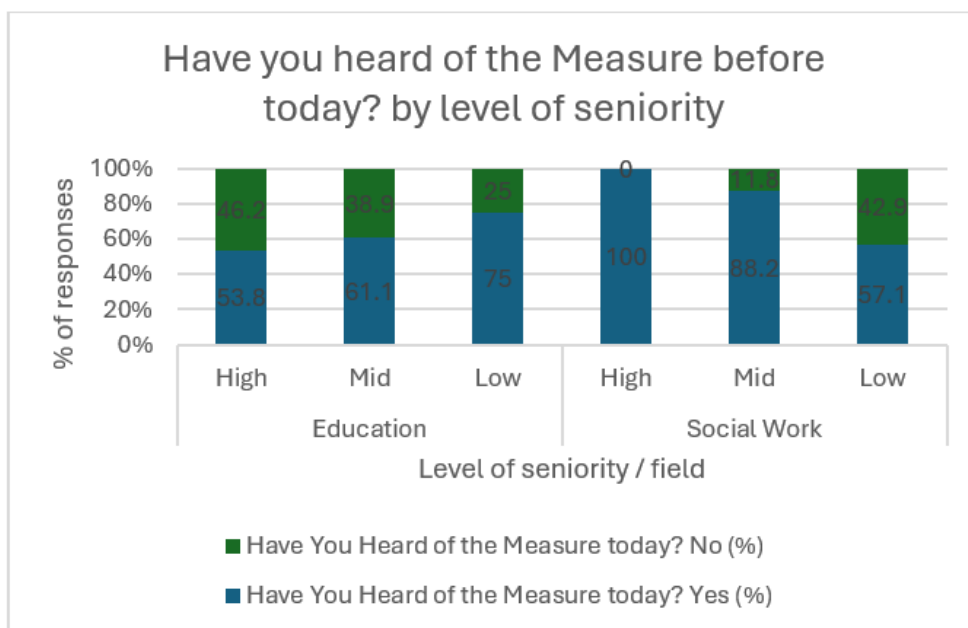


Fig7.5 Have you heard of the Measure before today? by level of seniority

The findings reveal a notable correlation between seniority and awareness of the Measure (2011), particularly within the social work sector. Among social workers, awareness increases consistently with seniority: 57.1% of those at low seniority reported prior knowledge, rising to 88.2% at mid-level and reaching 100% among those at high seniority. This clear upward trend suggests that professional experience and seniority are strongly associated with greater familiarity with legislative frameworks in this field.

In contrast, the pattern within the education sector is less linear. While 75% of those at low seniority reported awareness of the Measure (2011), this figure drops to 51.1% at mid-level and 53.8% at high seniority. This unexpected distribution may reflect recent training initiatives or onboarding practices that have effectively reached newer staff, or it may indicate inconsistencies in how information about the Measure (2011) is disseminated across different levels of seniority within educational settings.

This trend underscores the importance of experience and access to resources in enhancing knowledge, suggesting that higher seniority is associated with greater familiarity and understanding of legislative duties. This potentially highlights the need for targeted resource to elevate knowledge-levels among less senior individuals.

This approach could ensure a more uniformly knowledgeable workforce, ultimately contributing to the effectiveness and efficiency of creating a professional culture that knows about and contributes to the realisation of children's rights, through effective enactment of the CRC and their duties. Taken together, these findings suggest that while seniority is generally associated with increased knowledge of the Measure (2011) —particularly in social work—there are variations between sectors that warrant further investigation.

Finally, Fig 7.6 shows the relationship between knowledge of the CRC and length of service:

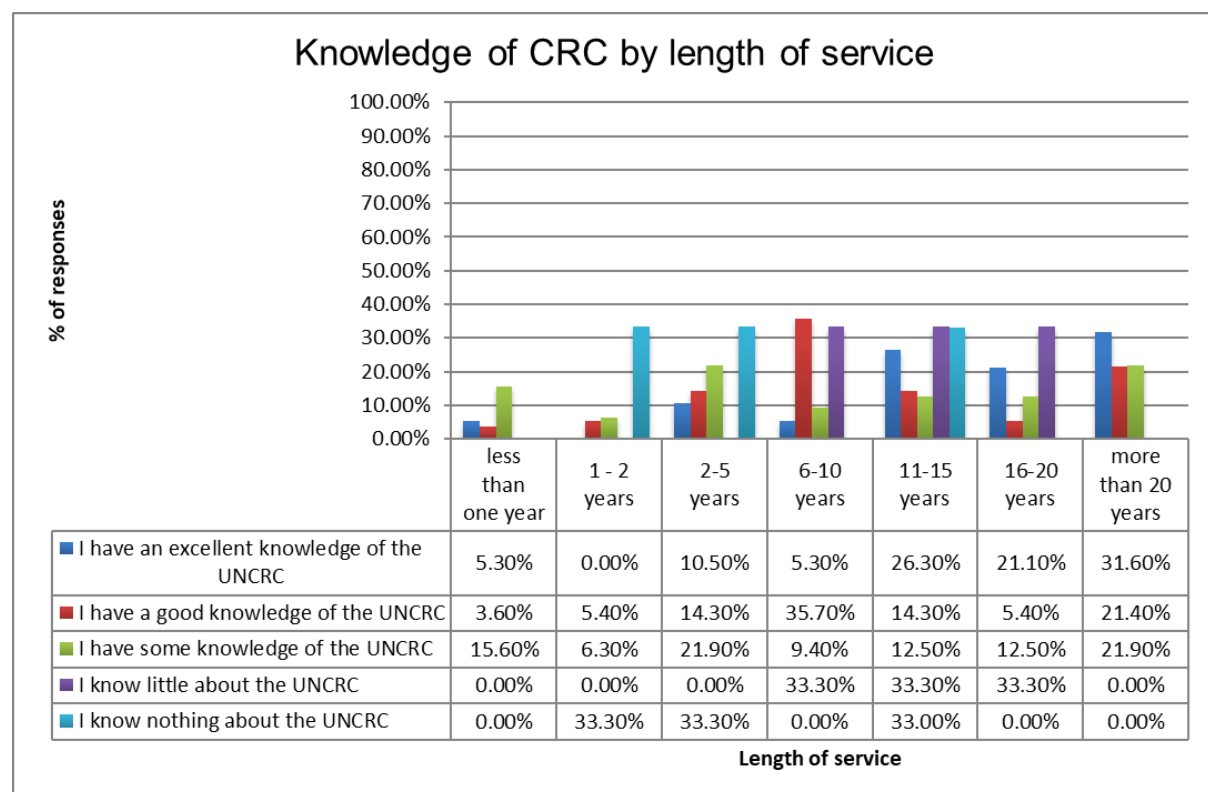


Fig7.6 Knowledge of CRC by length of service

The data reveals a strong correlation between length of service and knowledge of the CRC. Participants with longer service durations tend to report higher levels of knowledge, suggesting that experience plays a significant role in developing familiarity and expertise with the CRC. Notably, those with more than 20 years of service demonstrate the highest levels of understanding, with 31.6% reporting excellent knowledge and 21.4% reporting good knowledge. This trend underscores

the value of sustained professional engagement in building a deep understanding of children's rights.

In contrast, respondents with less than one year of service show much lower levels of knowledge. Only 5.3% report excellent knowledge and 3.6% report good knowledge, while the majority fall into the 'some knowledge' category. Similarly, those with 1–2 years of service show a concerning pattern, with a third reporting no knowledge of the CRC at all. These findings highlight a critical need for targeted induction and early-career training to ensure that new professionals are adequately prepared to understand and implement the principles of the CRC from the outset of their careers.

Mid-career participants, particularly those with 2–10 years of service, present a more varied picture. While some report excellent or good knowledge, a significant proportion still fall into the 'some' or 'no knowledge' categories. For example, among those with 2–5 years of service, 10.5% report excellent knowledge and 14.3% report good knowledge, but 21.9% still indicate only some knowledge and a third report no knowledge at all. This suggests that while experience contributes to increased awareness, there may be inconsistencies in training or opportunities for professional development during these years.

Interestingly, the 11–15 year and 16–20-year groups show mixed results. While a notable proportion report excellent knowledge (26.3% and 21.1%, respectively), a significant number also report little or no knowledge. This inconsistency may reflect differences in access to training or varying organisational priorities over time. It reinforces the need for continuous professional development to ensure that all staff, regardless of when they entered the profession, have the opportunity to build and maintain a strong understanding of the CRC.

Overall, the analysis suggests that length of service is a key factor in determining knowledge of the CRC. However, the data also highlights notable gaps in knowledge among participants with fewer years of experience, as well as some inconsistencies among mid-career and long-serving staff. These patterns point to variations in

exposure, training or professional development opportunities across different stages of service.

7.1.1 The Relationship between Knowledge and Confidence

Before understanding where participants source their knowledge, I seek to understand the relationship between knowledge and confidence. Practitioner confidence significantly influences enactment in professional cultures, (Ball, Maguire and Braun, 2012), where shared beliefs and practices within a professional community can shape practitioners' behaviours and attitudes. A confident practitioner can positively impact their professional culture by modelling effective practices, while a supportive professional culture can enhance practitioner confidence through validation and resources. This cyclical interaction underscores the importance of both individual confidence and collective cultural support in the enactment of policy in professional practice (ibid.)

Overall, most respondents report moderate to high levels of confidence in applying the CRC to their practice. When asked, 'How confident do you feel in applying children's rights in your practice?', 44% of respondents reported having high levels of confidence or being 'entirely confident', 42.9% reported moderate levels of confidence or being 'somewhat confident' and 13.1% reported low levels or being 'Not confident at all'.

Table 7.7 shows the statistically significant relationship ($p = 0.002$) between confidence and knowledge of the CRC:

	Not at all confident	Somewhat confident	Entirely confident
I have an excellent knowledge of the UNCRC	7.1%	6.5%	25.5%
I have a good knowledge of the UNCRC	28.6%	54.3%	57.4%
I have some knowledge of the UNCRC	42.9%	37.0%	14.9%
I know little about the UNCRC	7.1%	2.2%	0.0%
I know nothing about the UNCRC	14.3%	0.0%	2.1%

Table 7.7 Relationship between knowledge of CRC and confidence in its application

Analysis of the data reveals a strong association between individuals' confidence in applying the CRC and their level of knowledge about it. Participants who reported being entirely confident were most likely to possess good or excellent knowledge of the CRC, with 57.4% and 25.5% respectively falling into these categories. Similarly, those who were somewhat confident predominantly reported good (54.3%) or some (37.0%) knowledge. In contrast, individuals who were not at all confident were more likely to report knowing nothing (14.3%) or little (7.1%) about the CRC, with minimal representation in the higher knowledge categories. These patterns suggest a clear trend: as knowledge of the CRC increases, so too does confidence in its application. This relationship underscores the role that familiarity with the CRC plays in shaping individual's perceived ability to engage with and enact its principles.

To analyse this further, I will consider confidence according to field of work and level of seniority simultaneously. Fig. 7.8 and 7.9 outline the relationship between confidence in applying the CRC and field of work and, level of seniority respectively:

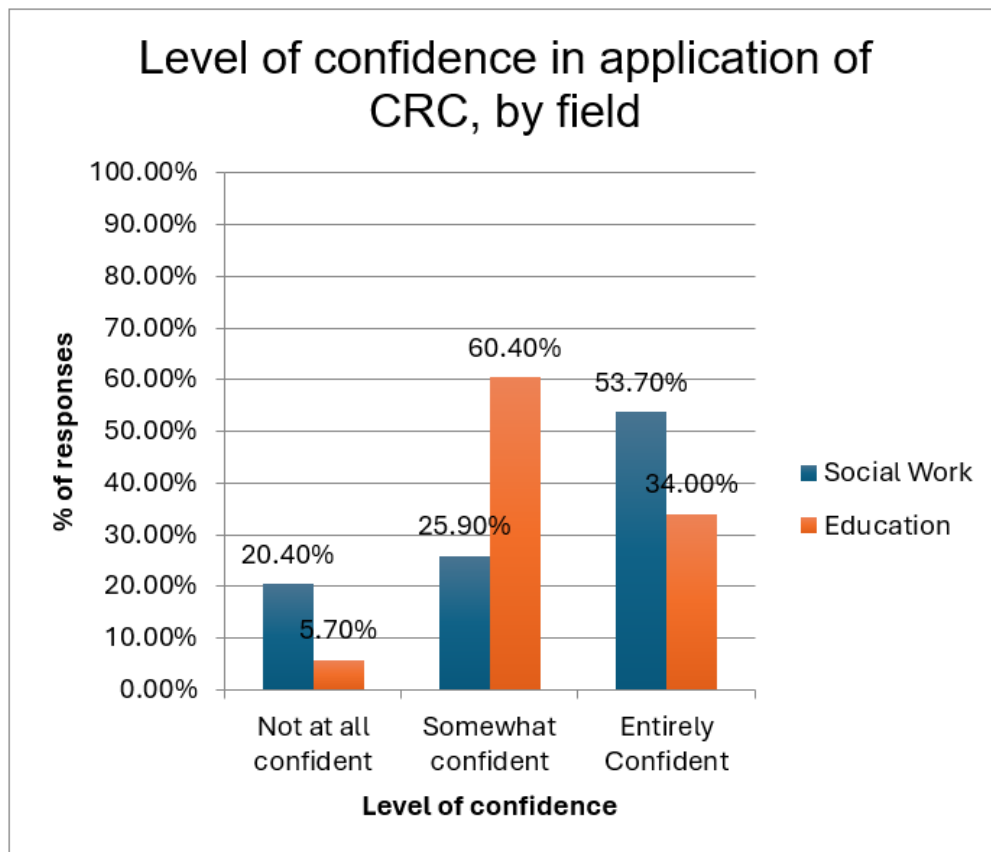


Fig7.8 Level of confidence in application of CRC, by field

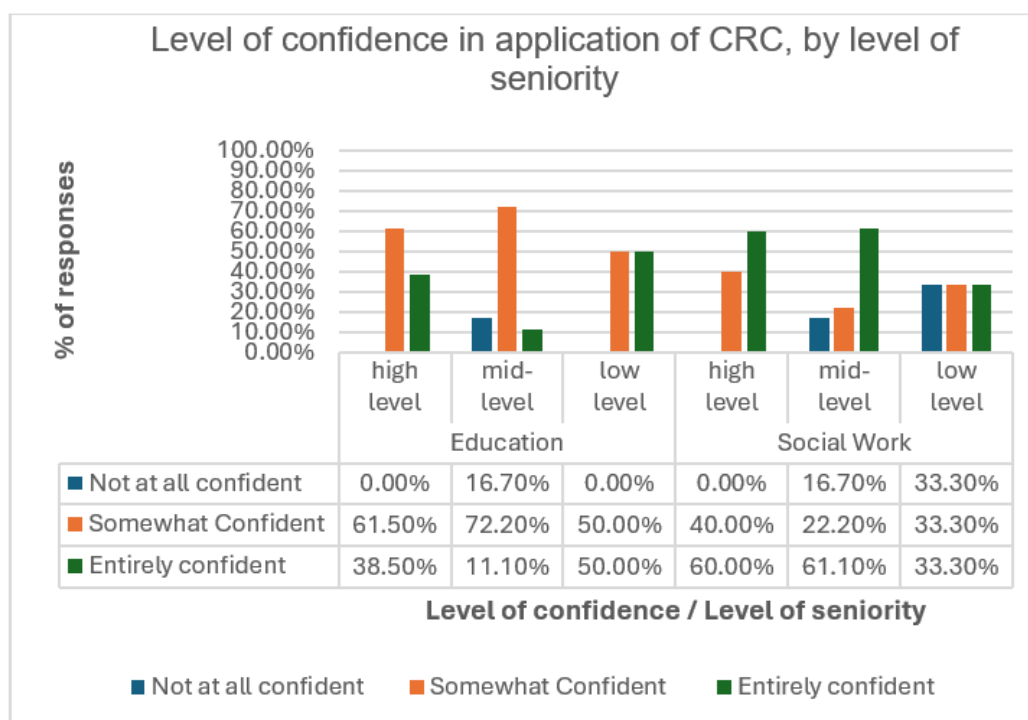


Fig.7.9 Level of confidence in application of CRC, by level of seniority

The analysis of confidence in applying the CRC across different professional fields and levels of seniority reveals important contrasts that offer deeper insight into workplace dynamics.

When comparing fields, social work participants report higher levels of complete confidence in applying the CRC, with 53.7% stating they are 'entirely confident'. In contrast, only 34% of education respondents report the same. However, the education sector demonstrates a more stable distribution of confidence overall: 60.4% of respondents are either somewhat or entirely confident and only 5.7% report being 'not at all confident'. This contrasts with social work, where 20.4% of respondents report no confidence at all.

Confidence also varies significantly by seniority and the patterns differ between the two fields. Among education participants, high-level staff report the highest confidence, with 38.5% entirely confident and none reporting a lack of confidence. Mid-level staff present a more mixed picture, with 16.7% entirely confident and an equal proportion not at all confident. Interestingly, low-level education respondents

report no complete confidence, but all (100%) describe themselves as ‘somewhat confident’, suggesting a consistent, if moderate, level of assurance across the workforce.

In social work, the relationship between seniority and confidence is more pronounced. High-level participants report 33.3% complete confidence, while mid-level staff show no complete confidence at all, with one-third reporting no confidence. The trend suggests that confidence increases with seniority, albeit with a notable gap at the mid-level.

These findings highlight a divergence between knowledge and confidence. While those in education may have experienced greater access to training and policy awareness, as discussed in Section 7.1, this does not necessarily translate into higher self-reported confidence. Instead, their confidence appears more evenly distributed across roles, suggesting a broader but less intense sense of preparedness. In contrast, the higher confidence among senior social workers may reflect their statutory responsibilities under the SSWBA (2014), which likely fosters deeper engagement with the CRC in practice. However, the relatively high proportion of mid-level social workers reporting no confidence suggests a potential gap in support or training at that level.

7.1.2 Sources of Knowledge

So far, we have found that those with higher levels of knowledge of the CRC and the Measure (2011) are more likely to be confident in enacting rights in practice.

Therefore, to understand how to increase knowledge, it is useful to examine how knowledge is obtained. To explore what effective professional development looks like—and for whom—survey participants were asked, ‘Where does your knowledge of the UNCRC come from?’ Table 7.10 presents the distribution of knowledge

sources across varying levels of seniority in both education and social work fields:

Level of seniority	High		Mid		Low	
Field	Education	Social Work	Education	Social Work	Education	Social Work
University or equivalent	15.4%	0.0%	22.2%	42.1%	33.3%	37.5%
Pre-service training, e.g. PGCE, Social work training	0.0%	0.0%	22.2%	36.8%	8.3%	12.5%
Professional development	69.2%	100.0%	55.6%	42.1%	50%	62.5%
Practice and experience	92.3%	100.0%	55.6%	73.7%	50%	37.5%
Policy	23.1%	60.0%	27.8%	21.1%	0%	37.5%
Peers, either in person or via electronic networks	23.1%	20.0%	5.6%	21.1%	0%	25.0%
My own reading/research	46.2%	60.0%	27.8%	42.1%	25.0%	50.0%
Social media	7.7%	40.0%	0.0%	10.5%	0.0%	0.0%
Somewhere else	15.4%	0.0%	0.0%	5.3%	0.0%	0.0%

Table 7.10. Sources of Professional Knowledge by Field and Level of Seniority (Multiple Responses Allowed)

As part of the survey design, respondents were able to select multiple sources of knowledge, meaning that the percentages reported do not total 100% within each category. Instead, they represent the proportion of individuals within each seniority level and professional field who identified each source as contributing to their professional knowledge. This approach allows for a more nuanced understanding of how professionals draw on a range of knowledge sources simultaneously, rather than relying on a single dominant source.

A clear pattern emerges in which practice and experience is the most frequently cited source of knowledge across all seniority levels and both professional domains. Among those with high seniority, 92.3% in education and 100% in social work

selected this source. This trend continues at the mid-level (73.7% in social work; 55.6% in education) and remains notable at the low level (50% in education; 37.5% in social work). These findings suggest that practical, on-the-job learning is widely valued across the professional spectrum.

Professional development is also a prominent source, particularly among high-level social workers (100%) and educators (69.2%). It remains significant at the mid-level (55.6% in education; 42.1% in social work) and low level (50% in education; 62.5% in social work), indicating that structured learning opportunities are consistently recognised as important across career stages.

University education and pre-service training are more frequently cited by those at mid and low levels of seniority. For example, 42.1% of mid-level social workers and 33.3% of low-level educators selected university education, while pre-service training was cited by 36.8% of mid-level social workers and 22.2% of mid-level educators. These sources appear to play a foundational role earlier in professionals' careers.

Policy is cited more often by those with higher seniority, particularly in social work (60%), compared to lower levels where it is less frequently mentioned. This may reflect greater engagement with policy frameworks among more experienced professionals.

Peers and personal research (e.g., reading and self-directed inquiry) are cited to varying degrees. Peer influence is relatively low overall but slightly more evident among low-level social workers (25%). Personal research is more commonly cited by those with high seniority (46.2% in education; 60% in social work), suggesting a possible link between seniority and self-directed learning practices.

Social media is minimally cited across the board, except for high-level social workers (40%). Its limited presence elsewhere may indicate that digital platforms are not widely relied upon for professional knowledge acquisition, particularly in education.

The differences observed between education and social work professionals in their reported sources of knowledge can be better understood considering the policy and legislative context discussed earlier in Section 7.1. As outlined, education

professionals may have had greater exposure to rights-based policy frameworks and professional learning opportunities at the time of fieldwork, due in part to the implementation of the Curriculum (2021) and ALN Acts (2018) and the Raising Awareness of Children's Rights Plan (WG, 2021). These developments positioned children's rights as a central concern in education policy and practice.

In contrast, the absence of a comparable awareness-raising strand for social care professionals may have contributed to the lower visibility of formal training and policy engagement as knowledge sources among social work respondents. Although social workers have had statutory duties to consider children's rights since 2014, the field-specific prioritisation of rights-based reform appears to have shaped the availability and uptake of knowledge sources differently across the two professions.

7.2 Leadership and Vision

This section explores how leadership influences the enactment of the Measure (2011) through organisational policies and systemic practices, examining how institutional alignment and professional norms shape how children's rights are contextualised in everyday practice¹³. The analysis focuses on practitioner alignment with the CRC, the role of leadership in shaping institutional priorities and how these dynamics manifest across different fields and levels of seniority.

7.2.1 Practitioner Alignment to the CRC

To understand how leadership influences the enactment of children's rights, it is essential to first examine how practitioners perceive the role of the CRC in their daily work. Survey participants were asked: 'To what extent do you believe children's rights underpin your practice?' Using a 0–10 Likert scale, participants rated how embedded they felt children's rights were in their practice. Fig7.11, 7.12 and 7.13 present these responses, disaggregated by field and level of seniority and then by both, respectively:

¹³ Levels of confidence have been recategorised. 0-3 = low belief, 4-7 = moderate belief and 8-10 = high belief.

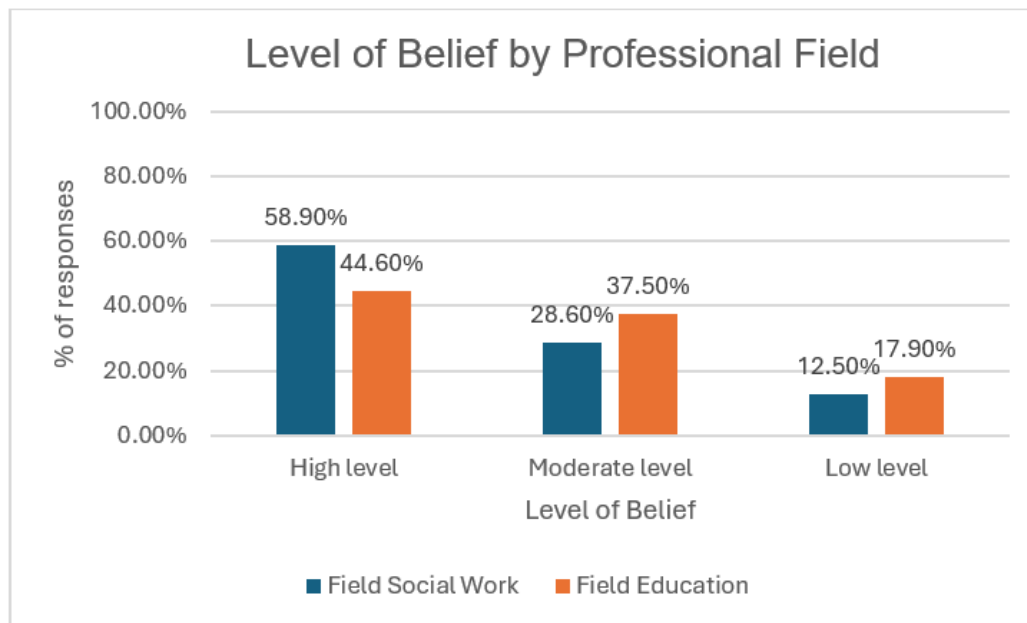


Fig7.11 Level of Belief by Professional Field

Analysis of responses by professional field in Fig 7.11 reveals that belief in the CRC underpinning practice is more strongly expressed among social work professionals than those in education. Many social work respondents (58.9%) reported a high level of belief, compared to 44.6% in education. Moderate belief was reported by 28.6% of social workers and 37.5% of education professionals, while low belief was least common in both groups but slightly higher in education (17.9%) than in social work (12.5%). These findings suggest that, contrary to earlier assumptions, social work professionals are more likely to perceive the CRC as central to their practice. The distribution of responses also indicates that belief in the CRC is not uniformly high across either field, with a notable proportion of respondents in both sectors expressing only moderate or low levels of belief.

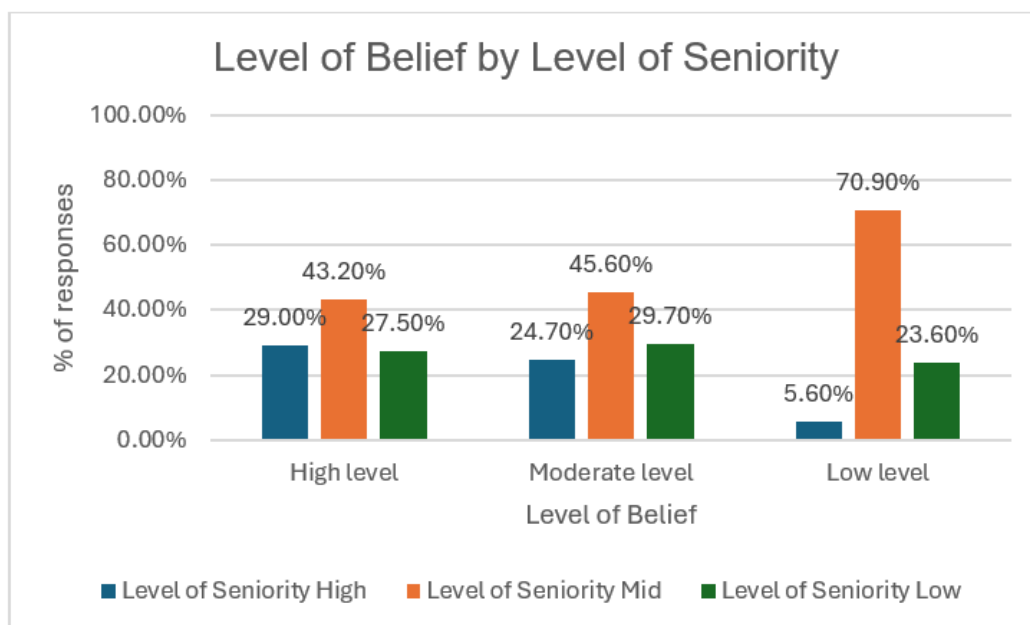


Fig7.12 Level of Belief by Level of Seniority

Further analysis of belief in the CRC underpinning practice by level of seniority (Fig 7.12) reveals a more complex distribution. Mid-level staff reported the highest proportion of high belief (43.2%), followed by those in high-level (29.0%) and low-level (27.5%) roles. Similarly, moderate belief was most common among mid-level respondents (45.6%), with lower proportions among low-level (29.7%) and high-level (24.7%) staff. Notably, low belief was overwhelmingly concentrated among mid-level staff (70.9%), compared to 23.6% in low-level and just 5.6% in high-level roles. This pattern suggests a bifurcation within the mid-level group, where a significant portion expresses strong belief in the CRC's relevance, while a larger proportion simultaneously report low belief. This internal divergence may reflect differing levels of exposure to rights-based frameworks or inconsistencies in how CRC principles are operationalised at this level. In contrast, high-level staff show the lowest incidence of low belief, indicating a more consolidated perception of the CRC's importance among senior decision-makers.

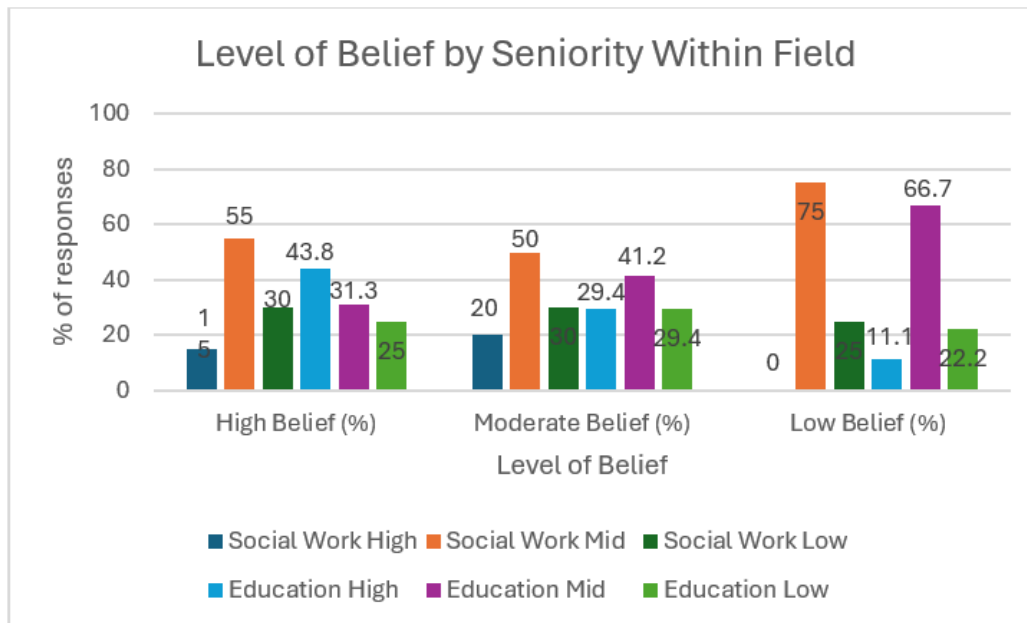


Fig7.13 Level of Belief by Seniority Within Field

The cross-tabulated data in Fig 7.13 provides a more granular view of how belief in the CRC underpinning practice varies by field and level of seniority. This intersectional analysis reveals important nuances that were not visible when examining each variable independently.

In social work, belief in the CRC appears to be strongest among mid-level staff, with 55.0% reporting a high level of belief. This is followed by low-level staff (30.0%) and high-level staff (15.0%). A similar pattern is observed for moderate belief, with mid-level staff again leading (50.0%), followed by both high- and low-level staff (20.0% and 30.0%, respectively). Notably, low belief is concentrated among mid-level staff (75.0%), with no high-level staff reporting low belief (0.0%) and 25.0% of low-level staff doing so. This suggests that while mid-level staff are most likely to report high belief, they are also the most likely to report low belief, indicating a polarised distribution of belief at this level.

In education, the pattern differs. High-level staff report the highest proportion of high belief (43.8%), followed by mid-level (31.3%) and low-level (25.0%) staff. Moderate belief is most common among mid-level staff (41.2%), with high- and low-level staff reporting 29.4% each. Low belief is most prevalent among mid-level staff (66.7%),

followed by low-level (22.2%) and high-level (11.1%) staff. This suggests that while high-level education staff are more likely to report strong belief in the CRC, mid-level staff again show a widespread, with significant proportions reporting both high and low belief.

The collective analysis of Fig 7.11, 7.12 and 7.13 data reinforce the complexity of how belief in the CRC is distributed across professional hierarchies and sectors. In social work, mid-level staff appear to be the most engaged with CRC principles, but also the most divided, with significant proportions reporting both high and low beliefs. In education, high-level staff show the strongest belief, while mid-level staff again display a polarised pattern. These findings suggest that mid-level roles may be a critical point of tension or transition, where exposure to both strategic and operational demands create variability in how the CRC is perceived and enacted.

7.2.2 Institutional Alignment to the CRC

To explore how organisational structures support or inhibit the enactment of children's rights, survey participants were asked: 'Does your institution's policy align with children's rights?' A strong majority—95.3% of respondents—answered 'yes', suggesting widespread institutional commitment to the CRC. Alignment was particularly strong in education, where 100% of respondents at medium and low levels of seniority reported alignment and 96.2% of those in senior roles agreed. In social work, alignment remained high overall, but dipped slightly among junior staff, with 88.9% reporting alignment. Notably, 100% of the 'no' responses came from participants in junior roles.

To understand these minority perspectives, participants who answered 'no' were invited to elaborate through an open-ended survey question. Responses have been themed into four categories, typified by the responses presented in Table 7.14:

Survey Response 1	Lack of focus on children's rights and accountability at senior management levels
Survey Response 2	A lot of talk at the top but a lack of good, embedded practice
Survey Response 3	Contradictions between policies and lack of clear guidance on fulfilling children's rights
Survey Response 4	Insufficient 'what matters' conversations to co-produce service

Table 7.14 Qualitative Survey Responses from Participants Who Indicated the CRC Does Not Underpin Their Practice

Drawing on focus group data, I explore how the concerns represented in survey responses 1-4 are experienced in practice, using this layered analysis to examine how professional cultures and leadership values shape the enactment of children's rights.

Lack of accountability was a common response by survey respondents, typified by one survey respondent citing a 'lack of focus on children's rights and accountability at senior management level.' (Survey Response 1) This theme was echoed by Participant A, a headteacher, who described how personal beliefs shape institutional priorities:

It's beliefs, though, isn't it? ... If I was a tiddlywink champion, then I would have a tiddlywink champion in my school. But because I believe in the rights of the child... that's the way my school will be.

Participant A

This quote illustrates how leadership values are central to the contextualisation of children's rights within institutional cultures. The head teacher's analogy underscores the idea that leaders' intrinsic values shape their strategic priorities and the culture within their institutions, suggesting that a lack of focus on children's rights at senior management levels may stem from leaders not inherently valuing these rights. In terms of enactment, this reflects how professional cultures are shaped by the values

and priorities of those in leadership. When leaders personally value the CRC, they are more likely to embed it into the ethos and daily practices of their organisation.

Building on this, Participant B, a social work assistant, described how their supervisor's rights-based values enabled a strengths-focused intervention for a vulnerable family:

if we had someone [a manager] not so inclined to find that good in people and really cares and understand that the parents here and the children have rights, it wouldn't have worked this way. We really had to hunt for the strengths in this family. And although everything is supposed to be strengths based.... I think a less patient, or less believing social worker might have written them off easily.

Participant B

Participant B highlights how understanding and valuing children's rights influences the supervisor's commitment to finding strengths in the family and supporting them to stay together. This approach, which Participant B acknowledges as innovative, aligns with the principles of the CRC by emphasising the rights and agency of both parents and children. This example reinforces the idea that leadership values influence how rights are enacted in practice. The supervisor's commitment to the CRC enabled a relational, strengths-based approach that challenged dominant safeguarding discourses focused on risk and deficit.

The second theme emerging from survey data (see Table 7.14) is typified by Survey Response 2 noting 'a lot of talk at the top but a lack of embedded good practice', pointing to a disconnect between leadership rhetoric and everyday realities.

Participant C, a supervising social worker, elaborated on this tension:

There's a balance between the legislative drivers... the system is conditioned to think about a number of other things... A lot of the practice comes from responding to legislation, in our case, predominantly what it says in the SSBWA and the Children Act... Ultimately, keep them [children] safe.

Participant C

Earlier in this chapter we repeatedly observed that level of seniority in social work is related to levels of knowledge, confidence and belief in the alignment of the CRC to the organisation's practice and that a disjuncture exists between those in highest and

lowest positions. Participants B and C have implied that embedding of the CRC may not necessarily be common in institutional practice. Participant C's reflection highlights the challenge of enacting the CRC in a system dominated by compliance with statutory timelines and competing legislative demands. While the CRC is acknowledged, it is often treated as secondary to more immediate obligations related to safeguarding in the SSWBA (2014) and Children Act (2004). Despite the SSWBA (2014) requiring the profession to pay due regard to the CRC, Participant C perceives the CRC as 'other' rather than a fundamental part of social work practice, or as part of their SSWBA (2014) duties. The statement 'the system is conditioned to think about a number of other things' suggests an institutional culture where senior leadership knows about their duties but prioritises compliance with various legislative mandates that are regarded more high-stakes, than explicit enactment of elements of the CRC (Participant C's reference to CRC as other than legislative drivers, does not connect keeping children safe to the CRC or due regard to it). This suggests a structural tension between child protection imperatives and the realisation of children's rights in their fullest sense.

The third theme centres on Survey Response 3 (see Table 7.14), i.e., 'contradictions between policies and lack of clear guidance on fulfilling children's rights', highlighting an issue where policies may not align with each other or provide clear instructions on how to uphold children's rights. Participant D is a student social worker and discusses this need for policy and leadership support:

We learn on the premise of the right to childhood... then there's just sort of an assumption... that what we do in practice is rights... there's just sort of an assumption after that, that what we do in practice is rights... but listening to others [in the focus group], that's not enough, is it?

Participant D

Participant D's extract reflects a nuanced perspective on the integration of the CRC within social work practice. They acknowledge that while explicit references to the CRC are rare, its principles are implicitly embedded in their work. This suggests a foundational understanding of children's rights, with recognition of a gap between this implicit understanding and the explicit application of rights-based practices. The

phrase 'there's just sort of an assumption after that, that what we do in practice is rights' indicates a reliance on assumed compliance rather than deliberate, informed actions. The concluding reflection, 'but listening to others, that's not enough, is it?' highlights a critical awareness that assumption may be insufficient for fully realising the principles of the CRC or full enacting the SSWBA (2014). This analysis speaks to the importance of explicit, informed engagement with the CRC to ensure that children's rights are actively and comprehensively upheld in social work practice. It calls for a more deliberate integration of rights-based language and actions to bridge the gap between theoretical understanding and practical application.

Finally, the statement 'Insufficient 'what matters' conversations to co-produce services' in Survey Response 4 (Table 7.14) highlights a lack of meaningful engagement with stakeholders in developing services that align with children's rights. Participant E, a senior practitioner, emphasised the importance of reflective spaces and leadership support:

People need time space and time to reflect on decisions with other people. If we make decisions in isolation, one, if we don't value voice we won't listen and two, we need to be using the CRC to reflect on our decisions. Are they in line with the CRC? Then it's less about the person and much more about rights and the law and what we need to do to get it right for the child.

Participant E

The data extract emphasises the need for policy and leadership support to foster meaningful engagement and reflective decision-making processes. Participant E's reflection on needing space and time to reflect with others, highlights the importance of valuing the agency and voice of service-users, but also practitioners. The implication of 'making decisions in isolation' is that decisions are driven by a single person's values and opportunities to reflect create space for critical thinking and exploration of alternate positions. Participant E's suggestion of using the CRC to reflect on decisions and their link to ensuring actions taken align with statutory CRC duties is significant in refocusing the enactment of rights as legal obligations rather than individual preference.

The data extract also touches on the contradictions between policies and the lack of clear guidance, which can inhibit the effective enactment of the CRC. The emphasis on using the CRC as a guiding framework suggests that leaders must navigate these challenges to create a cohesive and rights-respecting environment. By prioritising the agency and voice of service users and creating supportive spaces for staff, leaders can develop professional cultures that genuinely value and enact the CRC, leading to more effective and rights-based practices. For Participant E, legislative duties play an important role in forcing engagement between the CRC and practice and leaders play a crucial role in creating spaces that enable staff to make those connections.

The evidence in this section has highlighted how the enactment of children's rights within educational and social work settings is deeply shaped by the intrinsic values and beliefs of leaders. Rather than being a straightforward implementation of policy, the integration of rights into practice emerges as a dynamic and interpretive process, mediated by individual and collective orientations toward rights-based principles. The recurring theme of a disconnect between policy rhetoric and practical application illustrates the challenges of translating formal commitments into lived practice. This gap points to the need to understand enactment not merely as compliance with policy, but as an ongoing negotiation shaped by professional judgment, organisational culture and systemic constraints.

In particular, the findings suggest that while rhetorical commitment to children's rights exists at multiple levels, the actual enactment of these rights requires intentional and informed engagement. This includes the capacity of leaders to interpret and prioritise rights within complex practice environments and to foster conditions that support their meaningful integration. Thus, enactment is revealed as a situated practice—one that depends not only on structural supports but also on the values-driven actions of those in leadership roles.

7.2.3 Alignment to Rights-Based Approaches

The Welsh Government's Children's Rights Scheme (WG, 2021) endorses a five-principled approach to children's rights—commonly referred to in relation to children

as *The Right Way* (CCfW, 2016). This framework aims to embed children’s rights into decision-making, policy and practice by promoting participation, accountability, non-discrimination, empowerment and transparency. Understanding how practitioners orient themselves toward rights-based approaches (RBAs) provides insight into how these principles are enacted—or resisted—within professional cultures.

Survey data revealed that 76.5% of respondents either agreed or strongly agreed that a rights-based approach is the best approach within their field. However, this overall endorsement masks important variation across sectors and levels of seniority. Fig 7.15 depicts the differences in orientation toward the principles between those in social work and education:

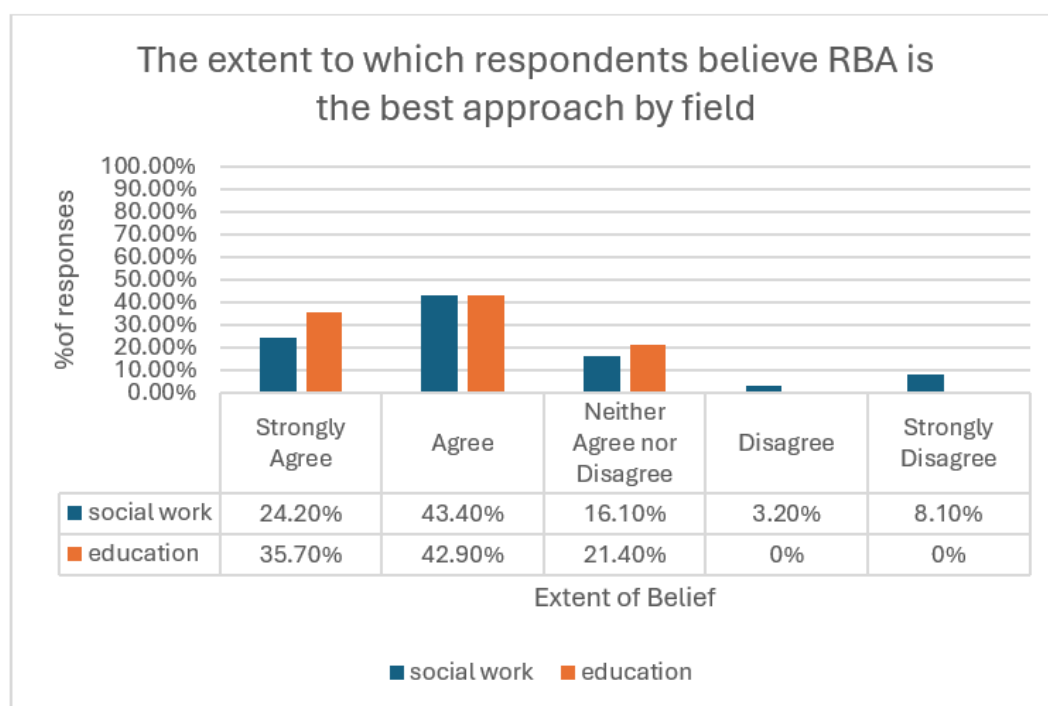


Fig7.15 The extent to which respondents believe RBA is the best approach by field

Fig 7.15 demonstrates that education professionals overwhelmingly supported the view that RBA is the best approach, with 78.6% either agreeing or strongly agreeing and no respondents expressing disagreement. In contrast, responses from social work professionals were more mixed: while a majority (67.6%) agreed or strongly

agreed, a notable 11.3% expressed disagreement, either disagreeing (3.2%) or strongly disagreeing (8.1%).

A closer examination of responses by seniority level (Fig. 7.16) reveals sectoral and hierarchical distinctions in how RBA is perceived:

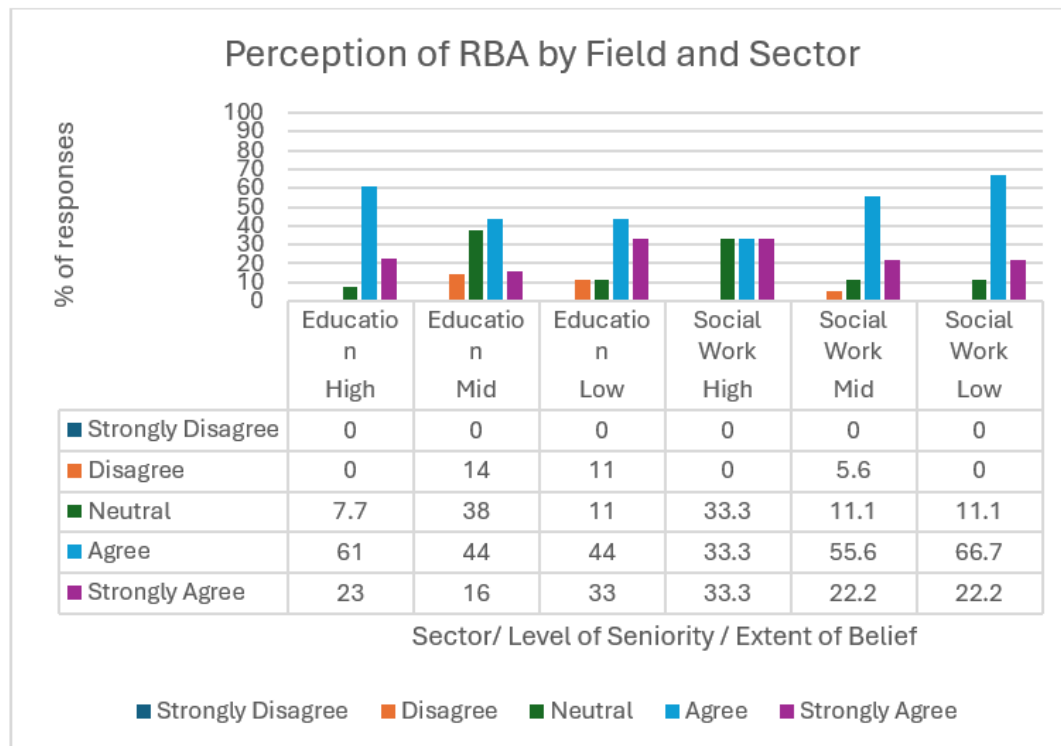


Fig7.16 Perception of RBA by Field and Sector

In social work, respondents in high-level positions report an even distribution of views, with 33.3% each indicating neutrality, agreement and strong agreement. This may suggest a balanced but cautious endorsement of RBA at senior levels, potentially reflecting the complexity of aligning RBA with statutory responsibilities. Respondents in mid-level positions report stronger support, with 55.6% agreeing and 22.2% strongly agreeing, though 5.6% report disagreement. Respondents in low-level positions report the highest levels of support within social work, with 66.7% agreeing and 22.2% strongly agreeing and only 11.1% reporting neutrality.

In education, respondents in high-level positions report robust support for RBA, with 61% agreeing and 23% strongly agreeing, while only 7.7% report disagreement or neutrality respectively. Respondents in mid-level positions report a more cautious stance: 44% agree and 16% strongly agree, but a notable 38% report neutrality. Among respondents in low-level positions, support remains strong (44% agree, 33% strongly agree), though 11% report disagreement and another 11% report neutrality, indicating some divergence at the lower end of the hierarchy.

The patterns observed in Fig.7.15 and 7.16 appear to reflect how professional cultures and institutional contexts may influence the uptake of policy frameworks like RBA. In education, where rights-based discourse is reportedly more embedded in policy and curriculum, respondents—particularly at senior levels—may find it easier to align their work with RBA principles. In contrast, social work respondents operate within a more complex legislative environment, where statutory duties under frameworks such as the SSWBA (2014) or Children Act (2004) may be prioritised. This could help explain the more cautious or ambivalent stance among senior social work respondents, who are often responsible for navigating competing policy demands.

Rather than indicating a lack of belief in rights-based approaches, the data may reflect the interpretive work required to reconcile multiple frameworks. Within the *professional cultures* domain of enactment theory, this suggests that engagement with policy is shaped by institutional roles, access to knowledge and prevailing discourses (Ball, Maguire and Braun, 2012). For instance, in contexts where safeguarding and risk management are dominant concerns, RBAs might be perceived as aspirational rather than immediately actionable.

The variation in responses also appears to highlight the potential influence of leadership in shaping how RBAs are enacted. Where senior leaders are perceived to promote rights-based values and support reflective practice, RBAs may be more likely to become embedded in organisational culture. Conversely, where leadership is more focused on compliance or constrained by external pressures, RBAs might be inconsistently applied or deprioritised.

Overall, these findings suggest that the enactment of RBAs is not solely a matter of individual belief but is likely shaped by the broader professional cultures and institutional logics that influence practice across sectors and hierarchies.

7.3 Personal Orientations to the CRC

Enactment theory posits that individuals shape their environments through their actions and preconceptions, with personal values and beliefs guiding these actions, reinforcing and manifesting those values in their perceived reality (Gamage, et. Al., 2021). Using the commonly accepted categorisation of the 3Ps: Protection, Provision and Participation (Aruldoss, 2020) as a foundation, this section examines individual values and orientations toward rights and the impact of these personal orientations on advancing or inhibiting enactment of the CRC and in turn their duties that form part of the enactment of the Measure (2011).

When asked ‘Do you believe that some rights should be given priority over others when working with children?’ 67% of overall survey respondents answered yes. In all cases, this was not affected by field or length of service. While the same is true for level of seniority, there are interesting insights that can be gleaned from the survey data. Notably, respondents in mid-level positions in education exhibit a nearly even split in their responses, with 52.9% agreeing that some rights should be prioritised. This variation may be attributed to their intermediate stage of career development, where theoretical knowledge and practical experience intersect, leading to diverse perspectives on the issue. In contrast, mid-level social respondents show a strong consensus (71.4%) in favour of prioritising certain rights, likely due to the practical demands of their field, which often necessitates immediate and pragmatic decision-making to safeguard children effectively. Another possible reason could be a lack of support to contextualise theoretical knowledge of the CRC, or their derivative duties from the Measure (2011), to pay due regard to the entirety of the CRC (SSWBA, 2014) in practice (discussed in section 7.1).

As well as being asked *if* particular rights should be prioritised, survey participants were asked *how* they prioritise rights in practice and to rank categories of rights in the order they felt were most important. To achieve this, the common categorisation of the CRC into 3Ps (provision, protection and participation) was used as a heuristic device (recognising that this goes against CRC principle of indivisibility). Fig 7.17 outlines overall responses. Participants were able to reorder the P-Types into 1st (P1), 2nd, (P2) and 3rd (P3) positions; 1st position being most important to them and 3rd being least important.

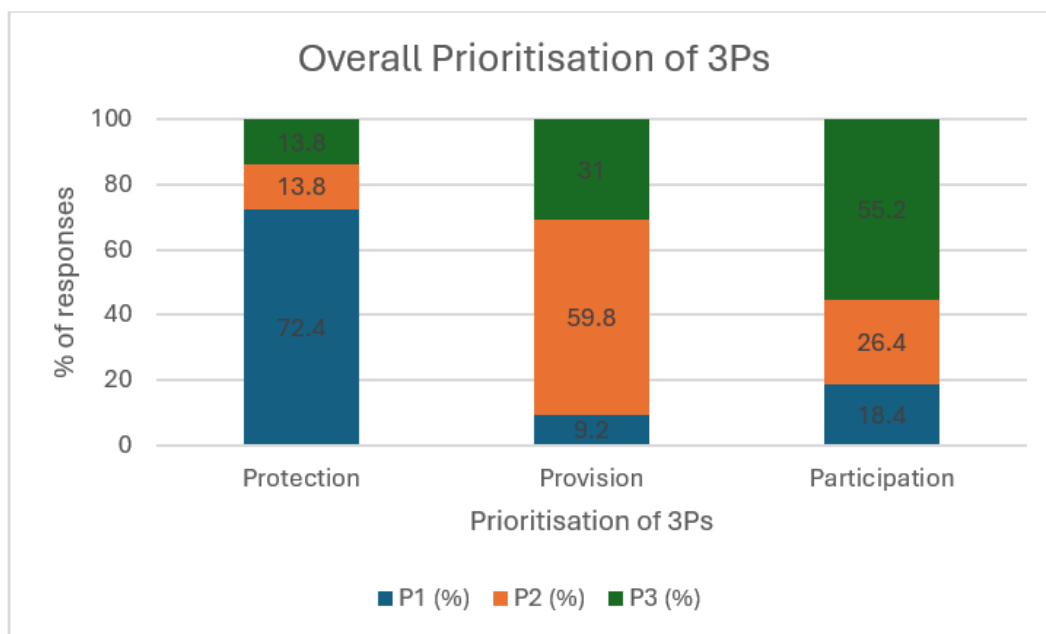


Fig7.17 Overall Prioritisation of 3Ps

Protection emerges as the most critical priority for most respondents, with a significant 72.4% rating it as their top priority. This high percentage underscores the importance placed on safeguarding and ensuring the safety and security of individuals or entities. The equal distribution of 13.8% for both Priority 2 and Priority 3 indicates that while protection is predominantly seen as paramount, a small portion of respondents still consider it less critical compared to other categories. In contrast, provision is predominantly rated as a secondary priority, with 59.8% of respondents assigning it to Priority 2. This suggests that while the provision of resources, services

or support is essential, it is not viewed with the same urgency as protection. The distribution of 9.2% for Priority 1 and 31.0% for Priority 3 further illustrates a more balanced but less immediate perception of provision, highlighting its role as a necessary but not urgent concern. Participation shows a diverse prioritisation pattern, with the highest percentage (55.2%) of respondents placing it in Priority 3. This indicates that involvement or engagement in activities or decision-making processes is generally seen as the least critical compared to protection and provision. However, the 18.4% for Priority 1 and 26.4% for Priority 2 reflect that a notable portion of respondents still value participation highly, albeit not as the foremost priority. Overall, the chart reveals a clear hierarchy in the prioritisation of the 3Ps.

Fig 7.18 breaks this prioritisation down further, offering insight into how dominant discourses and constructions of childhood affect enactment of rights in practice, in each discipline:

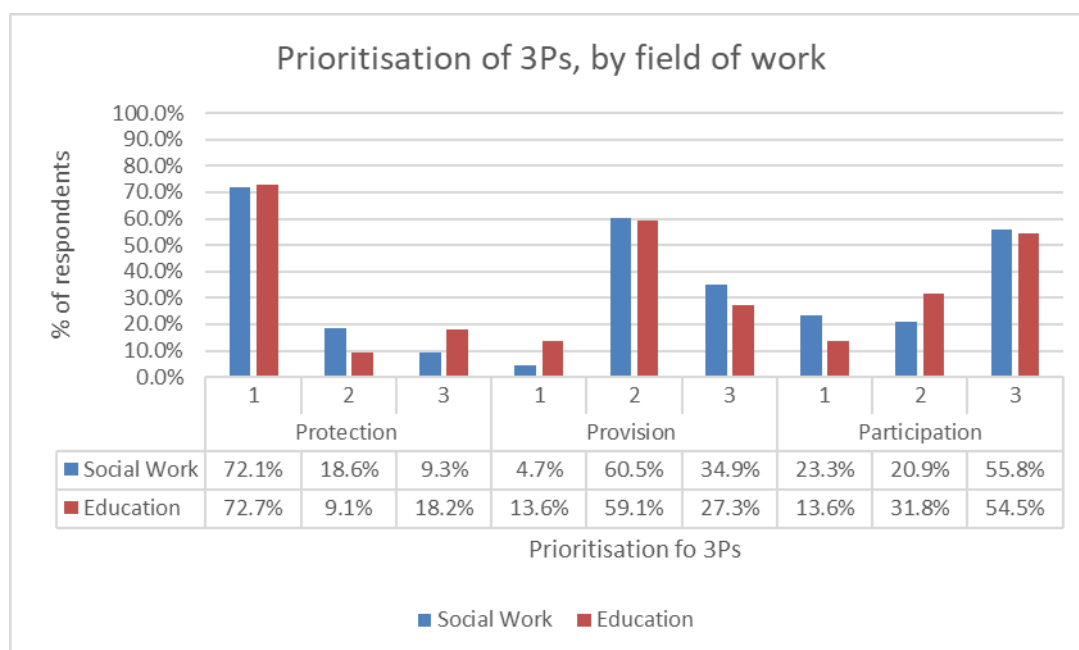


Fig7.18 Prioritisation of 3Ps, by field of work

The comparison in Fig 7.18 shows that, consistent with the overall data, respondents in both social work and education overwhelmingly prioritise protection as the most critical area. In social work, 72.1% of respondents ranked protection as their first priority, significantly ahead of participation (23.3%) and provision (4.7%). This strong

emphasis on protection aligns with the expected focus of the profession on safeguarding and welfare.

In education, a similarly high 72.7% of respondents also ranked protection as their top priority. However, unlike social work, educators show a more balanced distribution across the other two Ps: provision is ranked first by 13.6% and second by 59.1%, indicating a notable emphasis on the importance of providing resources and support alongside protection. Participation, while still largely seen as a lower priority (with 54.5% ranking it third), receives slightly more attention in education than in social work in terms of second-priority rankings (31.8% vs. 20.9%).

This dual emphasis on protection and provision in education suggests a broader scope of concern among educators, reflecting their roles in both safeguarding and supporting student development (Connolly et al., 2018). This nuanced prioritisation will be explored in more detail shortly.

Survey and focus group participants were asked, in an open-ended question, to explain why some rights should/shouldn't be prioritised over others and why they had prioritised rights the way they had in my survey. Responses have been categorised into four key themes:

For those who agree some rights should be prioritised over others:

1. Protection rights provide a gateway to access other rights.
2. Prioritisation of rights is situational, specifically associated with perceived levels of risk. That is, for most, affordability of participation rights to children is inversely proportionate to the level of risk posed to them. This theme incorporates notions of best interest and competency of children.

For those who disagreed that some rights should be prioritised over others:

3. All children deserve equal access to rights, as indivisible. In acknowledgement that it may not be prioritised, respondents in this category emphasise

participation as a gateway right to making better decisions with and about children.

4. The CRC provides a tool for a reflexive approach to practice that addresses CRC principles holistically.

Using qualitative data from survey and focus group participants I will analyse each in more detail.

7.3.1 Protection Rights as Foundational

Firstly, protection rights are consistently prioritised in both social work and education, highlighting their foundational role. As shown in Fig 7.18, participants in both fields placed protection above provision and participation. Survey responses from social work professionals, illustrated in Table 7.19, reflect this prioritisation:

Survey Response 5	My job is to protect children. at whatever cost whether they think they are safe or not. Safety first.
Survey Response 6	In my field of work protection is the priority
Survey Response 7	Our priority is that children are safe and housed. This should be the most important factor. Other rights are secondary once this is achieved.

Table 7.19 Social Work Survey Responses to their Prioritisation of Protection Rights

This is unsurprising for those working with children at high risk of harm. More unexpected was the extent to which respondents working in education —typically associated with provision and participation—also prioritised protection. This is not unexpected, for those working with children most acutely at risk of harm. However, Fig 7.18 also revealed a broader spread across the 3Ps among educators, reflecting their multifaceted roles. The nature of survey responses from those in education, are typified by those highlighted in Table 7.20:

Survey Response 8	In my area of work, prioritising rights we can link to services opens doors to enable more rights to be realised
Survey Response 9	In context to individual situations, yes: e.g. a child has a right to education, but can't access it as others do if they've arrived at school hungry and tired: priority should be given to raising living standards before we expect full engagement with learning if the child is struggling to keep up with their peers
Survey Response 10	Basic needs, such as safety and security, must be met before individuals can pursue learning'

Table 7.20 Education Survey Responses to their Prioritisation of Protection Rights

Responses in Table 7.20 compound the idea that protection serves as foundational, in enabling the fulfilment of provision and participation rights. Without safety, children cannot effectively engage in educational activities or participate in decision-making processes. Participant F, a headteacher with over 25 years of teaching experience, provides a poignant insight into this dynamic. Their reflection is used here as a centre-point, drawing in other data across that address the themes identified above:

I think that all rights are important but, if a child is not safe or cannot learn then their life chances are much more limited than not being listened to. I haven't always felt like that and I don't always feel like that now, but my role has changed, education has changed and my role and the roles of my staff are so much broader than they used to be. With the cost of living and pandemic, teachers are much more than just that now. One day this week, I spent a whole day, written off, when a parent made a disclosure. Immediately the focus changes, you know, what needs to happen to make sure the child and the parent are safe. Free from harm, so that they can ultimately be at school, with good wellbeing so that they can learn. And this is common, family circumstances feel much more complex now. In normal conditions, participation and voice are core to my values and in day-to-day practice, in the classroom, it is core to children's education.

Participant F

Participant F's reflection highlights the shifting priorities in education, where protection increasingly takes precedence due to broader societal pressures. Their account illustrates how values evolve in response to changing roles and external conditions, such as the pandemic and cost of living crisis. While participation remains a core value, it is often deprioritised in moments of acute need, reinforcing

the idea that protection is a gateway right. This theme is echoed in social work. Participant G, a survey respondent, describes the difficult trade-offs involved in ensuring safety:

Ensuring a child is placed in a safe environment might take precedence over their right to stay with siblings or maintain stability in their education. This balancing act can be difficult, as it involves making decisions that might compromise one right to fulfil another.

Participant G

Participant G's example illustrates the difficult trade-offs social workers face when prioritising protection. Ensuring safety may require separating siblings or disrupting education—decisions that reflect a shift in values based on immediate risk. Like Participant F, Participant G acknowledges that under 'normal conditions', other rights might take precedence, but in crisis, protection becomes paramount. Both quotes underscore the importance of balancing rights based on values and circumstances. While dealing with disclosures and other child protection issues have always been part of the duty of care of teachers, in the view of Participant F, the extension of traditional social work problems into the delivery of education is increasing and affecting the way in which educators have to practice and therefore conceptualise and enact the CRC. What have historically been different issues in the implementation of the CRC for those in education, i.e., the provision of education and opportunities for attainment in education, appear to now be becoming more commonly aligned to the challenges faced by those in social work, e.g., balancing protection rights with those of provision and participation (Connolly et al, 2018).

7.3.2 Balancing Rights in Crisis

The second them to be addressed, is the prioritisation of protection, proportionate to the perceived risk. The following section offers an interpretive analysis of how Participants H and I describe their decision-making processes in crisis contexts, drawing on their own reflections to explore the role of instinct, internal assessments and tacit knowledge in the enactment of children's rights. Participant H, an experienced social worker, reflects on the complexity of balancing rights during

moments of crisis. Their account reveals how decision-making in such contexts is often driven by instinct and immediate need, rather than a deliberate weighing of rights:

I think [balancing rights] is a huge challenge for child and family services. It probably happens unconsciously, even before you have that conversation—deciding which rights are more important at a particular time when a family is in crisis. I'm not even sure it's consciously rights I'm balancing, but rather reacting to the family's needs at the time... It is, but it isn't.

Participant H

This data extract captures the ambiguity and fluidity of practice in high-pressure situations. Participant H acknowledges that while rights are central to their role, the urgency of a family's needs often overrides formal frameworks. The phrase 'it is, but it isn't' encapsulates the tension between professional ideals and the realities of frontline work. Their reflection suggests that rights-based reasoning may be present, but not always consciously or explicitly applied. Instead, decisions are shaped by accumulated experience, professional intuition and the emotional weight of the situation.

Participant I, also a social worker, builds on this theme by highlighting how internal assessments—often made before any formal engagement with the child—can shape the extent to which children are afforded their right to participate:

You could argue that before a young person gets the opportunity to be involved in decisions that affect them, a practitioner may have already made an internal assessment. Even before the conversation about their rights begins, that internal 'yes or no' decision might already limit their chance to participate or access that right.

Participant I

This insight draws attention to the subtle but powerful ways in which professional judgment can pre-emptively restrict children's agency. Participant I's use of 'internal assessment' suggests a process that is not always visible or accountable yet has significant implications for how rights are enacted. It raises important questions about how practitioners determine a child's capacity to participate and whether those

determinations are based on objective criteria or shaped by personal beliefs, risk aversion or systemic pressures.

Together, these reflections illustrate the nuanced and often unconscious processes that underpin decision-making in child and family services. They reveal how practitioners navigate competing rights and responsibilities, often without a clear or consistent framework. While both participants express a commitment to children's rights, their accounts show how those rights can be deprioritised or constrained by the realities of practice. These accounts also illustrate the operation of tacit knowledge in practice—unspoken, intuitive understandings shaped by experience and internalised norms (Polanyi, 1966).

While tacit knowledge is, by nature, unspoken and often unconscious, it can be recognised—particularly through reflective practice or external observation. In this study, participants occasionally demonstrated an awareness that their decisions were not explicitly grounded in rights-based reasoning, but rather in instinctive responses shaped by experience. For example, Participant H acknowledged, 'I'm not even sure it's consciously rights I'm balancing, but rather reacting to the family's needs at the time', revealing a moment of self-awareness about the intuitive nature of their practice. Such reflections suggest that practitioners can, at times, recognise tacit knowledge at play, especially when prompted to reflect on their decision-making processes. This recognition is crucial, as it opens up opportunities for critical examination of how internalised norms and values influence the enactment of children's rights. Tools like the CRC, when used as reflective frameworks, can help surface these implicit processes, enabling practitioners to align their actions more consciously with rights-based principles.

7.3.3. Participation rights are a means of making better decisions.

Thirdly, in analysis of why and how practitioners prioritise the 3Ps, the theme of enabling participation as a means of better decision making is explored. Participants J and K describe the role of participation rights in practice. Their reflections illustrate contrasting perspectives on the value and practicality of involving children in

decision-making, revealing how personal values, professional judgment and contextual constraints shape the enactment of participation rights.

Participant J, a supervising social worker, provides an example of how participation can be used not only to uphold rights but to improve the effectiveness of interventions:

Understanding and prioritising participation is paramount in making informed decisions about protection and provision. For instance, in my practice, I worked with a young person who was frequently going missing and at risk of exploitation. By actively listening to their voice and involving them in the decision-making process, we were able to develop a safety plan that they felt comfortable with and were more likely to follow. Working together not only ensured their immediate protection but also empowered them, fostering a sense of trust and cooperation. Without their participation, any plan would have been less effective and potentially disregarded.

Participant J

This account demonstrates a rights-based approach in action, where participation is not treated as secondary to protection, but as integral to it. Participant J's emphasis on 'working together' and 'trust' highlights how participation can foster ownership and improve outcomes. Their reflection also suggests that participation is not merely about listening, but about creating space for children to influence decisions that affect them—aligning with Lundy's (2007) model of space, voice, audience and influence. The success of the safety plan is attributed not only to professional expertise but to the young person's active involvement, reinforcing the idea that participation enhances both protection and provision.

In contrast, Participant K, a teacher, offers a more cautious view of participation, particularly in relation to children's capacity to make decisions:

The right for them to participate in decision making is not always practical... in some instances they don't know what's best for them. They are involved in pupil voice activities regularly, but only when it's a decision they can be involved in.

Participant K

This quote reflects a more paternalistic enactment of participation rights, where the child's involvement is contingent upon the practitioner's internal assessment of their capacity. Participant K's framing suggests that participation is not a default entitlement, but something selectively granted, shaped by professional judgment and contextual constraints. This illustrates how participation is not simply implemented but enacted—interpreted and constructed in practice through the lens of individual beliefs, institutional norms and perceived responsibilities (Ball, Maguire and Braun 2012). Such enactments reveal the tension between upholding children's agency and fulfilling perceived duties of care, raising questions about how such decisions are shaped—whether by formal policy guidance or by tacit knowledge and personal values (Polanyi, 1966).

Together, the reflections of Participants J and K illustrate a spectrum of enactments of participation rights. Participant J enacts participation as integral to effective and ethical practice, embedding it within a relational, rights-based framework that values co-production and empowerment. In contrast, Participant K enacts participation more cautiously, privileging protection and professional discretion. These divergent enactments underscore how personal values, professional roles and situational factors shape the lived reality of children's rights in practice. They also reflect broader debates within children's rights discourse—particularly the balance between autonomy and protection—and how this balance is navigated in everyday decision-making (Lundy, 2007).

7.3.4 The CRC as a Reflective Tool

The fourth and final theme to explore in this section is the CRC as a reflective tool. The patterns of prioritisation discussed in Fig. 7.18 and Tables 7.19 and 7.20, reveal how practitioners interpret and navigate the 3Ps—protection, provision and participation—within their specific professional and institutional contexts. These decisions are not simply about ranking rights, but about how rights are enacted in practice, shaped by values, roles and situational demands (Ball, Maguire and Braun 2012). As such, understanding how practitioners reflect on and make sense of their responsibilities becomes central to understanding how children's rights are realised. The following section explores how the CRC itself can function as a reflective tool—

supporting practitioners to surface tacit knowledge, question assumptions and align their practice more consciously with the principles of the Convention.

Participant L, a social work manager, offers an account of how the CRC can function as a reflective tool in practice:

Where the CRC comes in is you can use it as a mirror to reflect back... for me, it'd be things like the corporate parenting work. All departments of the Council have corporate parenting responsibility, but not every department would see their role as being responsible for children's rights. We could use the Convention to say, 'children have the right to x, y and z and this links to your portfolio...' I think that for me, some of that CRC stuff helps us in areas of the authority that wouldn't necessarily focus on the rights of a child... to say, 'this is here, this is why we are all responsible,' to give people confidence to practice because they can see that they are upholding the CRC.

Participant L

This reflection illustrates how the CRC can be used not only as a legal or policy framework but as a practical mirror—a tool for surfacing tacit knowledge and prompting critical reflection on practice (Collins, 2010). For Participant L, the Convention provides a shared language and reference point that can help practitioners across departments recognise their responsibilities toward children's rights, even when those responsibilities are not traditionally foregrounded.

The metaphor of the CRC as a mirror aligns with enactment theory, where policy is not simply implemented but interpreted and constructed in context (Ball, Maguire and Braun, 2012). By reflecting on the CRC, practitioners can make visible the implicit beliefs and assumptions that shape their decisions (Shahzad & Soroya, 2024). This reflective process fosters intentionality, consistency and accountability, enabling practitioners to align their actions more closely with the principles of the Convention.

Moreover, Participant L's emphasis on using the CRC to build confidence in practice suggests its potential to foster a sense of collective responsibility and social consensus (Prislin et al., 2012). In this way, the CRC becomes not only a guide for individual reflection but a catalyst for organisational and cultural change. In

summary, Participant L's account highlights the CRC's value as a reflective tool that can enhance awareness, surface tacit knowledge and promote more deliberate and rights-aligned practice. This underscores the importance of embedding reflective processes into professional development and organisational culture to support the consistent enactment of children's rights.

In conclusion to this section, the analysis of how practitioners prioritise and reflect on the 3Ps reveals that rights are not enacted uniformly, but shaped by context, values and professional judgment. While protection often dominates, the CRC offers a reflective lens through which practitioners can critically examine and rebalance their approaches. This dynamic interplay between prioritisation and reflection highlights the complexity of rights enactment in practice and provides a foundation for the chapter's concluding synthesis.

7.4 Conclusion

This chapter has explored how professional cultures shape the enactment of the CRC across education and social work in Wales. Drawing on enactment theory, it has shown that rights are not simply implemented but interpreted and constructed through the values, beliefs and situated practices of professionals. Knowledge and confidence emerged as critical enablers of enactment, with seniority and length of service influencing access to and engagement with rights-based frameworks. However, disparities in training, policy exposure and institutional support reveal uneven landscapes of enactment across sectors and roles.

Leadership was shown to play a pivotal role in shaping institutional alignment to the CRC. Where leaders model rights-based values and create reflective spaces, enactment is more likely to be embedded in practice. Conversely, where leadership is driven by compliance or constrained by competing legislative demands, rights may be deprioritised or enacted only rhetorically. The chapter also highlighted how personal orientations—particularly in relation to the 3Ps—affect how rights are prioritised and enacted. Protection often dominates, especially in crisis contexts, but participation was also recognised by some as a gateway to better decision-making.

Finally, the CRC itself was shown to function as a reflective tool, enabling practitioners to surface tacit knowledge and align their actions more consciously with rights-based principles. This underscores the importance of fostering professional cultures that support critical reflection, shared responsibility and the deliberate enactment of children's rights.

Chapter 8: Social and Material Contexts of Enactment

Chapter 7 explored how professional cultures shape practitioners' knowledge, confidence and values in relation to the CRC and the Measure (2011). This chapter builds on that foundation by examining how material and social contexts influence the practical enactment of those rights in everyday settings.

Material context refers to the physical and economic conditions that influence how policies are enacted (Ball, Maguire and Braun, 2012). This includes tangible resources such as funding, infrastructure and staffing, as well as policy and legislative frameworks. Although this study was originally structured around the four contextual domains of enactment theory as proposed by Ball, Maguire and Braun (2012), the analysis in Chapter 8 integrates social contexts within material contexts to reflect their recognition that policy enactment is shaped not only by physical resources but also by the relational, cultural and institutional dynamics that influence how practitioners interpret and act on policy in practice (ibid.)

8.1 Influence and Impact of the Measure (2011)

Survey participants were asked to rate their agreement with four statements about the Measure (2011): their understanding of it, its influence on their practice, its impact on their awareness of children's rights and its broader impact on the realisation of rights in Wales. While most respondents reported a good understanding of the Measure (2011), fewer agreed that it significantly influenced their practice. This discrepancy was particularly pronounced among education professionals, 40% of whom disagreed or strongly disagreed that the Measure (2011) influenced their work.

Senior practitioners in both education and social work were more likely to report that the Measure (2011) influenced their practice. 57.2% of high-level education professionals and 55.6% of high-level social workers agreed or strongly agreed with this statement. In contrast, no low-level social work practitioners strongly agreed. This suggests that proximity to policy implementation roles may shape perceptions of influence, even though the responsibility to enact rights lies with all practitioners.

These findings raise important questions about how the Measure (2011) is communicated and supported across different levels of seniority. If frontline staff do not perceive the Measure (2011) as relevant or impactful, this may hinder its effective enactment. Utilising this and learning from Chapter 7, the remainder of this chapter explores the material and social conditions that shape these perceptions.

8.2 Physical Space and Social Contexts as Material Contexts

Enactment theory posits that policies are not merely implemented but are actively interpreted and performed within specific contexts (Ball, Maguire and Braun, 2012). While material contexts are often understood as physical infrastructure, resources and staffing, this section argues that social contexts—such as institutional culture, practitioner autonomy and relational dynamics—are also deeply embedded in the material realities of practice. The following examples illustrate how both physical and social environments shape the enactment of children’s rights in education and social work.

Participant M, a headteacher, described how the physical layout of their school was designed to reflect and reinforce children’s rights:

All the rights of the child are displayed in my office, so that they're there to remind me when I'm doing policy or whatever I'm doing that I link everything I possibly can to the rights of the child... you can actually see those articles working across the school. It's what we do. It's fundamental to the planning of our school to create rights-respecting environments for the children.

Participant M

This example illustrates how the built environment can serve as a material expression of institutional values. The visibility of the CRC throughout the school not only reinforces its importance for staff and students but also embeds rights into the daily routines and spatial organisation of the school. This aligns with the statutory duties under the Curriculum Act (2021), which requires schools to embed the CRC into their ethos and practice. Here, the physical environment becomes a pedagogical tool—one that supports the enactment of rights through design, symbolism and accessibility.

In contrast, Participant N, a social worker, highlighted the challenges of enacting rights in less structured and more mobile environments:

I'm working with a 15-year-old with escalating anti-social behaviour... he's almost too old, 'cause no one really wants to touch it... you'd think you need to be placed somewhere where you can access education and get away from all these risks... but they vote with their feet at that age.

Participant N

This data extract highlights the tension between protection and autonomy in social work practice. The absence of a fixed institutional space, such as a school, complicates efforts to create stable, rights-respecting environments. Participant N must navigate competing imperatives: the child's right to education and safety, and their evolving capacity to make decisions. In this context, the material environment is not a single location but a shifting network of placements, transitions, and relationships that shape the child's experience of rights. The practitioner's role involves negotiating these dynamic spaces—often in moments of crisis—while striving to uphold the principles of the CRC.

This example also reflects broader challenges in social work related to physical space and the practical application of the CRC. Ensuring that the child is placed in a supportive educational environment is particularly difficult during transitions into adult services. Creating a space that is both conducive to learning and free from harmful influences requires careful planning and often significant changes in living arrangements (Shamrova, 2021). However, such changes can be disruptive and may be resisted by adolescents who value their autonomy. Social workers must therefore balance respect for the child's evolving capacities with the need to ensure their safety, considering the emotional and social implications of environmental changes (Quennerstedt et al., 2018).

If, as Ball, Maguire, and Braun (2012) suggest, individuals' behaviours are shaped by their environments, then Participant N's account may reflect an effort to influence the material context in ways that support more positive outcomes. This suggests a practice orientation that is responsive to both structural constraints and the agency of

the young person. In this sense, the practitioner's approach aligns with Lundy's (2018) emphasis on creating enabling environments for rights realisation. While resource-intensive and often reactive, such practice illustrates the complex, situated nature of rights-based social work.

This nuanced balancing act between structure and autonomy underscores the importance of adaptable environments in rights-based practice. A similarly flexible and child-centred approach is evident in Participant O's account, which highlights how tailored interventions can support both parental capacity and child welfare. Participant O, a social worker, described a bespoke intervention that enabled a young mother to remain with her baby:

We did a bespoke package where mum stayed with the foster carer... then we dropped that down to respite care... then to mum and baby in their own home... it was about how can we work for this family.

Participant O

This example demonstrates how flexible use of physical and social space can support rights-based practice. The foster carer's home became a transitional space—part residential, part supportive—allowing the mother to develop parenting skills in a safe environment. The gradual reduction of support reflects a relational approach to risk and capacity, aligning with the CRC's emphasis on family preservation and the child's right to be cared for by their parents. The material context here is not static but adaptive, shaped by the needs of the family and the professional judgment of the team. This kind of flexibility exemplifies how material and social contexts can be aligned to uphold rights in complex situations.

The bespoke support package, in which the mother remained with a foster carer, highlights the critical role of physical space in enabling rights-based social work practice. The foster carer's home functioned as a safe and stable environment where the mother could develop her parenting skills under supportive supervision. This arrangement not only safeguarded the well-being of both mother and baby but also facilitated a gradual transition—from full-time support to respite care and eventually to independent living. Such flexibility in the use of space reflects a tailored, child- and

family-centred approach that aligns with the CRC's emphasis on the child's right to a family environment and the development of their capacities (McCafferty and Garcia, 2024). Carefully managing this transition ensured that the family could adapt at each stage without becoming overwhelmed.

This example illustrates how material contexts—particularly adaptable physical environments—are integral to the enactment of social work policy. By shaping spaces that respond to the evolving needs of families, practitioners can uphold children's rights in practice. In doing so, they not only promote the well-being and development of children but also empower parents, ensuring that the principles of the CRC are fully realised (UNCRC, 1989; Winter et al., 2024).

8.3 Workforce Capacity and Collaboration as Material Contexts

This section explores how staffing levels, managerial support and inter-agency collaboration function as material contexts that enable or constrain the realisation of the CRC in practice (Ball, Maguire and Braun, 2012), illustrating how human resource conditions—such as time, workload and relational infrastructure—mediate the translation of policy into practice.

One key aspect of this material context is the impact of staffing levels and reflective practice on the ability of professionals to uphold children's rights. Participant P, a principal officer in social work, described the pressures of working in a system driven by high caseloads and limited capacity:

We always have staffing issues. It's a demanding profession. The system places pressured demands on staff... what is useful to think about is, can that person thrive? Has that person got time due to caseloads, capacity and staffing? Do they feel comfortable? Do they feel confident? Inherent things in every system to do the valuable pieces of work. As a manager that means prioritising where possible, but it often means sitting down, just having a coffee and being there in whatever capacity. You know? To listen and think things out together.

Participant P

This reflection highlights how staffing levels are not just logistical concerns but material conditions that shape the enactment of rights. When practitioners are overburdened, their ability to engage reflectively and relationally with children and

families is compromised. Participant P's emphasis on informal support, 'just having a coffee', underscores the importance of creating space for dialogue and shared problem-solving. These moments of reflection are not peripheral but central to rights-based practice, enabling practitioners to align their decisions with the principles of the CRC (Braun et al., 2011).

The quote also illustrates how managerial support can act as a buffer against systemic pressures. By fostering a culture of care and reflection, managers can help practitioners navigate the emotional and ethical complexities of their work. This aligns with Ball, Maguire and Braun's (2012) notion that policy enactment is shaped by both structural constraints and the discretionary agency of individuals within institutions.

Equally important is the role of inter-agency collaboration, which emerged as a vital mechanism for enabling holistic, rights-based support for children. Collaboration between education and social services emerged as a key material condition influencing the enactment of children's rights. These collaborative structures, referral pathways, joint meetings and early help provision, constitute a material infrastructure that enables holistic, rights-based support. The following examples illustrate how such collaboration supports the enactment of the CRC in practice.

Participant Q, a teacher, described the importance of joint working in supporting neurodiverse children:

You've got education and social services who need to work together, on referral elements and support during and after diagnosis. We are often at the forefront of identifying diagnoses and making referrals that can support our pupils... working with early help provision to have conversations that wholly support their [the child's] needs, in and out of school.

Participant Q

Participant Q's reference to education and social work working together highlights the integrated approach required to fulfil CRC duties. The recognition of children's needs both in and out of school suggests that this collaboration ensures children receive holistic support—educationally, socially and emotionally. By working

together, practitioners can uphold children's rights through a seamless support system that benefits the child's overall well-being. Furthermore, the quote underscores the importance of early identification and intervention, which are critical components of effective child welfare practices. The proactive role of education professionals in identifying potential issues and making referrals, supported by social services, aligns with the principles of early intervention advocated by the CRC. This integrated approach not only enhances the effectiveness of interventions but also ensures that the child's rights are comprehensively addressed across settings.

Participant R, a social worker, reinforced this point by highlighting how collaboration can mitigate the risks of individual bias or failure:

Even if you've got one professional who's not very nice, doesn't value rights, or doesn't put the child first, you're multi-agency working and you've got support services in place. There's other people there... it's not reliant on one person, you know.

Participant R

Participant R's quote highlights several key aspects of effective multi-agency collaboration. First, it underscores the resilience of collaborative systems: when multiple agencies work together, the responsibility for care does not fall solely on one individual. This is crucial for maintaining consistent and comprehensive support (Atkinson et al., 2007). Second, collaboration can mitigate the impact of individual shortcomings. If one professional is underperforming or lacks a rights-based orientation, the presence of others can help ensure that the quality of care remains high (Cheminais, 2008). Third, the mention of 'support services in place' points to the importance of having a variety of services available to meet diverse needs. A multi-agency approach creates a more robust and reliable support system, capable of withstanding challenges and continuing to provide effective support even when one part of the system is under strain (Atkinson et al., 2007; Cheminais, 2008).

These examples illustrate how collaborative practice among practitioners in Wales can significantly enhance the enactment of the CRC and its associated duties. By balancing personal and professional values and navigating the inherent tensions

within the CRC's protection, provision and participation rights, multi-agency teams are better equipped to respond to complex ethical landscapes. In doing so, they ensure that children's holistic needs are met while upholding their fundamental rights.

8.4 Accountability Structures as Material Contexts

In enactment theory, material contexts encompass not only tangible resources such as staffing, infrastructure and funding, but also the structural systems that shape how policies are enacted in practice (Ball, Maguire & Braun, 2012). Among these systems, accountability structures, such as statutory reporting regimes and performance metrics, play a critical role in directing how practitioners interpret and prioritise their duties. These mechanisms influence the allocation of time, attention and resources and thus form a key part of the material conditions under which children's rights are enacted.

When asked, 'What more could be done to support practitioners to make children's rights a reality in Wales?', survey and focus group participants frequently called for stronger leadership and clearer accountability mechanisms. Eleven of the 42 recommendations focused specifically on the need for government-led direction and enforcement that would elevate rights-based duties to the same level of priority as other statutory obligations.

Participant S, a senior social worker, reflected on the limitations of current reporting mechanisms:

I think a lot of Welsh Government reporting is based on numbers, isn't it? For social services. So, it's numbers crunching. How many children are coming in? How many have you closed? What time have you seen these children? That is a lot of it. I think a function to hold us to account for that, on that wider corporate level, would direct us to link our work specifically to the UNCRC... perhaps if Welsh Government, when they're having us report, have us draw back to the UNCRC in those reports, you're more likely to get the kind of data back that links what we do to rights.

Participant S

This quote highlights a key tension in how accountability is experienced by practitioners. While the SSWBA (2014) requires professionals to pay due regard to

the CRC, participants described a reporting culture that remains largely focused on quantitative outputs. As Participant S, current reporting mechanisms tend to prioritise numerical indicators, such as case closures and visit timings, over qualitative assessments of rights-based practice. The focus on numerical data can lead to a narrow view of service effectiveness, neglecting the broader, more nuanced needs of children as outlined in the CRC, reducing them to procedural compliance (Neagu, 2021; McCafferty & Garcia, 2024).

From an enactment perspective, this reflects how material contexts, particularly accountability structures, shape what is foregrounded in practice. As Ball, Maguire and Braun, (2012) argue, material conditions influence not only what is possible but also what is prioritised. In this case, the absence of explicit rights-based indicators in statutory reporting may contribute to the limited visibility of the CRC in everyday professional routines. Participant S's suggestion that reporting frameworks could more explicitly reference the CRC illustrates how practitioners themselves identify opportunities to align accountability mechanisms with rights-based duties.

Building on this, Participant T, a senior education practitioner, emphasised the importance of visible and consistent leadership from the Welsh Government:

Stronger direction and commitment are needed from the Welsh Government. It's ok to remind people that what we do for children stems from our obligations to children's rights and that legislative measures exist to ensure their robust implementation.

Participant T

This quote reinforces the idea that accountability is not only about enforcement but also about cultural signalling. When government leadership articulates the centrality of children's rights, it appears to legitimise and prioritise rights-based approaches across sectors. As Williams (2012) argues, in the absence of such leadership, legislative frameworks may become symbolic rather than transformative.

Participant T's reflection also highlights how leadership can influence the interpretive frameworks through which practitioners understand their responsibilities. In this sense, accountability is not limited to compliance mechanisms but includes the broader discursive and structural conditions that shape enactment. The perceived

gap in enforcement mechanisms, as noted by both Participants S and T, suggests that the effectiveness of legislative frameworks depends not only on their existence but on how they are operationalised and reinforced in practice.

From an enactment perspective, these insights underscore the role of accountability structures as material contexts. They shape what is foregrounded in professional routines, how resources are allocated and how practitioners make sense of their duties. Where leadership reinforces the centrality of rights, practitioners may be more likely to interpret their roles through a rights-based lens. Conversely, in the absence of such reinforcement, rights-based duties may be deprioritised in favour of more dominant legislative or procedural drivers.

8.5 Education Material as a Material Context

Educational materials, including training resources, guidance documents and professional development frameworks, form a key part of the structural conditions that shape how practitioners understand and enact children's rights in practice (Ball, Maguire & Braun, 2012). They influence how practitioners understand their duties, access knowledge and translate policy into practice. This section explores how the availability, quality and consistency of educational materials affect the enactment of children's rights in Wales, drawing on survey and focus group data from practitioners in education and social work.

In response to the question, 'What more could be done to support practitioners to make children's rights a reality in Wales?', two dominant themes emerged: the need for clearer guidance on the practical enactment of rights-based approaches and the importance of consistent, accessible professional development that reflects the distinct contexts of education and social work.

To illustrate how these themes manifest in practice, an exchange between Participant U, a social worker, and Participant V, a teacher, reveals how access to educational materials is shaped by local authority priorities:

I'm not entirely sure. I think it is [the government's role], but the Right Way resources have been very helpful to us, so if they're there, because they link directly to the principled approach that underpins our Scheme, then we don't need that provision from Government.

Participant U

But others might, right? You're in an authority where those in charge have chosen to prioritise rights. That's not standard. And, respectfully, you've mentioned that in some departments, social care, the dominant legislative drivers aren't always that.

So, for me, here is a role for government, as leaders of our Country, to lead in supporting public servants to serve... in the best ways they can. The other resources are great, but I wonder without government leadership, how and who by, they are picked up by, remain chance. Sorry.

Participant V

This exchange highlights the uneven availability of rights-based resources across local authorities. While Participant U's authority has adopted a principled approach that aligns with existing materials, Participant V points to the risk of inconsistency in areas where leadership has not prioritised children's rights. From an enactment perspective, this suggests that educational materials are not neutral tools but are embedded within broader material and discursive contexts that shape their uptake and use.

Building on this, survey responses further underscore the importance of comprehensive training and practitioner buy-in. Table 8.1 summarises key themes identified from these responses, highlighting the types of support practitioners called for and specific insights they shared and the implications for policy and practice.

Theme	Survey Insight / Quote	Implication
Need for Ongoing Training	Emphasis on regular, ongoing training and refresher courses to keep practitioners updated.	Practitioners value continuous learning to maintain current knowledge.
Targeted Legislative Training	Training on specific topics like the Social Services Act and practical application of children's rights.	There is a demand for training that links directly to statutory duties.
Accessible and Diverse Formats	Development of accessible training resources, including apps and workshops.	Practitioners want flexible, user-friendly formats.
Sector-Specific Resources	Resources available for all school settings, avoiding 'baby-ish' materials for secondary schools.	Materials must be age-appropriate and context-sensitive.
Leadership and Policy Alignment	Reinforcement of rights in policies like the Curriculum Act for new qualified teachers (NQTs).	Embedding rights in policy frameworks supports consistent practice.
Unified Understanding	Variations in how children's rights are implemented can be addressed through standardised training.	A consistent national approach is needed to reduce disparities.
Government Role	There is a role for government... to lead in supporting public servants to serve... in the best ways they can.	Practitioners expect leadership and coordination from government.

Table 8.1 Analysis of Survey Responses on Education Materials

Survey responses revealed a strong and consistent demand for more accessible, targeted and ongoing professional development to support the enactment of children's rights. Practitioners across both education and social work sectors emphasised the importance of regular training and refresher courses to maintain up-to-date knowledge of relevant legislation and rights-based practices. One respondent noted the need for 'regular, ongoing training and refresher courses to keep practitioners updated, highlighting the value placed on continuous professional learning.

There was a clear call for training that is both practical and specific, particularly in relation to legislative frameworks such as the SSWBA (2014). As one participant put

it, 'Training on specific topics like the Social Services Act and practical application of children's rights' is essential for translating policy into practice. This was echoed by others who stressed the importance of materials that are not only informative but also directly applicable to everyday professional contexts: 'Training on these topics is not just desirable; it is essential for fulfilling statutory duties under frameworks.'

In addition to content, the format and accessibility of training materials were also key concerns. Respondents advocated for diverse formats, including digital tools, apps and in-person workshops, to accommodate different learning styles and professional settings. One survey participant recommended the 'development of accessible training resources, including apps and workshops,' while another stressed the need for 'resources available for all school settings, avoiding 'baby-ish' materials for secondary schools,' underscoring the importance of age-appropriate and sector-specific content.

The discussion naturally leads to the role of leadership and policy alignment in supporting consistent practice. Practitioners highlighted the need for rights to be embedded within broader statutory frameworks, such as the Curriculum for Wales, to ensure coherence and consistency. As one respondent noted, Reinforcement of rights in policies like the Curriculum Act (2021) for new qualified teachers (NQTs) is vital for embedding a rights-based ethos from the outset of a practitioner's career.

This emphasis on coherence was echoed in calls for a more unified and coordinated approach to professional development. While acknowledging the value of existing resources, several participants expressed concern about inconsistencies in understanding and application across sectors. One participant observed, 'Variations in how children's rights are implemented can be addressed through standardised training,' while another emphasised the need for government leadership: 'There is a role for government... to lead in supporting public servants to serve... in the best ways they can.' These insights underscore the need for a national strategy that ensures consistent support and accountability across sectors.

Taken together, these findings underscore the role of educational materials not only in transmission of knowledge but in shaping a shared professional culture. This

culture supports the confident and consistent enactment of the CRC across sectors, ensuring that children's rights are not only understood but actively upheld in practice.

However, despite these efforts, a significant challenge remains: the lack of a common understanding of what it means to embed or enact children's rights in practice. This issue is exemplified by the reflection of Participant W, an education professional, who noted:

I think there's some that really jump out to us and I think we use them and they're embedded in our practice without necessarily always thinking about them, but is my practice consistently underpinned by rights, I guess so, but I don't know.

Participant W

While certain rights may be naturally integrated into routines, there is uncertainty about whether practices are consistently underpinned by a rights-based approach. This underscores the need for a consistent and comprehensive training programme that ensures all practitioners have a clear understanding of the CRC and how to apply it effectively.

In survey and focus group data the following projects, initiatives, programmes and frameworks have been mentioned as used: UNICEF's Rights Respecting Schools Award, The Right Way (CCfW, 2016) resources in social care and in education, National Participation Standards (Welsh Government, 2018), Trauma informed approach models, Healthy Schools and Eco-schools. Despite the availability of numerous support resources, confusion and inconsistency persist. In fact, 64% of survey responses to the question 'What more needs to be done to support practitioners?' related to the need for professional learning opportunities and 58% of these responses specifically called for clarity on what the CRC looks like in practice. Participant X, a social work professional, articulated this clearly:

Variations in how children's rights are implemented can be addressed through standardised training, creating a uniform approach that ensures all children receive the same level of protection and support.

Participant X

This quote reflects a clear recognition of inconsistency in the enactment of children's rights across settings. Rather than proposing an abstract ideal, Participant X identifies standardised training as a practical mechanism to address this inconsistency. Their emphasis on 'uniform protection and support' suggests a concern that, in the absence of shared training frameworks, children may experience unequal access to rights depending on the practitioner or setting. This aligns with broader survey findings, where a significant proportion of respondents called for clearer, more consistent professional development to support rights-based practice. Standardised training, in this sense, can be interpreted as a mechanism to reduce interpretive variability and ensure that all practitioners, regardless of sector or region, are equipped with the foundational knowledge needed to enact the CRC consistently (Hanson & Nieuwenhuys, 2020; Lott, 2025)

However, others, like Participant Y, also an education professional, emphasised the importance of sector-specific contextualisation:

If we were looking across Wales, or even across the organisation, is my understanding of children's rights the same as my social work or education colleagues, should it be? We don't need to practice in the same way, but our goals should be aligned, shouldn't they?

Participant Y

The data extract illustrates the interpretive nature of policy enactment, where practitioners engage with rights-based frameworks through the material and discursive conditions of their professional settings. Rather than advocating for uniformity in practice, Participant Y draws attention to the need for alignment in purpose, suggesting that while the enactment of rights may differ across contexts, it should be underpinned by a shared understanding of the CRC's principles.

Viewed through the lens of material contexts, this reflection highlights how structural conditions, such as access to training, policy guidance and institutional priorities, shape the ways in which rights are enacted. The variability in these conditions across sectors contributes to fragmented enactments, where practitioners may be

working toward similar goals but without a common interpretive framework.

Participant Y's emphasis on alignment rather than sameness points to the need for coherent infrastructures that support diverse but connected enactments of children's rights.

This interpretation is consistent with broader findings in the data, which reveal that practitioners often experience uncertainty about what rights-based practice looks like in their specific roles. It also reinforces the argument that material supports, such as sector-sensitive training, cross-sector dialogue and unified policy frameworks, are essential for enabling practitioners to enact children's rights in ways that are both contextually appropriate and collectively coherent.

8.6 Conclusion

This chapter has examined how social and material contexts shape the enactment of children's rights in education and social work settings in Wales. Building on the professional cultures explored in Chapter 7, the analysis here has shown that the realisation of the CRC is not solely a matter of individual belief or legislative obligation but is deeply influenced by the structural and relational conditions under which practitioners work.

Material contexts, such as physical environments, staffing levels, training resources and accountability structures, emerged as central to how rights are interpreted and enacted. In education, the visibility of rights in the built environment and the alignment of school ethos with statutory duties supported more consistent enactment. In social work, practitioners often operated in more fluid and fragmented spaces, where the enactment of rights required negotiation between competing imperatives such as risk, autonomy and capacity.

Equally, social contexts, such as institutional culture, leadership values and inter-agency relationships, were shown to mediate how policies are understood and prioritised. Where leadership reinforced the centrality of rights, practitioners were more likely to interpret their roles through a rights-based lens. Conversely, in the

absence of such reinforcement, rights-based duties were often deprioritised in favour of more dominant procedural or legislative drivers.

A recurring theme was the role of educational materials and professional development in shaping how rights are understood and applied. While many resources exist, their uptake is uneven and practitioners frequently reported confusion about what rights-based practice looks like in their specific contexts. As Participant X noted, standardised training can help address these inconsistencies by providing a shared foundation for practice. However, as Participant Y reflected, alignment in purpose, not uniformity in method, is key. This suggests that while training should be coherent and consistent, it must also be responsive to the distinct needs of different sectors.

In the absence of strong and visible leadership from government, how and what practitioners ‘buy into’ often becomes ad hoc. This leads to fragmented enactments and unequal experiences of rights for children. A unified policy framework, one that supports sector-sensitive training, cross-sector dialogue and consistent accountability, can help harmonise practice while respecting contextual variation (Todres & King, 2020; Lott, 2025). Without such coherence, rights-based duties risk becoming symbolic rather than transformative.

Ultimately, this chapter has shown that the enactment of children’s rights is shaped not only by what practitioners know or believe, but by the social and material conditions that structure their work. By addressing these conditions, through investment in training, leadership, collaboration and accountability, policymakers and institutions can create the environments necessary for rights to be not only understood but actively realised in practice.

Chapter 9 – Discussions and Conclusions

This study found that the Measure (2011) has played a pivotal role in raising awareness and embedding a framework for children’s rights within Welsh legislation and policy. Across interviews and focus groups, participants consistently described the Measure (2011) as a landmark development that contributed to a cultural shift in

how children's rights are understood and respected in Wales. However, while its symbolic and strategic value was widely acknowledged, many participants also viewed the Measure (2011) as a limited step, important, but insufficient on its own to ensure consistent and practical implementation across public services. This dual perception of the Measure (2011) as both a milestone and a missed opportunity frames the central tension explored throughout this thesis.

This chapter addresses the central research question: 'How do frontline practitioners enact the principles of the Measure (2011) in their practice?' Drawing on the findings presented in Chapters 5 to 8, each section of this chapter responds to one of the four research sub-questions. These responses are grounded in the data and highlight how practitioners across education and social work interpret, adapt and apply the Measure (2011) in their everyday contexts. Within each section, I also reflect on the broader implications of these findings to address RSQ5: What lessons can be learned that aid the translation of the rhetoric of rights into reality for practitioners in Education and Social Work?' The chapter concludes by synthesising these insights into a final response to the overarching research question and offering a set of recommendations to support the more consistent and effective enactment of children's rights across public services.

9.1 RSQ1: How Are Children's Rights Enacted at a Macro Level?

Data from elite interviews and documentary analysis indicated that the early post-devolution period in Wales was widely viewed as a time when the broader and more holistic principles of the CRC were most clearly recognised and embedded in policy. Although only one participant explicitly described this era as a 'golden age of rights', many others echoed similar sentiments, pointing to a political climate strongly aligned with social justice and equality. Leadership under Rhodri Morgan and Jane Hutt was frequently cited as pivotal in advancing a vision of children as active rights holders, supported by policies that explicitly referenced the CRC and aimed to integrate its principles across government (Hoffman & Williams, 2013). This period also saw the establishment of the Children's Commissioner for Wales, the Child Poverty Strategy (WAG, 2006) and agentic-focused education reforms—milestones that reflected a belief in children's competence and right to participate in decisions affecting their lives (Charles, 2010; King, 2004; Reynaert et al., 2009; Vandenhoe et al., 2017). This section explores how this early momentum shifted in subsequent administrations and how political ideology, economic pressures and strategic priorities have shaped the enactment of children's rights at the macro level.

As the data from elite interviews demonstrates, the transition to subsequent administrations marked a shift in priorities shaped by realpolitik considerations. Documentary analysis further contextualises this shift, highlighting how the global economic crisis of 2008 and the UK Labour defeat in 2010 introduced austerity measures that significantly affected funding, leading to budget constraints across various sectors (Jones, 2019; Smith, 2020). These pressures created a markedly different policy landscape compared to the early years of devolution, impacting the prioritisation of children's rights. From the perspective of one Government elite interviewee, the increased emphasis on protection and provision rights—particularly in response to safeguarding and educational attainment pressures—was justified. However, the majority of elite interviewees viewed this retrenchment from the holistic CRC as problematic, albeit largely unintentional. A lack of coherent, consistent and explicit references to the CRC in key strategic documents beyond the first Senedd

term raised concerns about the extent to which the Measure (2011) remained embedded in policymaking processes and priorities.

9.1.1 Ideological Positions of Leaders

Data from elite interviews revealed that political leaders' values and beliefs significantly shaped how children's rights were prioritised and interpreted in Welsh policy. Participants described how some administrations embraced a vision of children as active rights holders, while others adopted a more protectionist stance, focusing on safeguarding and educational standards. These shifts were reflected not only in policy content but also in the visibility of participation rights across strategic documents. This variation in emphasis underscores the influence of political ideology on the enactment of the CRC at the macro level.

The CRC's intentional ambiguity allows for varied interpretations, which can be both a strength and a challenge (Quennerstedt, 2013; Reynaert et al., 2009). This flexibility enables governments to adapt the CRC to their specific political and cultural contexts but also opens the door to inconsistencies in how rights are prioritised (Reynaert et al., 2009; Vandenhoe et al., 2015). Findings from this study suggest that political leaders constructed images of the child play a key role in shaping how this ambiguity is resolved in practice.

In the early years of devolution, the image of the child as agentic and competent was reflected in policies that promoted participation and empowerment. In contrast, later administrations were seen to adopt a more risk-averse image of the child—vulnerable and in need of protection—which informed a narrowing of rights-based policy focus. This study contributes to the literature by evidencing how these constructed images are not merely theoretical but are actively reproduced through political discourse and policy decisions.

9.1.2 Legislative Measures and Advocacy Efforts

Data from elite interviews and documentary analysis revealed three central dynamics that shaped the enactment of the CRC into Welsh law: (a) resistance from civil servants; (b) strategic negotiation among stakeholders; and (c) political compromise.

Those directly involved in shaping the Measure (2011) described how its original ambitions were curtailed by institutional caution, resource limitations and competing policy priorities. These accounts were corroborated by documentary sources, which highlighted the administrative and political tensions that ultimately influenced the final form of the legislation (Ball, 1993; Maguire, Braun & Ball, 2015).

This study builds on previous accounts (e.g., Hoffman & Williams, 2013; Williams, 2020) by providing new empirical insight into how these tensions were experienced by those directly involved in shaping the Measure (2011). Rather than focusing solely on policy outcomes, this research foregrounds the lived realities of legislative actors and the compromises they navigated. For instance, several elite interviewees recounted how the Measure's initial vision—to embed the CRC holistically across government—was diluted during drafting stages due to internal resistance and concerns about feasibility. These findings add depth to existing literature by evidencing how political caution, administrative constraints and strategic negotiation shaped the final form of the legislation in the Welsh context.

The fragility of children's rights within legislative frameworks also emerged as a key theme. Both interview and documentary data pointed to the lack of sustained political prioritisation of the CRC's holistic principles. The need for late-stage amendments to secure due regard duties and the inconsistent application of CRC principles across public services, highlight the vulnerability of rights-based policymaking to shifts in leadership values, advocacy pressure and administrative will (Byrne & Lundy, 2019; Quennerstedt, 2013;).

Taken together, these findings can be understood through the lens of policy recontextualisation, where legislative intent is reshaped through the interpretive work of political actors, civil servants and advocacy networks (Maguire, Braun & Ball, 2015). Despite significant progress in embedding the CRC into Welsh law, the process was marked by resistance, fluctuating political commitment and a heavy reliance on NGO and civil society advocacy. These dynamics reflect the broader tensions between rights-based aspirations and administrative pragmatism. The inconsistent application of CRC duties and the need for reactive legislative

amendments underscore the contingent nature of rights enactment and the importance of robust, coherent and consistently applied legislative measures to ensure that children's rights are protected and promoted amid shifting political and institutional contexts.

9.1.3 The Role of NGOs and Civil Society

Elite interviewees and documentary sources emphasised the pivotal role of NGOs and civil society in shaping the legislative trajectory of children's rights in Wales. Their influence was particularly evident during the drafting and amendment stages of the Measure (2011), where sustained advocacy efforts helped expand the scope of due regard duties. Documentary evidence further illustrated how lobbying by NGOs and the CCfW contributed to securing rights-based provisions in key legislation, including the SSWBA (2014), ALN Act (2018) and Curriculum Act (2021).

Findings from this study demonstrate that NGOs played a central role in maintaining momentum for children's rights, particularly during periods when CRC duties were not proactively included in legislation. Their advocacy extended beyond formal consultation processes to include strategic campaigning, informal engagement with policymakers and the use of evidence to influence scrutiny committees and legislative debates.

By examining how advocacy efforts influenced legislative outcomes, this study extends existing literature (e.g., Hoffman & Williams, 2013) with new empirical evidence on the mechanisms through which NGOs and civil society actors shaped the inclusion of CRC duties in Welsh law. The data indicates that NGOs were not merely advisory bodies but active agents in shaping the content and direction of children's rights legislation. Their role was not incidental but essential to the realisation of rights-based reforms.

However, the findings also highlight a structural vulnerability. Several interviewees expressed concern that the advancement of children's rights remains overly dependent on the presence and persistence of civil society actors. In the absence of statutory guarantees or consistent political leadership, rights-based policymaking

risks becoming fragmented and reactive. This underscores the need for more systematic and institutionalised mechanisms to embed children's rights in law and policy—mechanisms that do not rely solely on external advocacy to uphold fundamental entitlements.

9.1.4 What Lessons Can Be Learned at the Macro Level?

The findings in response to RSQ1 reveal that the enactment of children's rights in Wales has been shaped by a complex and evolving interplay of political leadership, institutional dynamics and civil society advocacy. In the early post-devolution period, there was a strong alignment with the holistic principles of the CRC, supported by political leadership that embraced children as active rights holders. This era, often described by participants as a high point for rights-based policymaking, saw the establishment of key institutions and policies that reflected a commitment to participation, empowerment and social justice.

However, this momentum proved difficult to sustain. Subsequent administrations, shaped by shifting political ideologies, economic austerity and administrative caution, narrowed the focus of children's rights to protection and provision. These changes were not always intentional but reflected broader realpolitik considerations and strategic priorities. As a result, the prioritisation, conceptualisation and enactment of the CRC by government elites became increasingly inconsistent, both before and after the introduction of the Measure (2011).

A key insight from this study is the extent to which the enactment of children's rights is contingent on the values, beliefs and ideological orientations of political leaders. The constructed image of the child, whether as competent and agentic or vulnerable and in need of protection, appeared as a powerful influence on how rights were interpreted and operationalised. The CRC's intentional ambiguity allows for contextual adaptation but also enables selective and uneven enactment depending on prevailing political and institutional conditions.

This study also highlights the fragility of legislative progress in the absence of sustained political commitment. The original ambitions of the Measure (2011), to

embed the CRC holistically across government, were diluted during its development due to internal resistance, resource constraints and competing policy priorities. While the Measure (2011) applies to ministerial decisions, its reach does not extend directly to public services such as education and social work. The inclusion of CRC duties in secondary legislation has been a critical mechanism for extending rights-based obligations, yet this incorporation has been partial and piecemeal. Concerns raised by elite interviewees underscore the need for a more systematic and coherent approach to embedding children's rights across all levels of governance. To ensure effective and consistent implementation, political leaders must demonstrate strong advocacy and commitment to the CRC, not as a rhetorical device, but as a foundational principle guiding legislative and policy decisions. This includes leading by example: explicitly referencing children's rights in strategic documents, ensuring their contextualisation in practice and framing public service delivery as a response to children's entitlements rather than political expediency. Without such leadership, the enactment of children's rights remains vulnerable to shifting priorities and administrative inertia.

Civil society and NGOs have played a pivotal role in advancing children's rights in Wales, particularly during periods of political ambivalence. Their advocacy was instrumental in shaping legislation and securing the inclusion of CRC duties in key laws such as the SSWBA (2014), ALN Act (2018) and Curriculum Act (2021). However, this reliance on external pressure also reveals a structural vulnerability: the realisation of children's rights remains heavily dependent on the presence and persistence of advocacy actors. In the absence of institutionalised mechanisms and statutory guarantees, rights-based policymaking risks becoming fragmented, reactive and overly contingent on the motivations of those in power.

These findings align closely with enactment theory (Ball, Maguire & Braun, 2012), which conceptualises policy not as a fixed or linear process but as one that is continually interpreted, negotiated and recontextualised by actors operating within specific institutional and political contexts. In the Welsh case, the enactment of children's rights was shaped not only by formal legislation but also by the interpretive work of political leaders, civil servants and advocacy networks. The strategic

compromises made during legislative drafting, the inconsistent application of CRC duties and the reliance on civil society all reflect the contingent and dynamic nature of policy enactment. This study contributes to the literature by applying enactment theory to a rights-based policy domain, demonstrating how legal commitments are reshaped through political discourse, institutional mediation and advocacy pressure.

Taken together, these findings suggest that the enactment of children's rights at the macro level is not a straightforward or technocratic process. It is a negotiated and contingent one, shaped by competing interpretations of the CRC, shifting political landscapes and the strategic actions of both state and non-state actors.

Understanding these dynamics is essential for developing more resilient, coherent and effective approaches to embedding children's rights in law and policy.

9.2 RSQ2: How do meso level interpreters enact the Measure (2011)?

Data from elite interviews and documentary analysis revealed that meso-level interpreters—such as senior leaders, service managers and policy gatekeepers—play a pivotal role in shaping how the Measure (2011) is enacted in practice. Participants described a range of factors influencing this process, including organisational culture, leadership values and the availability of resources. This study contributes new empirical insight by showing how these actors interpret and adapt the Measure (2011) within their specific institutional contexts, often acting as both implementers and advocates for children’s rights.

The data highlighted the central role of advocacy and collaboration in how meso-level interpreters enact the Measure (2011). Participants consistently referenced the influence of the CCfW and NGOs—particularly during the legislative processes of the SSWBA (2014), ALN Act (2018) and Curriculum Act (2021)—as instrumental in securing the inclusion of due regard duties. Several interviewees described how scrutiny committees were directly influenced by evidence and lobbying from these actors. This study contributes new empirical evidence by showing how meso-level interpreters not only respond to advocacy efforts but also act as amplifiers—translating external pressure into internal organisational change. This underscores the importance of a strong and cohesive advocacy network in promoting children’s rights and demonstrates how meso-level actors serve as a bridge between macro-level policy and frontline practice.

Data from this study revealed that organisational culture and leadership are central to how the Measure (2011) is enacted at the meso level, particularly within education and social work settings. Participants consistently highlighted that the values and beliefs of senior leaders shaped how children’s rights were interpreted and prioritised in practice. For example, in both sectors, leaders who explicitly championed children’s rights were seen to foster environments where rights-based approaches were embedded in everyday decision-making. This was evident in the adoption of

frameworks like the Right Way (CCfW, 2016), which participants described as instrumental in translating abstract principles into practical guidance..

These findings underscore the pivotal role of meso-level interpreters and gatekeepers in operationalising the Measure (2011). Unlike previous literature that emphasises the theoretical importance of leadership (e.g., Maguire, Braun and Ball, 2011), this study provides empirical evidence of how leadership values directly influence the enactment of children's rights in Welsh public services. Participants called for stronger, more consistent leadership to ensure that children's rights are not only understood but actively prioritised and embedded across all organisational levels.

9.2.1 Advocates in the face of Challenge and Resistance

Participants in this study described a fragmented and inconsistent landscape in the application of the Measure (2011), particularly across education and social work. Elite interviewees spoke of the 'battles' required to secure the inclusion of children's rights duties in key legislation such as the SSWBA (2014), ALN Act (2018) and Curriculum Act (2021). These duties, while ultimately welcomed by public bodies, were not easily achieved. Participants recounted resistance from political leadership and concerns about the administrative burden of embedding due regard duties, which often delayed or diluted legislative commitments. This resistance was experienced as a recurring challenge for meso-level interpreters, who were left to advocate persistently for the inclusion of children's rights in policy. The absence of a unified legislative framework mandating consistent due regard duties across sectors further compounded these difficulties, resulting in variability in how children's rights were upheld in practice. These findings highlight the need for a more cohesive and comprehensive approach to children's rights legislation in Wales (Williams, 2022).

In response to these inconsistencies and the ongoing need for advocacy, participants in this study called for a more robust and legally binding approach. Specifically, they advocated for the direct incorporation of the CRC into Welsh law, arguing that this would embed children's rights more firmly across all public sector actions and reduce the reliance on piecemeal amendments. Several participants

emphasised that if children or their advocates were ever compelled to pursue legal action to enforce their rights, this would represent a failure in policy. Instead, they envisioned a system where children's rights are proactively realised through policy and practice, not litigation. A blanket public sector duty to give due regard to the CRC was seen as a necessary step toward ensuring consistent attention, resources and accountability across all services (UN Committee on the Rights of the Child, 2003; Hoffman & O'Neill, 2018).

This is not to detract from participants' calls for full and direct incorporation of the CRC. Several interviewees highlighted the potential advantages of direct incorporation in safeguarding and advancing children's rights, particularly in situations where Ministers or public bodies fail to comply. They argued that direct incorporation would establish a more robust legal framework, ensuring that children's rights are enforceable and protected regardless of political or professional orientation. Participants also suggested that such a framework could reduce the need for repeated advocacy and late-stage legislative amendments, which they described as both exhausting and inefficient. Moreover, they believed that direct incorporation would enhance professionals' awareness and understanding of children's rights, leading to more consistent and confident enactment across sectors.

For many, the progression toward direct incorporation—ideally alongside a public sector duty to give due regard—was seen as a necessary evolution in Wales's human rights leadership and a clear signal of the nation's commitment to embedding children's rights in all areas of public life.

9.2.2 Practical Contextualisation

A significant challenge in enacting the Measure (2011) is the variability in how children's rights are understood and prioritised across different organisations. Despite having a legislative framework in education and social care, implementing these laws effectively remains challenging, with participants often claiming to find it difficult to apply children's rights principles in practice. Enacting a children's rights approach can be inherently complex due to the lack of a clear conceptual foundation for either a human rights approach or a children's rights approach. This ambiguity

allows for flexibility in interpreting what a children's rights approach entails, which can be beneficial for contextual adaptation. However, it also poses the risk of inconsistent priorities among authorities within the same jurisdiction, leading to varied experiences of human rights for individual children or groups of children.

In the absence of guidance on what the meaning of enacting due regard could be, meso-level interpreters have produced principled and practical guidance to implement children's rights in public policy and services. The Right Way framework (CCfW, 2016) offers a structured approach that is both academically rigorous and practically relevant. By offering concrete examples from current practice in Wales, meso-level interpreters help reduce ambiguity and enhance the practical utility of the Measure (2011) (Treichsel, 2006). At the macro level in Wales, as well as among some other public authorities involved in this study, a significant step has been the adoption of this children's rights approach (i.e., the Right Way) for planning and service delivery.

9.2.3 What lessons can be learned at the Meso-level?

Data from elite interviews and documentary analysis revealed that meso-level interpreters—such as senior leaders, service managers and policy gatekeepers—play a pivotal role in the enactment of the Measure (2011). These actors do not simply implement policy; they actively interpret, translate and recontextualise it within their organisational settings. Participants described how enactment is shaped by a range of contextual factors, including organisational culture, leadership values and the availability of resources. This study contributes new empirical insight by illustrating how meso-level actors function as both translators and mediators of policy, navigating between macro-level directives and the realities of frontline practice.

Advocacy and collaboration emerged as key dimensions of this enactment process. Participants consistently referenced the influence of the Children's Commissioner for Wales (CCfW) and NGOs—particularly during the legislative processes of the SSWBA (2014), ALN Act (2018) and Curriculum Act (2021)—as instrumental in shaping how due regard duties were framed and enacted. Several interviewees

described how scrutiny committees were directly influenced by evidence and lobbying from these actors. Meso-level interpreters were not passive recipients of these pressures; rather, they enacted policy by amplifying external advocacy within their own institutions, translating it into internal change. This underscores the importance of a strong and cohesive advocacy network in shaping the enactment of children's rights and demonstrates how meso-level actors serve as critical conduits between macro-level policy and micro-level practice.

Organisational culture and leadership were also central to how the Measure (2011) was enacted at the meso level, particularly within education and social work. Participants highlighted that the values and beliefs of senior leaders significantly influenced how children's rights were interpreted, prioritised and embedded in practice. Leaders who explicitly championed children's rights were seen to foster institutional cultures where rights-based approaches were normalised and sustained. This was evident in the adoption of frameworks like The Right Way, which participants described as instrumental in translating abstract principles into practical, context-sensitive guidance (CCfW, 2016). These findings extend enactment theory by providing empirical evidence of how leadership orientations shape the interpretive work of policy actors and influence the depth and consistency of rights-based enactment across public services.

The enactment of the Measure (2011) by meso-level interpreters is thus a dynamic and situated process, shaped by the interplay of institutional norms, leadership practices and external advocacy. While challenges such as ambiguity, resistance and resource constraints persist, the commitment of meso-level actors, the availability of practical tools and the influence of advocacy networks are key enablers of effective enactment. To strengthen this process, it is essential to address inconsistencies in how the Measure (2011) is interpreted and operationalised across sectors and to promote a more coherent and systematic approach to children's rights enactment.

Meso-level interpreters play a critical role in contextualising the Measure (2011) and providing actionable models of enactment that frontline practitioners can adopt or

adapt. Principled approaches to understanding what it means to enact a children's rights approach in practice are particularly important in bridging the gap between policy rhetoric and lived experience. Frameworks such as The Right Way (CCfW, 2016), designed to be versatile and applicable across sectors, offer a valuable scaffold for this work. However, participants called for clearer endorsement and promotion of such guidance from Welsh Government, to support consistent and confident enactment across public services. Without such leadership, the enactment of children's rights remains uneven and overly dependent on individual interpretation and institutional will.

9.3 Collective Analysis of RSQ3 and RSQ4

RSQ3: What impact does the CRC have on the practice of teachers and social workers?

RSQ4: To what extent do participants perceive the Measure (2011) to be important and successful in realising children's rights?

This section addresses Research Sub-Questions 3 and 4 together, as they are closely interlinked. RSQ3 explores the practical impact of the CRC on the work of teachers and social workers, while RSQ4 examines how participants perceive the Measure's importance and success in realising children's rights. Together, these questions provide insight into how rights are enacted at the frontline and how the Measure (2011) is understood and valued across professional contexts.

9.3.1 Type of Policy Matters

The type of policy significantly influences its enactment (Ball, Maguire, and Braun, 2012). In this context, mandated due regard duties should be the type of policy that drives change on the ground. This is partially true. The implementation of the CRC has influenced the practices of both teachers and social workers in Wales, primarily through the enactment of the SSWBA (2014) and Curriculum Act (2021), in theory, forcing connection between the CRC and practice. For social workers, the SSWBA (2014) necessitates enhanced accountability and documentation, ensuring that actions align with CRC principles (Llewellyn et al., 2020), mandating social workers to integrate these considerations into their daily practice, shifting to prioritising the voices and rights of children. In education, the Curriculum Act (2021) requires educators to integrate children's rights into the curriculum, fostering an environment that promotes awareness and understanding of these rights (Rees, 2015). This legislation encourages inclusive education practices, addressing the diverse needs of all children (Hester and Moore, 2018).

Despite mandatory children's rights duties in both sectors, this study observed a lack of enforceability of these duties on public services from the Government.

Consequently, there is a lack of prioritisation of these duties compared to other

statutory drivers at all levels of public service. However, social work practitioners face significant conceptual challenges in balancing the rights of children to participate in decisions affecting their lives with traditional safeguarding practices (Freeman, 1996). This tension requires them to navigate complex conceptual challenges to fulfil their duties in promoting and protecting children's rights (Alderson, 2000). In education, significant challenges remain in actualising these rights, particularly regarding adult attitudes, systemic barriers and the meaningful implementation of participation rights (Grover, 2005). Educators must balance the rights of children to express their views freely with traditional educational practices, creating participatory environments without compromising the safety and well-being of students (Alderson 2005). Inclusive education practices are essential for fulfilling the CRC's mandate, requiring educators to adopt inclusive pedagogies and make necessary accommodations to support diverse learners (ibid.)

Evidence from this study shows that policies such as safeguarding are perceived by practitioners as non-negotiable, high-stakes priorities, often commanding attention over other aspects of the CRC. In contrast, participation, general implementation of the CRC, due regard and promotion duties are often experienced as more fluid and negotiable—subject to interpretation and local discretion—unless explicitly prioritised by the practitioner or organisation. This reflects broader findings in policy enactment literature, where some policies are treated as high-stakes and non-negotiable, while others are more flexible, less visible and open to reinterpretation (Ball, Maguire and Braun, 2012).

9.3.2 The Tension of Balancing Rights

The tension of balancing rights highlights the complexities and situational factors that influence the prioritisation of different categories of rights. Survey and focus group data reveals divergent views on whether some rights should be prioritised over others. For many practitioners, protection rights are seen as a gateway to accessing other rights, particularly in situations where perceived levels of risk are high. This perspective aligns with the notion of best interests and the competency of children, suggesting that the affordability of participation rights is inversely proportionate to the level of risk posed to them (Freeman, 2011). Conversely, some practitioners argue

that all children deserve equal access to rights, emphasising participation as a gateway right to making better decisions with and about children. This view advocates for a holistic approach to children's rights, recognising their indivisibility and interdependence (Quennerstedt, 2010). The CRC provides a tool for a reflexive approach to practice, enabling practitioners to address its principles holistically. This approach encourages practitioners to continuously reflect on their actions and decisions, ensuring that they align with the principles of the CRC. By fostering a reflexive practice, practitioners can better navigate the complexities of balancing rights, promoting a more equitable and rights-focused approach to their work (Trechsel, 2006).

Practitioners often face challenges when advocating for children's rights within their institutions. This resistance can stem from conflicting interests, limited resources or entrenched practices that prioritise other agendas. However, focus group data has highlighted the importance of persistence and advocacy in overcoming these challenges. For example, social workers have successfully subverted policies that limit children's voices, ensuring that children are heard, and their opinions are considered in decisions affecting them (Ball, 1993).

9.3.3 Knowledge and Confidence in the Measure (2011)

This is not to say that practitioners in education and social work did not believe in children's rights; quite the opposite is true. However, in the 'processes of sense-making' (Spillane, 2004:7), the study observed how these practitioners used 'the lenses they have developed through experience' (ibid) to interpret and respond to their duties related to children's rights. They navigated low-stake aspects of the CRC, such as participation or evidencing due regard, if they chose to or where other external contexts inhibited them. The enactment of children's rights policies in Wales, particularly through the Measure (2011), reveals a complex interplay between tacit knowledge and policy subversion. Practitioners in social work and education (e.g., Participant M) rely heavily on tacit knowledge to interpret and respond to their duties, drawing on their personal and professional frames of reference to navigate the complexities of enacting children's rights. They shape and reshape policy in response to local contexts and unforeseen challenges. This finding reflects the

theoretical framing in Chapter 3, where tacit knowledge and policy subversion are identified as key mechanisms in the enactment of children's rights policy (Ball, Maguire and Braun, 2012; Polanyi, 1966). As discussed, these forms of professional agency allow practitioners to navigate competing demands and uphold the spirit of the CRC in contextually grounded ways.

This reliance on tacit knowledge ensures that elements of the CRC, such as protection, are commonly upheld, especially in diverse and dynamic environments and crisis situations. However, the lack of enforceability of children's rights duties on public services from the government leads to a lack of prioritisation of the holistic principles of the CRC compared to more dominant statutory drivers. This situation creates an environment where practitioners may feel compelled to subvert policies to ensure that children's rights are given due regard in practice. Participation and general implementation of the CRC are often experienced as more fluid and negotiable—subject to interpretation and local discretion—unless explicitly prioritised by the practitioner or organisation. This again reflects broader findings in policy enactment literature, where some policies are treated as high-stakes and non-negotiable, while others are more flexible, less visible and open to reinterpretation (Ball, Maguire and Braun, 2012).

9.3.4 Perception of the Measure's Influence

The perception of the Measure's importance and success in realising children's rights was generally positive among survey respondents. A strong alignment suggests a robust commitment to children's rights across both education and social work fields. While the Measure (2011) is regarded by participants as significant, it is also regarded as a somewhat limited step toward embedding children's rights into Welsh legislation, policy and practice. That is, while the Measure (2011) has contributed to a cultural shift towards greater recognition and respect for children's rights in Wales, its practical implementation faces several challenges.

Survey data indicated that senior practitioners, particularly those in leadership roles, were more likely to perceive the (2011) as influential in shaping policy and practice. These participants often described the Measure (2011) as a foundational framework

that had helped to legitimise children's rights discourse and influence subsequent legislation. In contrast, frontline practitioners—especially those with less experience or in junior roles—were less likely to reference the Measure (2011) directly. For these participants, the impact of the Measure (2011) was often mediated through more immediate statutory frameworks such as the SSWBA (2014) or the Curriculum Act (2021). This variability suggests that tailored approaches are essential for effective policy enactment (Maguire, Braun and Ball, 2015).

Despite the overall positive perception, challenges remain in ensuring consistent application of children's rights across different sectors. Focus group participants frequently noted that while the Measure (2011) had raised awareness, it lacked the enforceability needed to ensure consistent practice. This aligns with critiques in the literature that indirect incorporation—such as the due regard duty placed on Ministers—can lead to symbolic compliance rather than substantive change (Williams, 2015; Kilkelly, 2019). Without mechanisms to hold public services accountable, the Measure's influence is often overshadowed by other statutory drivers that are perceived as more urgent or binding.

This study also found that the Measure's influence is most visible through its effect on secondary legislation. Practitioners were more likely to reference the SSWBA (2014) or Curriculum Act (2021) than the Measure (2011) itself, suggesting that enforceable duties in sector-specific legislation are more impactful in shaping day-to-day practice. This supports the view that while the Measure (2011) provides a foundational ethos, it is the operationalisation through secondary legislation that drives practice.

Survey data revealed disparities in knowledge and confidence across roles and sectors. Practitioners in education reported higher levels of awareness and belief in the relevance of the CRC and the Measure (2011), likely due to the recent emphasis on rights-based education in the *Curriculum for Wales*. In contrast, social work practitioners—particularly those in frontline roles—often expressed uncertainty about how the Measure (2011) related to their statutory duties. This finding echoes the

Children's Commissioner for Wales (CCfW, 2018), which emphasises the need for targeted training and support to bridge the knowledge gap.

Leadership was again identified as a key enabler of successful enactment. Institutions where leaders explicitly promoted children's rights were more likely to report alignment with the Measure (2011). Professional development opportunities also played a role in enhancing confidence and understanding. This supports Maguire, Braun and Ball's (2015) emphasis on the role of leadership and training in effective policy enactment.

The importance of targeted resources and comprehensive training in translating the rhetoric of children's rights into practice cannot be underestimated. Adequate allocation of financial, human and material resources is essential to support the effective, contextualised enactment of children's rights. Additionally, unifying frameworks are crucial for equipping practitioners with the necessary knowledge, skills and tools to effectively enact the CRC in a contextualised but standardised way. These programmes can address inconsistencies in understanding and application, fostering a unified approach across different sectors.

Strong leadership is pivotal in embedding children's rights within professional practice. Leaders who prioritise children's rights and provide clear guidance create inclusive and supportive environments that enhance staff confidence and knowledge. Government commitment is equally vital, offering the necessary support and regulatory enforcement to ensure robust implementation. Accountability measures and consistent guidance from the government can significantly bolster the practical realisation of children's rights, aiding prioritisation of protection, provision and participation rights.

Effective multi-agency collaboration is essential for upholding children's rights through a seamless integration of services. Collaboration between different sectors, such as education and social work, ensures comprehensive support for children, addressing both their educational and social needs. The development of unified policy frameworks can further address variations in understanding and

implementation, ensuring consistent application of children's rights across various sectors.

Professional cultures and institutional alignment play a significant role in embedding children's rights within practice. The interplay between knowledge, professional development, leadership and ethical practice requires continuous reflection and adaptation. Advocacy at the macro level is crucial for raising awareness and creating a framework for considering children's rights. Commitment from government elites, legislators and influential stakeholders is essential for the successful and consistent contextualisation and implementation of the Measure (2011).

The perspective of practitioners has provided valuable insights for enhancing the practical realisation of children's rights in Wales. Addressing their specific needs, fostering multi-agency collaboration and providing consistent training and leadership can bridge the gap.

9.3.5 What lessons can be learned at the micro-level?

The findings from RSQ3 and RSQ4 highlight several key lessons for supporting the practical enactment of children's rights by frontline practitioners in education and social work.

The importance of targeted resources and comprehensive training in translating the rhetoric of children's rights into practice cannot be underestimated. Adequate allocation of financial, human and material resources is essential to support the effective, contextualised enactment of children's rights. Additionally, unifying frameworks are crucial for equipping practitioners with the necessary knowledge, skills and tools to effectively enact the CRC in a contextualised but standardised way. These programmes can address inconsistencies in understanding and application, fostering a unified approach across different sectors.

Strong leadership is pivotal in embedding children's rights within professional practice. Leaders who prioritise children's rights and provide clear guidance create inclusive and supportive environments that enhance staff confidence and knowledge. Government commitment is equally vital, offering the necessary support and

regulatory enforcement to ensure robust implementation. Accountability measures and consistent guidance from the government can significantly bolster the practical realisation of children's rights, aiding prioritisation of protection, provision and participation rights.

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The perspective of practitioners has provided valuable insights for enhancing the practical realisation of children's rights in Wales. Addressing their specific needs, fostering multi-agency collaboration and providing consistent training and leadership can bridge the gap between the rhetoric of children's rights and their practical realisation.

9.4 Conclusion in Response to The Central Research Question

This study set out to explore the central research question: 'How do frontline practitioners enact the principles of the CRC through the subsidiary duties of the Rights of Children and Young Persons (Wales) Measure (2011) in their practice?'

Drawing on a critical realist framework (Bhaskar, 1978; Sayer, 2000; Hanson and Nieuwenhuys, 2013), the research has illuminated the multi-layered and contextually

situated nature of rights enactment in Welsh public services, with a particular focus on education and social work. The findings reveal that the enactment of children's rights is shaped by a complex interplay of practitioner values, institutional processes and structural conditions, each operating at different ontological levels—empirical, actual and real (Bhaskar, 1978).

The findings of this study are summarised in Table 9.1, which integrates the critical realist stratification of reality with the enactment theory framework that guided this research. Drawing on Hanson and Nieuwenhuys' (2013) 'living rights' approach, the table illustrates how rights are experienced, operationalised and shaped by deeper generative mechanisms across the empirical, actual and real domains.

Layer	Living Rights Interpretation in Practice	Findings from This Study
Empirical	Observable practices and experiences of rights in everyday settings.	Practitioners demonstrate commitment to CRC principles through participation, safeguarding, and curriculum design, though enactment is inconsistent.
Actual	Institutional processes and routines that shape how rights are implemented.	Organisational leaders, NGOs, and the Children's Commissioner influence interpretation and prioritisation of rights; sectoral differences affect consistency.
Real	Structural and political conditions that generate or constrain rights realisation.	Political ideology, legislative design, and institutional histories shape the scope of the Measure; lack of unified duty contributes to variability.

Table 9.1 Stratified Model of Rights Enactment (adapted from Hanson and Nieuwenhuys, 2013)

At the empirical level, practitioners across both education and social work fields expressed a strong commitment to the principles of the CRC. Rights were enacted through everyday practices such as participation initiatives, safeguarding procedures and curriculum design (Lundy, 2007; Byrne and Lundy, 2019). However, this enactment was often inconsistent, shaped by local leadership, access to training and sector-specific norms. These findings underscore the importance of professional values and the influence of organisational culture in shaping how rights are interpreted and applied in frontline practice.

At the actual level, institutional processes and routines emerged as key mechanisms influencing how the subsidiary duties of the Measure (2011) are operationalised. Meso-level actors—including organisational leaders, NGOs and the Children’s Commissioner for Wales—played a significant role in shaping the prioritisation and interpretation of children’s rights (Williams, 2020). Sectoral differences and variations in organisational culture further contributed to the uneven implementation of the Measure’s duties. These findings highlight the need for stronger alignment and coherence across sectors to ensure that rights are enacted consistently and meaningfully.

At the real level, the study identified structural and political conditions that either enable or constrain the realisation of children’s rights. Political ideology, legislative design and institutional histories were found to significantly shape the scope and impact of the Measure (2011) (Butler and Drakeford, 2010; Hanson and Nieuwenhuys, 2013). The absence of a unified public sector duty was identified as a key limitation, contributing to variability in enactment and reliance on advocacy and leadership to drive change. This structural gap underscores the need for legislative reform to ensure a more consistent and enforceable approach to children’s rights across all public services.

Taken together, these findings reveal a multi-layered and dynamic picture of rights enactment in Wales. While there is clear evidence of practitioner commitment and examples of exemplary practice, the realisation of the CRC through the subsidiary duties of the Measure remains uneven and contingent on a range of contextual factors. Addressing these challenges requires coordinated efforts at multiple levels: political leadership to sustain a rights-based agenda; legislative coherence to embed enforceable duties; professional development to build knowledge and confidence; and organisational support to foster reflective, rights-respecting cultures.

This study contributes to the growing body of literature on the policy-practice gap in children’s rights by offering a nuanced, empirically grounded account of how rights are enacted in practice. It also provides a conceptual model—reflected in the updated table from Chapter 4 (see Table.4.1)—that captures the layered nature of

rights enactment and the interdependencies between individual, institutional and structural mechanisms. Moving forward, these insights offer valuable guidance for policymakers, practitioners and advocates seeking to strengthen the practical realisation of children's rights in Wales.

9.5 Limitations and Opportunities for Development

This study offers a rich and contextually grounded exploration of how frontline practitioners enact the CRC through the subsidiary duties of the Measure (2011). While I have taken care to ensure methodological rigour and depth, I also recognise the natural boundaries of the research—many of which present valuable opportunities for future inquiry and refinement.

Firstly, the use of non-probability sampling in the survey phase enabled me to access a diverse and engaged group of practitioners across Wales. While this approach may limit statistical generalisability, it allowed me to gather nuanced, practice-informed insights that align closely with the study's aims. These findings offer a strong foundation for future research that could build on this work using larger or more stratified samples.

Secondly, the predominance of online focus groups—necessitated by post-pandemic realities—enabled broad geographical participation and cross-sector dialogue. Although some depth of interaction may have been constrained by the virtual format, the flexibility of this approach ensured inclusivity and accessibility for participants, which I consider a strength.

Thirdly, my insider status brought a wealth of tacit knowledge, professional credibility and access to key stakeholders. While I remained reflexive throughout the research process, I acknowledge that my dual role as practitioner and researcher may have influenced how I interpreted certain data. To mitigate this, I engaged in regular supervision, peer debriefing and triangulation to ensure that my interpretations were grounded in evidence.

Finally, the study is rooted in the specific legislative and cultural context of Wales. Rather than viewing this as a limitation, I see it as a strength. While context-specific, its comparative and methodological value warrants emphasis. The research offers a detailed case analysis of how international human rights norms—here, the CRC—are interpreted and enacted within a devolved governance system. This makes it a

useful reference point for other jurisdictions grappling with similar questions of incorporation and enactment, whether through indirect duties or sectoral approaches. Beyond its substantive findings, the methodological framework—combining enactment theory with a four-phase mixed-method design—provides a transferable model for examining the enactment of other human rights treaties (e.g., UNCRPD), policy frameworks or statutory obligations in practice. This approach moves beyond technicist compliance to explore how rights are negotiated and operationalised in real-world contexts, offering a lens that could be applied to studies of disability rights, gender equality legislation, sustainability policies or broader governance reforms. In this sense, the research contributes not only to understanding children’s rights in Wales but also to advancing comparative scholarship and methodological innovation in the study of rights enactment globally. In summary, the limitations of this study are not shortcomings but signposts for further exploration, highlighting the complexity of rights enactment and the value of continued research that is both context-sensitive and practice-informed.”

In summary, the limitations of this study are not shortcomings but rather signposts for further exploration. They highlight the complexity of rights enactment and the value of continued research that is both context-sensitive and practice-informed.

9.6 Future Research

Building on the insights and findings of this study, there are several promising directions for future research that could deepen and extend our understanding of how children’s rights are enacted in practice. Future research could build on Wales as a distinctive case study to explore how international human rights norms are enacted within different governance systems. Comparative studies could examine jurisdictions with fuller incorporation of the CRC, those with partial or no incorporation, or contexts where rights-based duties are embedded through sectoral or policy frameworks. The methodological approach adopted here—enactment theory combined with a four-phase mixed-method design—offers a transferable lens for investigating enactment processes beyond children’s rights. This includes other treaties such as the UNCRPD, equality legislation, sustainability policies and broader governance reforms. Such research would deepen understanding of how legal and

policy commitments are negotiated and operationalised in practice, highlighting both commonalities and context-specific dynamics across diverse systems.

There is value in conducting longitudinal research to explore how the enactment of the Measure (2011) and its subsidiary duties evolves over time, particularly in response to political shifts, legislative developments and changes in professional practice. In particular, the Curriculum Act (2021) remains in its infancy and future research could usefully examine how its duties are interpreted and embedded as the curriculum becomes more established—especially in understanding whether certain types of duties (such as promoting knowledge versus paying due regard) are more effective in shaping practice across sectors like education and social work.

Comparative studies across the UK's devolved nations or internationally, would provide a valuable lens through which to examine different models of incorporation. For example, comparing the indirect incorporation approach in Wales with Scotland's direct incorporation of the CRC could yield important insights into the relative strengths, limitations and practical implications of each model.

Further research could explore the role of meso-level actors—such as local authority leaders, inspectorates and professional bodies—in shaping how rights are interpreted and enacted. Their influence emerged as a significant theme in this study and a more focused investigation could help clarify how these actors support or constrain frontline practice.

Finally, I believe there is a strong case for participatory research that centres the voices of children and young people themselves.. Future research should incorporate children's perspectives to complement practitioner-focused studies. Examining how children experience the enactment of rights-based duties in practice would provide a richer understanding of how statutory obligations translate into lived realities. Comparative or mixed-method designs that integrate both practitioner and child viewpoints could offer valuable insights for policy and practice.

Taken together, these avenues offer exciting opportunities to build on the foundations laid by this research and to continue advancing the realisation of children's rights in meaningful, context-sensitive ways.

9.7 Final Reflections

This thesis sets out to explore how frontline practitioners enact the principles of the CRC through the subsidiary duties of the Rights of Children and Young Persons (Wales) Measure (2011). Through a critical realist lens and a mixed-methods approach, I have examined the complex interplay between legislation, policy, professional culture and practice across education and social work in Wales.

The findings reveal that while Wales has made significant strides in embedding children's rights into its legislative and policy frameworks, the realisation of those rights in practice remains uneven. The study highlights the importance of context, leadership and clarity of duty in shaping how rights are interpreted and enacted on the ground. It also demonstrates the value of practitioner insight in understanding how policy is lived and translated into meaningful action.

By foregrounding the voices of those responsible for delivering children's rights, this research contributes to a more nuanced and practice-informed understanding of enactment. It also offers a timely reflection on the strengths and limitations of indirect incorporation and the potential of legislative reform to further embed a culture of rights across public services.

Ultimately, this thesis affirms that the journey from rhetoric to reality is not linear—but it is navigable. With sustained commitment, clear guidance and inclusive dialogue, the vision of the CRC can continue to be realised in ways that are both principled and practical, ensuring that children's rights are not only protected in law but lived in everyday practice.

9.7 Recommendations

This section presents five evidence-based recommendations to support the more consistent and effective enactment of the United Nations Convention on the Rights of the Child (CRC) across public services in Wales. Each recommendation is grounded in the empirical findings of this study, drawn from documentary analysis, elite interviews, survey data and focus groups and reflects the theoretical framing of enactment theory and critical realism. The recommendations are designed to address the structural, cultural and material conditions that shape how children's rights are interpreted and enacted in practice.

9.7.1 Recommendation 1: Reaffirm and Strengthen Government Commitment to the CRC

Target Audience: Welsh Government Ministers

Explicit and consistent political commitment to the CRC is a key enabler of effective policy enactment. Where such commitment is visible in government strategy and legislative framing, practitioners are more likely to interpret and apply children's rights confidently and coherently. Inconsistent references to the CRC in recent Programmes for Government and across legislation have contributed to fragmented understanding and implementation.

Actionable Steps:

- Reinstatement of explicit commitments to the CRC in the 2026 Programme for Government, including a clear statement of intent to uphold children's rights across all relevant policy areas.
- Include a renewed pledge to explore full and direct incorporation of the CRC into Welsh law, building on the foundation of the Rights of Children and Young Persons (Wales) Measure (2011).
- Commit to legislating a public sector duty to have due regard to the CRC, ensuring consistency across education, social care and other child-facing services.

- Ensure all Programme for Government commitments affecting children explicitly reference the CRC and are aligned with the principles of participation, protection and provision.

9.7.2 Recommendation 2: Publish Statutory Guidance on the Duty of Due Regard

Target Audience: Welsh Government

The absence of statutory guidance on the duty of due regard to the CRC has contributed to inconsistent interpretation and application across public services. While the duty is embedded in legislation, its operationalisation remains unclear for many practitioners. Clear, authoritative guidance is essential to ensure that the duty is understood as both a procedural and substantive obligation and that it is enacted consistently across sectors.

Actionable Steps:

- Develop and publish statutory guidance that defines the procedural and substantive dimensions of the duty of due regard to the CRC.
- Clarify expectations for how public bodies and practitioners should evidence compliance with the duty in decision-making processes.
- Align the guidance with The Right Way framework, to ensure coherence with existing practice tools and avoid duplication.
- Ensure the guidance is accessible, sector-specific where appropriate and supported by training and enactment resources.

9.7.3 Recommendation 3: Introduce a Single, Unifying Public Sector Duty on the CRC

Target Audience: Welsh Government and Senedd

The current legislative landscape in Wales contains multiple, inconsistent duties relating to the CRC across different sectors. This fragmentation has contributed to variable understanding, uneven application and confusion among practitioners regarding their responsibilities. A single, unifying public sector duty would provide clarity, coherence and consistency, ensuring that all public bodies are equally accountable for upholding children's rights.

Actionable Steps:

- Legislate a cross-sector duty requiring all public bodies to have due regard to the CRC in the exercise of their functions.
- Ensure the duty applies consistently across education, social care, health and other child-facing services.
- Align the duty with existing frameworks such as The Right Way to support coherent enactment and avoid duplication.
- Provide accompanying guidance and enactment resources to support implementation across diverse professional contexts.

9.7.4 Recommendation 4: Invest in Rights-Based Professional Learning and Reflective Practice

Target Audience: Welsh Government, Public Service Leaders and Training Providers

Effective enactment of the CRC depends on practitioners having the knowledge, confidence and reflective capacity to interpret and apply children's rights in context. Understanding of the CRC and associated duties varies significantly across sectors, roles and levels of seniority. A coordinated national approach, led by Welsh

Government, is essential to ensure consistency and coherence across public services.

Actionable Steps:

- Commission and fund mandatory, sector-specific training on the CRC and the duty of due regard, tailored to the roles and responsibilities of practitioners in education, social care and other child-facing services.
- Embed opportunities for reflective practice within professional development frameworks, enabling practitioners to explore how rights are enacted in their specific contexts.
- Align training content with The Right Way framework to ensure coherence with existing resources and avoid duplication.
- Establish a national training strategy, coordinated by Welsh Government, to
 - Ensure consistency in messaging and content across sectors.
 - Embed CRC training into national professional standards, induction frameworks and CPD expectations.
 - Work with inspectorates and regulators to monitor uptake and impact across public services.

9.7.5 Recommendation 5: Strengthen Accountability and Monitoring Mechanisms

Target Audience: Welsh Government and Inspectorates (e.g., Estyn, Care Inspectorate Wales)

The absence of robust accountability mechanisms has contributed to variability in how the CRC is enacted across public services. Without clear expectations, monitoring and feedback loops, rights-based practice risks being deprioritised or inconsistently applied. Strengthening accountability structures would reinforce the

duty of due regard and ensure that children's rights are embedded in organisational governance, planning and evaluation processes.

Actionable Steps:

- Integrate CRC-based indicators into inspection frameworks for education, social care and other relevant sectors.
- Develop a national reporting mechanism for public bodies to demonstrate how they are enacting the CRC in policy and practice.
- Use the Children's Rights Scheme to require Welsh Government officials to:
 - Embed rights-based indicators in national reporting frameworks.
 - Specify the use of rights-based language in policy development and guidance.
 - Promote alignment with The Right Way in tools and resources developed for public services.
- Work with inspectorates and regulators to embed CRC-based expectations into inspection and evaluation frameworks, using remit letters, statutory guidance and partnership approaches to promote consistent assessment of rights-based practice.

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Appendices

Appendix 1: Children's Rights Survey

The aim of this doctoral study is to understand practitioners' views toward the promotion and enactment of children's rights in Wales.

Your participation is greatly valued and will provide unique and rich data that contributes to better understanding how those working with children navigate rights in their work and what can be done to make rights a reality for children in Wales. I urge you to answer as fully and honestly as you can and to consider this a safe space to explore children's rights in your field.

This survey is made up of 20 questions and will take approximately 10 minutes to complete. **By clicking 'next' in this section, you are giving consent for your answers to be used in my study.** This acknowledges that you are happy with what is stated in this section, understand what will be done with your survey data and consent to taking part. All information will be used anonymously and you will not be named in my research thesis. There is an opportunity at the end of this survey to opt to participate in focus groups. These groups will provide opportunity to explore and discuss issues identified in this survey in greater detail with peers and colleagues in education and social work sectors. If you would like to be involved further, please indicate at the end.

If you require an alternative/accessible version of this survey, please let me know at . Please note this means forgoing your anonymity by getting in touch but does not affect your anonymity in the publication of my thesis.

Thank you in advance.

Sector Q1. In which sector would you describe your organisation to be?

- ☐ Public Sector
- ☐ Private Sector
- ☐ Third Sector
- ☐ Other, please specify _____

Field Q2. In which field do you work?

- ☐ Social Work
- ☐ Education
- ☐ Neither

Skip To: Neither field If Q2. In which field do you work? = Neither

Display this question:

If Q2. In which field do you work? = Education

Education Setting Q3a. How would you describe the setting in which you work?

- ☐ Primary School
- ☐ Secondary School
- ☐ Sixth Form
- ☐ College
- ☐ University
- ☐ Special education setting
- ☐ Other education setting, please specify _____

Display this question:

If Q2. In which field do you work? = Education

Ed Role Q4a. Which of these best describes your role?

- ☐ Head Teacher
- ☐ Deputy Head Teacher
- ☐ Class Teacher
- ☐ Class Support Teacher
- ☐ Lecturer
- ☐ Pastoral Support
- ☐ Other, please specify_____

Display this question:

If Q2. In which field do you work? = Social Work

S.Work Setting Q3b. How would you describe the setting in which you work?

- ☐ Adoption
- ☐ Child Protection
- ☐ Commissioning
- ☐ Disability
- ☐ Early Help/Prevention
- ☐ Foster Care
- ☐ Intake / Single Point of Contact (SPOC)
- ☐ Performance and Quality Assurance
- ☐ Supported Care and Planning
- ☐ Training
- ☐ Other, please specify _____

Display this question:

If Q2. In which field do you work? = Social Work

SW Role Q4b. Which of these best describes your role?

- ☐ Director of Social Services
- ☐ Head of Children's Services
- ☐ Principal Officer
- ☐ Supervising Social Worker
- ☐ Social Worker
- ☐ Assistant
- ☐ Other, please specify _____

Display this question:

If Q2. In which field do you work? = Neither

Neither field Unfortunately, this survey is only looking at children's rights in the sectors of education and social work.

As you have identified you work in neither, you do not need to complete this survey.

Thank you for your time

Skip To: End of Survey If Unfortunately, this survey is only looking at children's rights in the sectors of education and s... Displayed

Service time Q5. For how long have you worked in this sector?

- ☐ less than one year
- ☐ 1 - 2 years
- ☐ 2-5 years
- ☐ 6-10 years
- ☐ 11-15 years
- ☐ 16-20 years
- ☐ more than 20 years

Geo remit Q6. Please select the geographical remit of your work?

If more than one, please tick all of the local authority areas your work covers

- ☐ Pan-Wales
- ☐ Blaenau Gwent
- ☐ Bridgend
- ☐ Caerphilly
- ☐ Cardiff
- ☐ Carmarthenshire
- ☐ Ceredigion
- ☐ Conwy
- ☐ Denbighshire
- ☐ Flintshire
- ☐ Gwynedd
- ☐ Isle of Anglesey
- ☐ Merthyr Tydfil
- ☐ Monmouthshire
- ☐ Neath Port Talbot
- ☐ Newport
- ☐ Pembrokeshire
- ☐ Powys

- ☐ Rhondda Cynon Taf
- ☐ Swansea
- ☐ The Vale of Glamorgan
- ☐ Torfaen
- ☐ Wrexham

End of Block: Question Tour Block 1

Start of Block: Block 2

knowledge Q7. How would you rate your knowledge of the United Nations Convention on the Rights of the Child (UNCRC)?

- ☐ I have an excellent knowledge of the UNCRC
- ☐ I have a good knowledge of the UNCRC
- ☐ I have some knowledge of the UNCRC
- ☐ I know little about the UNCRC
- ☐ I know nothing about the UNCRC

Page Break

Display this question:

If Q7. How would you rate your knowledge of the United Nations Convention on the Rights of the Child... != I know nothing about the UNCRC

knowledge source Q8. Where does your knowledge of the UNCRC come from?

Please tick all that apply

- ☐ University or equivalent form of study (please state which course)

- ☐ Pre-service training, e.g., PGCE, social work training
- ☐ Professional development
- ☐ Practice and experience at work
- ☐ Policy
- ☐ Peers, either in person or via electronic networks
- ☐ Social media
- ☐ My own reading/research
- ☐ Somewhere else, please specify

Underpin prac. Q9. To what extent do you believe children's rights underpins your practice?

- ☐ 0
- ☐ 1
- ☐ 2
- ☐ 3
- ☐ 4
- ☐ 5
- ☐ 6
- ☐ 7
- ☐ 8
- ☐ 9
- ☐ 10

Motivation Q10. What motivates you to apply children's rights in your work?

Please rank the answers below in order of importance to you. To change order, click on answer and drag up or down to desired position.

- _____ My personal values and beliefs (1)
- _____ The expectation of my organisation (2)
- _____ Children and young people themselves (3)
- _____ Policy/legislative requirements (4)

Beliefs Q11. Does your institution's policy align with children's rights?

- ☐ Yes
- ☐ No

Display this question:

If Q11. Does your institution's policy align with children's rights? = No

clarification Q11a. If no, please clarify why?

confidence Q12. How confident do you feel in applying children's rights in your practice?

- ☐ 0
- ☐ 1
- ☐ 2
- ☐ 3
- ☐ 4
- ☐ 5
- ☐ 6
- ☐ 7
- ☐ 8
- ☐ 9
- ☐ 10

Challenges Q13. What, if any, have been the challenges of applying children's rights in your practice?

Please tick all that apply

- ☐ Not an organisational priority
- ☐ Lack of resources
- ☐ Lack of understanding
- ☐ Lack of training
- ☐ Other, please specify, providing examples where possible.

Specific groups Q14. Are there any specific groups of children and young people within your school/service for whom realising their rights is particularly challenging?

- ☐ Care experienced children and young people
- ☐ Children and young people from Black and minority ethnic backgrounds
- ☐ Children and young people whose first language is not English or Welsh
- ☐ Children and young people whose gender is different from that assigned at their birth
- ☐ Disabled children and young people
- ☐ Home educated children and young people
- ☐ Young children
- ☐ Young parents
- ☐ other, please specify

Page Break

rights based approach Q15. To what extent do you agree with this statement?

	Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree
A rights- based approach to practice is the best approach within my field. (14)	☐	☐	☐	☐	☐

Page Break

3Ps Q16. Children's rights in the UNCRC are often divided into three groups, described as the three p's. The three are: Provision, Protection and Participation.

Please rank the Ps in order of the priority they are most often given in your work.

To change the order, please click on the answer you wish to move and drag it to you desired position,

_____ **Provision** - rights that provide children with what they need for be healthy and develop in a way that enables them to reach their potential.

_____ **Protection** - rights that protect children against exploitation and abuse and allow intervention when either occur.

_____ **Participation** - rights that enable children to take part in decisions that involve or affect them.

Page Break

Priority Q17. Do you believe that some rights should be given priority over others when working with children?

☐ Yes, please explain why _____

☐ No, please explain why _____

End of Block: Block 2

Start of Block: Block 3

Wales Section 2: Children's Rights in Wales

The Rights of Children and Young Persons (Wales) Measure 2011 places a duty on Welsh Ministers to consider the UNCRC when exercising its decision-making functions. This means Ministers must consider the impact of their decisions on children's rights, when making decisions that affect children and young people

Measure Q18. Had you heard of the Measure before today?

☐ Yes

☐ No

Display this question:

If Q18. Had you heard of the Measure before today? = Yes

Measure agree Q19. To what extent do you agree/disagree with the following statements?

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
I have a good understanding of the Measure	☐	☐	☐	☐	☐
The Measure has a significant influence on my practice	☐	☐	☐	☐	☐
I am more aware of children's rights as a result of the Measure	☐	☐	☐	☐	☐
The measure successfully impacts on the realisation of children's rights in Wales	☐	☐	☐	☐	☐

Page Break

Support Q20. What more could be done to support practitioners to make children's rights a reality in Wales?

End of Block: Block 3

Start of Block: Block 4

End of survey Thank you for taking the time to complete this survey. The insight you have provided is invaluable in helping to understand how practitioners realise children's rights in Wales. Your input will help to shape a landscape of understanding that has not been explored in this way before.

I would like to invite you to take part in focus groups where the data produced from these surveys can be explored in more detail. These groups will be made up of practitioners in the field of education and social work and will provide an opportunity to discuss in more detail the opportunities, challenges and support requirements needed to realise children's rights in Wales. These groups will also provide an opportunity for you to share and promote best practice within your setting.

if you would like to participate, please indicate below, where you will then be asked to leave contact details.

Please note these details will ONLY be used to invite you to a focus group for this study.

- ☐ I wish to participate in future focus groups
- ☐ I do not wish to participate in future focus groups

Display this question:

If End of survey summary = I wish to participate in future focus groups

focus group info Thank you for agreeing to participate in future focus groups. Please complete the fields below and I will be in touch shortly.

- ☐ Name _____
- ☐ Job Title _____
- ☐ Contact phone number _____
- ☐ Contact email address _____

End of Block: Block 4

Appendix 2: Focus Group Framework

What is the objective of my focus group?

The objective of my focus group is to expand on survey findings to gain more in-depth insight into the following research questions:

1. What impact does the UNCRC have on the practice of teachers and social workers?
2. To what extent do participants perceive the Measure to be successful in realising children's rights?

Who are the participants in my focus group?

The participants of my focus groups will be teachers and social workers in Wales:

Focus Groups will take place online and face to face..

It is forecast that approx. 30 participants will take part in my focus groups. Focus groups will be multi-disciplinary.

Materials required:

- Venue – community centre booked
- Refreshments
- Video camera – batteries and back up batteries/charger
- Dictaphone

Question development

Section 1 – rights in practice (30 minutes)

1. Perform a quick check in – values continuum line (0-It does not at all, 10-it entirely impacts on my practice):
 - To what extent does the UNCRC impact on your practice?

From this:

2. Tell me about this. In what ways does the UNCRC impact on your practice?
3. What have been the benefits of considering the UNCRC in your work?
4. What are the specific challenges for those in social care and/or education to take account of the UNCRC in your practice?

Section 2 - Factors that support/inhibit opportunities and challenges to enact the principles of the Measure (20 minutes)

Give an overview of the Measure – this will help focus groups feel at ease and not tested. It also does not assume that participants know about the Measure already.

In the survey findings, most participants felt that the UNCRC was embedded in their/ their organisations practice.

5. What do you think are the key factors that determine whether consideration is given to the UNCRC or not in practice? Use the options in survey q. as a prompt if needed.
6. To what extent does the Measure impact on your practice?
7. What more can be done to support practitioners like yourselves to consider the UNCRC in practice? What do you need?

Section 3 – hierarchy of rights (30 minutes)

Survey respondents felt that some rights should carry more weight than others. When asked to rank the 3Ps, most participants ranked Protection, then provision, then participation (use visual as aid).

8. Why do you think this is?
9. Does this differ across sectors?
10. How important do you think listening to the voice of children in decisions that affect them is important?
11. What is challenging about listening to children and young people?
12. As the lowest ranked category, should something be done to support practitioners to balance protection and provision rights with participation rights? What would this be?

Section 4 - Concluding questions/allowance for overrun (10 minutes)

13. If you could make one recommendation to Government about how to make rights a reality in Wales for children, what would you recommend?
14. Is there anything you would like to add, or ask the group?

Agenda:

Welcomes and introductions – 15 minutes

Making it work – confidentiality, Uni participant info etc – 5 minutes

Section 1 – 30 minutes

Section 2 – 20 minutes

Break - 10 minutes

Section 3 – 30 minutes

Section 4 – 10 minutes

Appendix 3: Ethics Application

School of Social Sciences Ysgol Gwyddorau Cymdeithasol Head of School, Pennaeth yr Ysgol Dr Tom Hall			
SREC Ref No:			
STUDENT PROJECTS - MASTERS PROGRAMMES/ MPhil/PhD & PROFESSIONAL DOCTORATE RESEARCH PROJECTS Ethical Approval Application Form Must be submitted by the due deadline to: socsi-ethics@cardiff.ac.uk			
Note: This form uses check boxes, select the appropriate box, double click and select 'checked' a cross will appear in the box which indicates your response.			
SECTION A: PERSONAL INFORMATION [all boxes can be expanded]			
Please tick relevant project type:	Masters Yes	MPhil/PHD Yes	Professional Doctorate Yes
Student Name:	Katie Spendiff		Student Number: 
Email Address:			
Supervisors:			
Supervisors' Signatures:	1	2	
Degree Programme:	PHD		
Title of Project:	Putting principles into practice: frontline practitioners' enactment of the Rights of Children and Young Persons (Wales) Measure (2011)		
Project Start Date:	01.01.20		Dissertation/Thesis Submission Date: 31.03.2024
Student's Signature:	Katie Spendiff		Date: 13.04.21

**Before completing, please now read the Application Guidance Notes
at the end of this form**

Please consider your responses in your ethics application in light of the current Covid-19 guidance. If it is **not possible** to conduct research remotely, a risk assessment must be undertaken. Whilst SREC do not carry out the assessment we have provided, in Appendix 1, the flowchart to determine risk.

Are you intending to submit a risk assessment for face-to-face research?

Yes

No

If yes, following the flowchart in Appendix 1, what is your score:

Low

Medium

High

Should your score be 'High' please be aware it is likely to be rejected on risk assessment grounds.

Once your ethics application has been approved you will need to complete the full risk assessment, as outlined in the guidance issued by the Director of Research, for review and approval before conducting your research.

SECTION B: DISSERTATION SUMMARY

1. Below, please provide a **concise** general description of your dissertation project

Context and Purpose of Research

The UNCRC, one of the nine core human rights treaties is the most signed up to treaty in the world. Developed in 1989, the Convention sets out a breadth of civil, political, economic, cultural and social rights that ALL children aged under 18 years are entitled to, regardless of any place or circumstance they live in. Ratified in the UK in 1991, the UNCRC is regarded as the most significant human rights instrument for the realisation of children's human rights there is fundamental in redefining and upgrading the status of children in modern times (Robb et al., 2019).

Since its development, a surge in children's rights research has been observed from which three key paradigms have emerged: recognising children as autonomous; tensions between parents and children's rights and; the UNCRC as a globally accepted benchmark - the normative bar against which good governance for children is understood. While the implementation of the UNCRC has been evaluated extensively in the triptych of standard setting, implementation and monitoring outcomes for children in specific fields, calls for critical, theorised and contextualised analysis of the UNCRC have emerged in recent years (Quennerstedt, 2013).

The Rights of Children and Young Persons (Wales) Measure (2011) is the first legislative measure in response to realising the United Nations Convention on the Rights of the Child (the CRC) within the UK.

A key means of promoting and implementing the CRC is through the professional practice of those with responsibility for the welfare of children. Despite these duties, there is a dearth of guidance and research regarding professionals' understanding and, in turn, capacity to realise children's rights in practice.

This project will address this in two ways:

- Firstly, it will examine teachers' and social workers' understanding of the CRC and the 2011 Measure.

	- Secondly, the research will explore the ways in which these frontline practitioners engage with the practical enactment of children's rights, specifically considering how constructed images of childhood affect this. Proposed Methodology The project will apply a mixed methods approach to an exploratory and explanatory design framework: Phase 1 will consist of a documentary analysis of specific documentation and policy relating to the local enactment of the Children and Young Person's Rights (Wales) Measure (2011) followed by a series of elite interviews with the authors, co-ordinators and Meso level interpreters of these policies. This phase seeks to understand the interpretation of the Measure at a Meso level and its impact on local actor's enactment. Phase 1 aims to elicit data relating to research questions 1 and 2. Phase 2 consists of the dissemination of a broad questionnaire, assessing practitioner understanding of the UNCRC. Phase 3 will comprise of semi-structured interviews and focus groups with teachers and social workers to elicit more nuanced and detailed data relating to research questions 3 and 4. Additionally, a series of three one-month placements with the Children's Commissioner's Office and Human Rights Observatory will provide for an integrated approach whereby placement learning, and development will be woven throughout the programme of study. Academic Contribution The outcomes of the project will inform the development of general and sector specific professional education and training within Wales.
2.	What are the research questions ? The over-arching research question to be addressed in this study is, '<i>How do frontline practitioners enact the principles of the Rights of Children and Young Persons (Wales) Measure (2011) in their practice?</i>', answered through the following sub-questions: 3. How is the Measure interpreted in policy in Wales? 4. How do meso-level interpreters enact the Measure at a Local Authority level? 5. What impact does the UNCRC have on the practice of teachers and social workers? 6. To what extent do participants perceive the Measure to be successful in realising children's rights?
3.	Who are the participants ? PHASE 1 Participants will include: 1. Lead officers for UNCRC in two Local Authorities (LAs) where formal interpretation of the Measure has been made in policy. 2. Authors (if different from UNCRC lead) of the Rights policy in each of the two LAs 3. Meso-level interpreters, i.e., WG officers with responsibility for UNCRC oversight, UNCRC interpreters such as representative of the Children's Commissioner's Office and Children in Wales and,

	Director level officers within Social Services and Education within two authorities subject to documentary analysis. PHASE 2 and 3: 4. Frontline social work and education practitioners across Wales.
4.	How will the participants be recruited? PHASE 1: Meso-level officers will be purposefully sampled based on their roles and influence on UNCRC work in Wales. Recruitment of WG officers, Children's Commissioner staff, Children' in Wales staff and Local leaders in Education and Social Work will be made through professional networks and existing contacts. These participants will be recruited directly via email. Access to documentation and to officers within the Children's Commissioner's Office for Wales, Children in Wales and two LAs has been provisionally agreed but will be strengthened through a memorandum of understanding if required. PHASES 2 and 3: Survey and focus group participants will be recruited using information and contacts accessible through networks and relationships built in current and previous children's rights work. Over-arching information regarding research aims, methods and expectations will be circulated broadly to a number of existing relevant public networks, which include but is not exclusive to: - National Association of Head teachers - BASW Cymru - Children's Commissioner for Wales Network of Practitioners developed with permission (of the Children's Commissioner and TRW Social Care project participants) during my internship - Children in Wales Network of Members - National Participation Workers All participants will be recruited electronically. Some mailing lists have been directly developed, e.g., TRW social Care contact list and the Participation Workers Network contact list, while others will have accessed via gatekeepers, i.e., the president of the National Association of Head Teachers, Swansea Director of Social Services to BASW, Participation colleagues to Children in Wales members. All three are colleagues with whom I have good working relationships with and have provisionally agreed circulation of information through for this study. Once an expression of interest in participation is confirmed, will receive more in-depth research information and documentation posted to them (either physically or electronically based on preference) – see below. Electronic information will be sent from Cardiff University's network and anonymity of participants to others will be ensured through blind copy functions. All recruitment (electronic and hard copies) will contain covering information clearly outlining: - the purpose of the research, - what their involvement will be, - how the results of the research will be used. - Information regarding individual's privacy and measures taken to ensure anonymity - Information regarding voluntary participation and options to opt out of research Information regarding how online meetings will occur.

5.	What sort of data will be collected and what methods will you use to do this? This research is a mixed-methods study and will collect both quantitative and qualitative data: PHASE 1: - Documentary Analysis: the systematic and empirical study of the Measure and associated Documentation, i.e., Children's Rights Scheme Action Plans, Children's Rights Impact Assessments, the recent evaluation of the Measure by the Senedd and Welsh Youth Parliament and, documentation relating to the Social Services Well-Being Act and to the new National Curriculum (for analysis of how rights may be derived into practice through this). This will also include the empirical study of UNCRC policy and related documentation of a similar nature in two Local Authorities that have interpreted the Measure into local practice. Both quantitative data (through content analysis) and qualitative analysis of the message and meaning of the public policies will be collected. - Elite interviews: A series of qualitative semi-structured interviews will be carried out with a purposefully sampled group of participants deemed to be gatekeepers between the codified Measure and practitioners. It is anticipated that data collected in these interviews will focus on how a National duty and policy is interpreted for those working at a micro level to enact. PHASE 2: - Questionnaires: Drawing on themes from phase 1, a broad questionnaire will be administered to collect both quantitative and qualitative data pertaining to frontline practitioner's knowledge and understanding of the UNCRC and Children's Rights, knowledge of the Measure, confidence in use of rights in practice, interpretations of policy agendas that support or restrict implementation of the Measure, implementation of the UNCRC, including evidence to support their answers, and evaluation of the impact the Measure. PHASE 3: - Focus groups: Made up of a sample of questionnaire participants, multi-disciplinary focus groups will extend the line of enquiry set out in the questionnaire to elicit in-depth qualitative data for interpretation. Groups will consist of educators and social work practitioners and will shed light on multi-disciplinary issues pertaining to enacting the Measure and making rights a reality for children in Wales.
6.	How and where (venue) are you undertaking your research? Documentary analysis: documentary analysis will be undertaken electronically via internet search engines. It is envisaged that in the most part, documents of interest are public and cause no ethical issue in respect of their collection. Questionnaires: questionnaires will be undertaken electronically, using Microsoft forms as part of the University approved Microsoft Teams app. This enables responses to be automatically stored securely in my password protected University Teams account. Paperwork, as far as possible will be electronic and stored in a password protected folder on the Cardiff University network. Any hard copies that are necessary will be stored in a locked filing cabinet at home until they can be stored at my Cardiff University base

	Elite interviews and Focus groups: Due to Covid-19, momentarily, all research will be undertaken online via University approved systems such as Skype for Business, Microsoft Teams or Zoom (depending on the preferred platform of participants, e.g., some LAs are not permitted to use Zoom, some third sector providers have expressed preference to use of Zoom). All 3 of these services are approved for handling University confidential information and are bound by the terms of their contracts to comply with the University's information handling policies. Permission to record and create transcripts of remote sessions will be clearly sought in supporting documentation prior to and again at the beginning of interviews and focus groups. While working at home, I will maintain the security of data in line with the University's policies by: - storing information on a secure device with appropriate passwords and encryption - creating back-ups via the University's remote drives and Cloud-based resources - ensuring that unauthorised individuals do not have access to sensitive or confidential information. What is the reason(s) for using this particular location ? University guidelines state that the primary consideration for all face to face research should be risks to safety of participants and researchers. Restrictions due to Covid-19 has meant that participation, for now, has to be remote. However, using the Covid-19 Risk Categorisation Flowchart supplied by the university, providing no participants are categorised as high-risk due to health conditions, my research could be classified as low risk research activity. Should restrictions ease in the near future, face to face research, particularly in respect of focus group activity where remote activity exacerbates risks to confidentiality and anonymity (see below) would be preferable and could then be risk assessed following social distancing guidelines. This would include completion of the University's Covid pre-screen questionnaire, clear hand and surface hygiene mitigation measures, use of face coverings, appropriate room occupancy and ventilation and completion of the supplied risk assessments.		
7.	(a) Will you be analysing secondary data? If YES, does approval already exist for its use in further projects such as yours?	Yes	No
	(b) Will you be using administrative data? If YES, how will you be using these data (e.g., sifting for suitable research participants or analysing the data)? Information regarding participants: This research will involve accessing existing Networks and mailing lists of practitioners and administrative database for staff to retrieve names, roles, contact details (email address) and work location of appropriate research subjects. Access to permitted databases for research purposes has already been agreed with some database hosts, i.e., Children's Commissioner's TRW network and the All Wales Participation Network. Schools information and Social work departments are public information and so circulation lists will be developed to circulate preliminary information outlining research aims for the purposes of participant recruitment.	Yes	No

	For other participants, direct access to administrative mailing lists will not be required, but instead dissemination of my research information to those networks will take place via colleagues/gatekeepers, e.g., the questionnaire will be disseminated to schools in Wales via the President of the Association of Headteachers and via the Regional Development Team at UNICEF. In respect of Social Work an opportunity to present my research (for the purposes of accessing further contacts) will be negotiated via the Head of Children's Services in Swansea to the National Head of Child and Family Services group. Information regarding recruitment to my study will also be circulated via gatekeepers such as Children in Wales and the Children's Commissioner's Office for Wales, via their own databases, memberships and networks.		
SECTION C: RECRUITMENT PROCEDURES			
8.	(c) Does your project involve children or young people under the age of 18? If No , go to 10	Yes	No
	(d) If so, have you consulted the University's guidance on child protection procedures and do you know how to respond if you have concerns?	Yes	No
9.	(a) Does your project involve one-to-one or other <i>unsupervised</i> research with children and young people under the age of 18 ? If No go to 9(b) If Yes , go to 9(c)	Yes	No
	(b) If your project involves only <i>supervised</i> contact with children and young people under the age of 18, have you consulted the head of the institution where you are undertaking your research to establish if you need a Disclosure and Barring Service (DBS) Check? If Yes and you do need a DBS check, then go to 9(c); if you do not need a DBS check, then go to Question 10.	Yes	No
	(c) Do you have an up-to-date Disclosure and Barring Service (DBS) Check ? If your application is pending please state the submission date: __ / __ / __ The SREC Office will require you to notify them when it is approved.	Yes	No
10.	Does your project include people with learning or communication difficulties?	Yes	No
11.	Does your project include people in custody?	Yes	No
12.	Is your project likely to include people involved in illegal activities?	Yes	No
13.	Does your project involve people belonging to a vulnerable group, other than those listed above?	Yes	No
14.	Does your project include people who are, or are likely to become your clients or clients of the department in which you work?	Yes	No
SECTION D: CONSENT PROCEDURES			

Please ensure you are familiar with the updated General Protection Data Regulation (GDPR) guidance when considering consent for your participants.			
15.	Will you obtain written consent for participation?	Yes	No
16.	What procedures will you use to obtain, record and maintain informed consent from participants? To ensure as far as possible, participants are given enough information to make informed consent the following will be provided to each of them prior to research: - Clear outline of the purpose of the research, - Clear expectations of what their involvement will be, - Clear information about how the results of the research will be used. - Clear information regarding individual's privacy and measures taken to ensure anonymity, i.e., securely kept and anonymised data - Clear information regarding voluntary participation and options and processes to opt out of research - Clear request for remote sessions to be recorded. Each interaction, interview or completion of questionnaire is a one-off event, for which, consent will be acquired prior to the participant's contribution. Participants will be reminded of the option to opt out; even after participating should they wish. This will contribute to maintaining informed consent as participants will have the opportunity to make further decisions about whether or not their data forms part of the research process after they have been involved. Should participants wish to opt out up to the point of submission of my thesis, their data will not be used. If follow up is required, the process of obtaining consent will be repeated. PHASE 1: Documentary analysis: Provisional conversations regarding documentary analysis of at least one Local Authority's interpretation of the Measure at a local level has informally occurred. For the most part documents requiring analysis can be categorised as public and require no consent for use. Should any documents of interest be private, i.e., require consent from a LA to access, direct contact will be made and, where appropriate, a memorandum of understanding (MoU) will be developed between the organisation and researcher clearly outlining the intended use of the document and expected outcomes. The MoU will be written in cognisance with ethical guidelines written by the Social Research Association, found at http://the-sra.org.uk/wp-content/uploads/SRA-Ethics-guidelines-2002.pdf, specifically paying attention to guidance on pursuing objectivity and clarifying obligation and roles. The agreement will clearly define the purpose of the research, timeframes and reporting arrangements. The MoU will include information regarding the obligation of researcher to adhere to the professional code of the SRA and to the ethical expectations of Cardiff University. Consent will be obtained via email and through the signature of the MoU. Elite interviews: Each participant will be asked to document their consent remotely via email, confirming that they have understood the information provided and consent to be involved in the research process. This will be done using the University's email consent template. Specific information will be given to interviewees regarding the process of the interview, time requirements, use of data. Consent will be recorded in a participant information database and all information will be stored securely on the University's network. Any hard copies received will be scanned and stored securely until they can be securely destroyed.		

	At the beginning of each interview, consent procedures will be reiterated, using scripts outlined in the University's oral consent template. As well as reiterating the information provided prior to interview, this will also include confirming the person's identity and confirmation that participants are happy to be recorded for transcription processes. PHASE 2: Questionnaires: Each questionnaire will include an initial page before the survey starts, providing a brief summary of the project and information outlined above from the participant information sheet and researcher contact details. The participant sheet will be included as a downloadable form so that participants are given the legally required data protection information in a form that they can retain. Each questionnaire will also provide a final page containing a submit button, with the addition of a statement reminding participants that clicking 'submit' constitutes the participant to providing full consent for use of data entered into their survey – in full knowledge of the information provided to them within the information sheet. PHASE 3: Focus groups: focus group methodology generates distinct ethical considerations relating to consent, confidentiality and anonymity. A principal challenge in obtaining consent in focus groups lies in the unpredictable nature of group conversation and therefore being unable to give a clear account of what will happen. There are three key steps that will be taken to ensure informed consent is obtained: 1. Information sheets prior to participation: in order to set appropriate expectations, information sheets clearly outlining the nature of participation in a focus group and the limitations of maintaining confidentiality and anonymity will be circulated in in good time, so that participants are able to make informed choices about whether or not they wish to proceed in the process. 2. Pre-discussion at the outset of focus group activity: a briefing will take place at the beginning of each focus group, reiterating and reemphasizing information given to participants in the information sheet. This will serve as an opportunity for participants to reiterate their informed consent. 3. De-briefing at end of focus group activity: a debriefing will take place at the end of each focus group activity to serve a dual purpose of mitigating harm (see section 24/25) and to reiterate the process of consent and voluntary withdrawal should participants wish to.			
17.	If the research is observational, will you ask participants for their consent to being observed?	N/A	Yes	No
18.	Will you tell participants that their participation is voluntary?	N/A	Yes	No
19.	Will you tell participants that they may withdraw from the research at any time and for any reasons?	N/A	Yes	No
20.	Will you give potential participants appropriate time to consider participation?	N/A	Yes	No
21.	Does your project provide for people for whom English / Welsh is not their first language? Agreement from Swansea Council to make use of their translation services has been permitted. Translation to Welsh which is likely to be required will be accessed through Swansea's Welsh Language Unit (internal and free of	N/A	Yes	No

	charge). If translation to languages other than Welsh is required (this is not expected), a cost will be incurred. This is deemed as highly unlikely.			
SECTION E: POTENTIAL HARMS ARISING FROM THE PROJECT				
22.	Is there any realistic risk of any participants experiencing either physical or psychological distress or discomfort?	Yes	No	
23.	Is there any realistic risk of any participants experiencing a detriment to their interests as a result of participation?	Yes	No	
24.	Below, please identify any potential for harm (to yourself or participants) that might arise from the way the research is conducted <u>PLEASE DO NOT LEAVE BOX BLANK</u>			
PHASE 1: Documentary analysis and Elite interviews: there is a risk in this phase, that due to the small field, anonymity could be broken, i.e., data included could reveal the identity of the Local Authority subject to analysis and/or meso level interpreters, where in some instances, e.g., the role of the Children's Commissioner, it is the only role of its kind. Therefore, there is potential detriment to a person/organisation's professional standing that needs to be considered. It could occur that participants agree to participate in this research, with the expectation of an analysis that places them/their organisation/service in a good light. However, this is unknown, and the findings of the evaluation may provide information that identifies the Measure has little or no impact. Whilst this is not necessarily a problem and can be justified through robust research methodology and validity of results, there is a risk of damaged reputation, for both the organisation and researcher. PHASE 2: Questionnaires: Topics contained within the questionnaire are not sensitive, participant personal details are not required (unless participants wish to be involved in focus groups – there will be an option for this) and participation is confined, and data will be easily generalisable and anonymised. Focus Groups: Focus group methodology generates distinct ethical challenges. Three key issues are consent, confidentiality and anonymity and harm. While consent is addressed in section 16 and confidentiality and anonymity in section 33, it is important to acknowledge the relationship and inter-dependency of the three issues and their potential harm to participants: Consent: As outlined in section 16, obtaining informed consent is less straightforward in focus group methodology where clearly pre-defining an accurate account of what will happen during participation can be challenging. In this sense, setting inappropriate or unclear/misleading expectations to participants can be harmful both to the participant's wellbeing and to the researcher's reputation. Confidentiality and Anonymity: Complete anonymity is almost impossible to guarantee in focus groups. While the absence of anonymity does not mean confidentiality cannot be guaranteed to research subjects for what the researcher can control (that is their own practice), The risk of deductive disclosure by participant's outside of the groups is largely beyond the control of the researcher. This can become more acute in instances of over-disclosure by participants and must be carefully anticipated during the planning to avoid a) psychological harm and b) increased risk of breach of confidentiality and/or anonymity. Psychological/reputational harm: While in many respects focus groups can be supportive environments to participants, group contexts can also create sense of public vulnerability. The nature of the online focus groups in this study is multi-disciplinary, i.e., comprising of a mixture of social work and education practitioners and while both groups are bound by the UNCRC and ultimately work in the interests of				

children, competing agendas or conflicting points of view may lead to challenges and harm to both participants and researcher. Without appropriate moderation, discussion of sensitive issues there is potential for distress, embarrassment, stigmatization, disruption of existing relationships and/or adverse employment consequences. The risk of this harm is deemed to be minimal.

Personal harm to reputation:

As a practitioner within a small field of children's rights practitioners in Wales, a key issue that could arise causing harm to myself, is my own reputational damage. Recognising my 'insider' position as researcher/practitioner, acknowledgement must be given to the potential harm to my reputation as both, particularly if the outcomes or findings of my research incidentally afflict reputational damage to peers/services in which I am in contact with. Additionally, to this, it is important to acknowledge feelings peers may experience of being compelled to participate in this study which could potentially lead to damaged relationships further along.

25. Below, please set out the measures you will put in place to control possible harms to yourself or participants

PLEASE DO NOT LEAVE BOX BLANK

PHASE 1:

Documentary analysis and Elite interviews: While the anonymity of Local authorities or meso-level interpreters cannot be guaranteed, strict measure to codify names and services will be made. Any clearly identifiable indicators will be considered for redaction and regular discussions with my supervisor on this subject will be conducted during analysis. Participants will also receive clear information regarding potential risk prior to participant in order that they can make informed choices about a) whether they participate and b) what they choose to offer as research data, both in documents and orally.

It is noteworthy to mention that previous experience (when piloting similar themes during my MSc), often found that during elite-level interviews, participants were often willing to be identified, taking the process as an opportunity to showcase practice to others and accepting credit as the leaders of it. Therefore, the question of whether people wish to be identified will also be asked.

PHASE 2:

Questionnaires: n/a

PHASE3:

Focus Groups: The following steps will be taken to mitigate potential harm in terms of obtaining informed consent, mitigating against confidentiality and anonymity and preventing psychological or professional harm to participants:

Consent: As outlined in section 16, information sheets, pre-briefings and de-briefings will occur to ensure at a number of stages participants understand and consent to their contributions being used as a part of this study.

Confidentiality and anonymity: As far as possible will be codified and anonymised. This is outlined in section 33, To mitigate potential harm in this area, clear information and appropriate expectations will be sent to potential participants beforehand, so that time is permitted for them to absorb the risks and make informed choices regarding their participation. In this sense, quality of consent is key.

Psychological/reputational harm: in this study, to mitigate the potential for psychological or reputational harm to participants, the role of an experienced facilitator will be critical. Mitigation will be addressed in the following ways:

1. Pre-briefing boundary setting: As well as reiterating consent, the pre-briefing will involve a process of boundary setting with participants, so that a clear expectation of appropriate behaviours can be co-produced and co-owned by participants.

2. Ongoing moderation: As a researcher, I am adept at facilitating dialogue based on the 4C's of philosophical enquiry, i.e., Collaborative, Caring, Critical conversations. My ability to facilitate Socratic dialogue techniques to foster caring and critical conversations enables me to facilitate and moderate often difficult conversations in a de-personalised, constructive manner. Whilst not guaranteed, this is certainly an asset in mitigating challenging, conflicting or personal and values based conversations.

3. De-briefing: after each focus group has finished and its content summarised, an opportunity to discuss reactions to the discussion will be invited. This will provide an opportunity to address any issues or concerns and de-escalate any potential feelings of harm that may have arisen. Additionally at the end of each focus group, I will stay in the (virtual) room for a while making myself available to support individual participants who may have issues or concerns they wish to discuss in a more private way. This risk is considered minimal, and it is worth noting that the benefit and richness of data that can be achieved through the multi-disciplinary nature of the conversations is deemed to outweigh any potential harm that may occur.

Personal harm to reputation:

Adoption of a mixed methods approach to triangulate data collection (Halcomb and Andrews, 2005), adopting both qualitative and quantitative methods of data collection to provide comparisons across a range of groups should maximise consistency and robustness in the study. While methodological choices are not exclusively ethical issues, those that speak to the credibility and objectivity of my research lend themselves to mitigation of damage to my own reputation.

Making presuppositions explicit, sharing my data and interpretations regularly with my supervisor who can act as auditor, providing objective and independent viewpoints, can increase credibility and trustworthiness. Detailed notes on decisions made and the reasons why they are made, will add to my study's audibility and reliability. Reflective journals to document and reflexively analyse sessions will form part of my regular supervision throughout my research. I will use these with my supervisor to interpret and work through issues of my positionality within the research and ethical considerations arising.

Combined these approaches and an acute awareness of working within the SRA ethical guidelines should in some ways, mitigate reputational damage by promulgating the ethical manner in which I have conducted my research and findings.

SECTION F: SECURITY-SENSITIVE RESEARCH & PREVENT DUTY

Cardiff University has established a Security-sensitive research framework which aims to balance the commitment to academic freedom and scope against the need to safeguard research from risk of radicalisation and/or risk that their research activity might result in a misinterpretation of intent by external authorities.

26.	Has due regard been given to the 'Prevent duty', in particular to prevent anyone being drawn into terrorism? For further guidance, see: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445916/Prevent_Duty_Guidance_For_Higher_Education_England_Wales_.pdf and http://www.cardiff.ac.uk/public-information/policies-and-procedures/freedom-of-speech	Yes	No
27.	Does your research fall within the Security-Sensitive policy? This includes the following:-	Yes	No

	- Research concerning terrorist or extremist groups (in particular, those designated by the Home Office as a Proscribed Terrorist Organisation); and - Research involving access to materials that may be considered extremist and/or materials that promote terrorism, extremism or radicalisation. For further guidance, see: https://intranet.cardiff.ac.uk/intranet/staff/documents/research-support/integrity-and-governance/Final-V1_Security-Sensitive-Research-Policy.docx If 'Yes' go to Question 28. If 'No' go to Question 29.		
28	Have you followed the registration procedure detailed within the policy? Please note this must be done before ethical approval can be given.	Yes	No
SECTION G: RESEARCH SAFETY			
Before completing this section, you should consult the document 'Guidance for Applicants' – and the information under 'Managing the risks associated with SOCSI research'.			
29.	Are there any realistic safety risks associated with your fieldwork?	Yes	No
30.	Have you taken into account the Cardiff University guidance on safety in fieldwork / for lone workers?	Yes	No
SECTION H: DATA COLLECTION			
The SREC appreciates that these questions will not in general relate to research undertaken in SOCSI. However, for further University guidance and information please see the links below.			
31.	Does the study involve the collection or use of human tissue (including, but not limited to, blood, saliva and bodily waste fluids)?	Yes	No
	If Yes, a copy of the submitted application form and any supporting documentation must be emailed to the Human Tissue Act Compliance Team (https://intranet.cardiff.ac.uk/staff/research-support/integrity-and-governance/human-tissue-research). A decision will only be made once these documents have been received. For guidance on the Human Tissue Act: http://www.cardiff.ac.uk/govrn/cocom/humantissueact/index.html		
32.	Does the study include the use of a drug ? If Yes , you will need to contact Research Governance before submission (resgov@cardiff.ac.uk)	Yes	No
SECTION I: DATA PROTECTION			
33.	(a) Are you collecting sensitive data? [Defined as: the racial or ethnic origin, political opinions, religious beliefs (or similar), trade union membership, physical or mental health, sexual life, the commission or alleged commission any offence, or any proceedings for	Yes	No

	any offence committed or alleged to have been committed the disposal of such proceedings or the sentence of any court in such proceedings.]		
	If Yes , how will you employ a more rigorous consent procedure?		
	(b) Are you collecting identifiable data? [Please note, this includes recordings of interviews/focus groups etc.]	Yes	No
	If Yes, how you will anonymise these data? Direct identifiers: All documents, questionnaire submission and interview participants will be assigned a direct identifier, i.e., names and role will be kept on a participant database and kept securely on the University Network in a password protected file. Only I will have access to this. Each document, questionnaire and participant will be provided with a unique and anonymous reference number by myself. Only I will have access to the information that links the unique reference number to the personal details of research participants. Indirect identifiers: information on workplace or information that may identify the person from their responses to questions, particularly in in-depth interviews. Guaranteeing complete anonymity in this case is difficult. It is likely that distinctive accounts during interviews will make interviewees identifiable. The following measures will be taken to attempt, where possible anonymity: - Personal identities of anyone mentioned will be anonymised in transcriptions - Places of work or information relating to specific departments will be anonymised in transcriptions - Data will be written up based on themes and so data gathered will be generalised to support findings. However, if specific examples highlight a point being made, then specific consent will need to be sought from the interviewee and lead contact for the research, for this to be used. This will still not identify a particular person but may identify a particular department. This will need to be an ongoing discussion during supervision, in order to balance the requirement of anonymity and producing useable data that accurately reflects and addresses the interview question, whilst ensuring that the identity of the research participant cannot be deduced from the reported research findings. Instances where anonymization is not achievable (particularly relevant to focus group activity): While names and organisations will be codified in the transcription and analysis of focus group data, guaranteeing total confidentiality and anonymity in remote focus groups is nearly impossible. It is important to acknowledge though, that while robust steps can be taken to assure the confidentiality and anonymity of participants by the researcher, the control over which the researcher can ensure this is maintained by group members, is limited. Therefore, total confidentiality and anonymity cannot be guaranteed. However, every attempt will be made to mitigate against breach of confidentiality and anonymity. Clear information will be provided to participants on this matter, so that they can make informed choices about whether or not they participate and what they choose to contribute to discussions. Expectations of maintaining confidentiality of group discussion to group members will inform part of the participant information sheet and consent form and will be reiterated as part of the boundary setting pre-briefing within focus group sessions.		

	(c) Will any non-anonymised and/or personalised data be retained?	Yes	No
	(d) Data (i.e., actual interview recordings, not just transcripts) should be retained for no less than 5 years or at least 2 years post-publication and then destroyed in accordance with GDPR . Have you noted and included this information in your Information Sheet(s) ? [The University may request access to this data at any point in this year to confirm your marks. It is your responsibility to maintain it securely]	Yes	No
34.	Below , please detail how you will deal with data security. Please note, personal laptops (even password protected) stored in personal accommodation are not acceptable. Storage on University network, or use of encrypted laptops is required.		
In the case of physical documents, data will be locked in a filing cabinet. Electronic material will be stored on the Cardiff University Network in a password protected file. All electronic research work will be carried out on my encrypted laptop.			
If there are any other potential ethical issues that you think the Committee should consider, please explain them on a separate sheet. It is your obligation to bring to the attention of the Committee any ethical issues not covered on this form			
THE NEXT SECTION IS TO BE COMPLETED BY YOUR SUPERVISOR(S)			
SECTION J: SUPERVISOR DECLARATION			
The supervisor(s) must explain in the box below how any potential ethical issue(s) highlighted by the student above and via ticked shaded boxes on this form, will be handled. Please also consider if it is appropriate for the information sheet(s) and consent form(s) to be attached to this form.			
This study raises only minor ethical issues. Katie has drawn from her own extensive experience and research training to identify any potential issues and has put robust processes in place to pre-empt and mitigate these.			

As the supervisor for this student project, I believe that all research ethical issues have been dealt with in accordance with University policy and the research ethics guidelines of the relevant professional organisation.		
Supervisor(s) Signature:		2.
Date:	14/04/21	

Appendix 4: Consent Form



Research Information Sheet - Putting principles into practice: frontline practitioners' enactment of the Rights of Children and Young Persons (Wales) Measure (2011)

If you are happy to take part in the research project, please fill in and sign the consent form below.

Please circle YES or NO for each statement, as appropriate

I have read the information sheet.	YES / NO
The researcher has explained the project to me.	YES / NO
I understand what the project is about.	YES / NO
I understand what will be done with information I provide.	YES/ NO
I agree that work that I produce as part of the project can be used in published work in the future.	YES/ NO
I have asked the questions that I want to ask.	YES / NO
I understand that I can choose to take part or not.	YES / NO
I understand that I can stop taking part at any time.	YES / NO
<u>I agree to take part in the research project.</u>	YES / NO

SIGNATURE

FULL NAME.....

DATE

Researcher's signature

Date.....

Appendix 5: Participant Information Sheet



Cardiff University, School of Social Sciences Research Ethics Committee

Research Information Sheet – Putting principles into practice: Making the Rights of Children and Young Persons (Wales) Measure (2011) ('the Measure') a reality in Wales

The aim of my Doctoral research is to understand how frontline practitioners, i.e., Social Workers and Teachers enact their commitment to children's rights, via the obligation Welsh Government has set them to pay due regard to the UNCRC through the Measure. I would like to invite you to take part in a new research project that seeks to understand, from the perspective of Welsh policymakers and practitioners, the ways in which Social Workers and Teachers enact the Measure locally and the effect this has on making children's rights a reality for children in Wales.

This information sheet explains why the research is being done and what is involved in taking part. Please read the following information carefully. If you have any questions, please ask.

What does participation involve?

This research will be conducted in three phases:

1. Phase 1 will consist of a documentary analysis of specific documentation and policy relating to the local enactment of the Measure followed by a series of elite interviews with the authors, co-ordinators and Meso level interpreters of these policies.
2. Phase 2 consists of the circulation of a broad questionnaire that attempts to understand practitioner understanding of the UNCRC.
3. Phase 3 will comprise of focus groups with teachers and social workers to elicit more nuanced and detailed data relating to local enactment of the Measure.

As a person who has a wealth of experience in influencing and interpreting the UNCRC in policy, you have been identified as someone whose participation would be vital in developing a rich and quality understanding of the answers to the research questions within this study.

You will be asked to take part in one to two conversational interviews, taking approximately one hour to complete, depending on your availability and the nature of the discussion. Due to Covid-19, all research will be undertaken online via University approved systems such as Skype for Business, Microsoft Teams or Zoom (depending on your preferred platform). However, if you would prefer, or require a face-to-face interview, please let me know and I will attempt to accommodate this at a time and venue that is suitable to your needs.

What will happen to the information from the interview?

I will audio-record the interview and produce a written record of what is said.

Any resources that you may draw upon during the interview (service plans, policies, etc) will remain your property but I may ask to receive copies of these for use in published works or presentations at conferences.

All data will be stored securely, in line with the General Data Protection Regulation (GDPR).

Only my supervisors, [REDACTED] and I will have access to the files.

These will be securely stored for up to five years after the research has taken place in line with Cardiff University's data retention regulations.

I will analyse the information and use this as the basis for my Doctoral thesis. This may include use of non-identifiable and identifiable extracts from the interviews. In the future, results from this project may also be used in published works and presentations at conferences and will be used to inform recommendations relating to further support for Social Workers and Teachers in Wales.

Confidentiality and safeguarding

Please note that due to the small field and your elite status, there is potential that **your role will be identifiable**. I cannot guarantee your anonymity, but where possible strict measures will be taken to codify names and services. Any clearly identifiable codifiers will be considered for redaction and copies of the analysis will be made available to you so that you can make an informed decision about where your contribution is published. I will not repeat anything that is said in the interviews, unless an incident where someone's wellbeing is seriously at risk or where significant harm has already occurred. In this case my supervisors and I would follow the safeguarding procedures of Cardiff University. If this happens, we will first discuss it with you as appropriate.

After the interview if you experience any upset because of the subject matter discussed, please contact me. Signposting to support agencies can be provided, should this be required.

The research has been given ethical approval by the School of Social Sciences Research Ethics Committee at Cardiff University.

Do I have to take part?

No. It is up to you to decide whether you take part. If you are happy to take part in the project, you will be given this information sheet to keep and you will be asked to sign a consent form.

Can I decide to withdraw from the study later on?

You are free to withdraw at any time, without giving a reason. If you withdraw, I will not use the information I have collected from you.

Contact details

If you have any questions about the research now or in the future, please feel free to contact me or either of my supervisors using the following details:

Katie Spendiff

PhD Student conducting the research



Supervisor

Supervisor

If you are happy to take part in the research, please sign the attached consent form.