

# Reframing Childhood

Final report of the Childhood Policy Programme  
July 2022





# Contents

<b>Foreword</b>	5
<b>Executive summary</b>	6
<b>1.0 Introduction</b>	11
1.1 Programme overview	11
1.2 Programme activities and outputs	12
1.3 Overview of Phase I activities	12
1.4 Overview of Phase II activities	13
1.5 The scope of this report	15
<b>2.0 Being and becoming</b>	16
2.1 Introduction to the theme	16
2.2 Where the emphasis lies in policy	17
2.3 How policy manages the transition from childhood to adulthood	19
2.4 Agency and responsibility	20
2.5 Conclusion	21
<b>3.0 Children's rights</b>	22
3.1 Introduction to the theme	22
3.2 The benefits of a rights-based approach	22
3.3 Growing divergence	24
3.4 The language of children's rights	26
3.5 A pragmatic approach	28
3.6 Conclusion	30
<b>4.0 Children's voices and participation</b>	31
4.1 Introduction to the theme	31
4.2 Which children's voices are heard?	33
4.3 Children's voices throughout the policymaking process	35
4.4 Children's voices across different contexts and methodologies	36
4.5 The practicalities and potential barriers of including children's voices	38
4.6 Communicating and articulating policies to children	39
4.7 Conclusion	40

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<b>5.0</b>	<b>Principles for policymaking</b>	41
5.1	Rebalance perspectives of being and becoming in policymaking	42
5.2	Increase awareness and understanding of the UNCRC and its benefits for existing policy agendas	42
5.3	Take a pragmatic, evidence-informed approach to children's rights	42
5.4	Incorporate children's voices into the development and evaluation of childhood policy, wherever possible	43
5.5	Join up policymaking across all departments and levels of government	43
5.6	Communicate policy that has an impact on children in child-friendly ways	44
5.7	Monitor the impact of existing policies on children	44
<hr/>		
<b>6.0</b>	<b>References</b>	45
<hr/>		
<b>7.0</b>	<b>Acknowledgements</b>	48
<hr/>		
	<b>About the Academy</b>	50

## Foreword

Over the last 150 years, the experience of being a child in the United Kingdom has changed hugely in terms of how children are viewed, valued and cared for. During this period, policymaking and research relating to children have also undergone dramatic changes. Utilising a multidisciplinary lens that incorporates perspectives from across the social sciences and humanities the British Academy's Childhood Policy Programme has aimed to explore how children and childhood are conceptualised in policy.

Since its launch in 2018 the programme has investigated childhood policy and the impact of policy more generally on children in the UK through diverse activities and outputs. Activities have brought together a wide range of individuals and organisations from academia, policy, the charity sector and practice, and, in the second phase, we have also sought to include children in our activities where possible. Events held have included roundtable meetings, workshops and panel discussions. Outputs from the programme have been varied and have included journal articles, provocation papers, childhood policy chronologies and case studies on the childhood policy landscape in the four parts of the UK. We have also produced some outputs aimed specifically at children.

This final report from the programme is centred around three themes that emerged from the programme's first phase. First, **being a child versus becoming an adult** explores where the balance lies in policy between focusing on children as children and on focusing on children in terms of their future adulthood. The second theme investigates **children's rights** approaches in relation to policy formation, delivery, and enactment across the UK. The final theme is that of **children's voice and participation**, focusing on how children's voices, in their diversity, can be successfully incorporated into policy.

The programme has also had a cross-cutting focus on inequalities. We have aimed to think about a wide range of inequalities, including, but not limited to, economic inequalities, and to consider outcomes for particular groups of children, such as those with disabilities or children in care. The programme has also been underpinned by a commitment to examine all four parts of the UK.

Much of the programme has taken place in the context of the COVID-19 pandemic and has been informed by this backdrop and a consideration of the effects of the pandemic on children's lives, the repercussions of which continue today. At the same time, the current environment for children in the UK is one where many children and their families will be adversely affected by increased pressures on the cost of living.

Following a consideration of the three themes, the report sets out seven evidence-informed principles for those working in the policy ecosystem. We hope that these principles, which are not set in stone, will prompt discussion and debate on childhood policy, including the way children are conceptualised in policy and the role they play in the policymaking process. We would welcome feedback on the principles, including from children and young people. The Academy looks forward to continuing to engage with those working in policy and with others on the principles, and on the issues raised in this report, and across the Childhood Policy Programme, more broadly. I very much welcome that the Academy chose to focus on childhood through this programme and hope that the report will encourage it and related communities to reflect childhood perspectives in future work. And finally, I thank steering group members, the policy team and all participants – adults and children – for all they have contributed to the project.

**Baroness (Ruth) Lister of Burtersett CBE FBA**  
**Chair, British Academy Childhood Policy Programme**

## Executive summary

Since its launch in 2018, the British Academy's Childhood Policy Programme has explored the role of the state in childhood and sought to bring together researchers, policymakers and those working professionally with children, as well as children themselves, to reframe debates about childhood in policy across the UK.

This is the final report of this four-year programme, in which the Academy brings together the evidence and insights collected from across the communities of research, policy, practice and lived experience, which make up the wider policy ecosystem. This exploration of childhood policy comes from a distinctively multidisciplinary perspective, drawing on the strengths of the SHAPE disciplines (the Social sciences, Humanities and the Arts for People and the Economy).

The programme has been delivered in two phases. The first phase focused on gathering and synthesising evidence from a diverse range of sources to assess the state of childhood policy and policymaking across the UK. We were very clear from the start that this meant charting the development of childhood policy and perspectives on childhood not just in Westminster, but also in the devolved administrations in different parts of the UK, in order to understand the differentiation and divergence both within and between levels of governance and decision-making.

From Phase I of the programme, we found that childhood policy in the UK was fragmented, inconsistent and uneven. As a result, this produced significantly different outcomes for children depending on their location and background. We took these findings as our starting point to then explore, through engagement with a wide range of stakeholders, the question of how a more coherent and consistent approach to policymaking might lead to better outcomes and experiences for children and tackle the inequalities in outcomes and experiences between children.

Phase II has sought to address this question through the exploration of three core themes that were identified by stakeholders from across academia, policy, the charity sector and practice, in their discussion of the evidence collected in Phase I. These themes - being and becoming, children's rights, and children's voices and participation - are discussed in turn in this report. They represent key areas of debate in which policymakers can engage both with academic research and evidence from practice to find new approaches to policy which may prove more capable of delivering consistent improvement to children's lives as children and to their futures.

### **Being and becoming**

The Academy has investigated one of the key philosophical underpinnings which drives how children are positioned in terms of policy. Stakeholders identified as important the tension between a policymaking focus on the state of being a child and a focus on acting to improve future outcomes for children in becoming adults. This has a profound effect on crucial policy decisions, such as how long children stay in care, what they study and how they are assessed at school, and how they are treated in the criminal justice system.

We found that childhood policy in the UK has hitherto taken on an implicitly 'becoming' perspective, with a strong emphasis on preparing children to be economically active and socially responsible adults. While assuring better life outcomes is a fundamental part of childhood policy, the concern is that this goal can be pursued without thought being

given to the quality of childhood itself and the impact such policies have on children's experiences in the here and now.

The evidence and insights collected by the programme suggest that policymaking can benefit from a shift towards a more balanced combination of both being and becoming perspectives. Where policymakers take both being and becoming into account, it can help them to interact better with and navigate through difficult debates around rights and responsibilities as well as questions of freedom/autonomy vs protection. This balanced approach can ultimately lead to benefits across a range of policy areas, such as on tackling inequalities, preventing crime, and improving health and wellbeing.

As abstract concepts, being and becoming may appear difficult to introduce into the policy process. Nevertheless, through evidence from case studies and practical guidance, policymakers can operationalise these concepts to positive effect, and this could prove mutually reinforcing in meeting the aims of both improving future outcomes and the state of childhood itself.

### **Children's rights**

The Academy has looked closely at how children's rights have been debated and discussed in different policy contexts and in different parts of the UK. It was clear from our analysis that rights-based approaches to childhood policy (i.e. approaches based on the standards set out in the UN Convention on the Rights of the Child) in the UK hold potential benefits for policymaking. However, this has to be understood within the context of a growing divergence in policymaker and legal approaches and attitudes to children's rights in different parts of the UK, as well as the ways in which children's rights language is contested in policy and practice.

We engaged a range of stakeholders to examine the potential benefits and the overall feasibility of rights-based approaches to childhood policy. The information emerging from these engagements, and the broader academic research, is that a number of positive steps have been made by governments in Wales and Scotland as well as some local authorities which suggest children's rights could improve the efficacy of childhood policy and, in turn, deliver better outcomes for children.

The growing consensus among advocates of a rights-based policy approach is that there is potential for incremental, but meaningful, steps towards greater use of children's rights in policymaking across the UK, underpinned by the available evidence on what works and the standards set out in the UN Convention on the Rights of the Child. There is no one-size-fits-all approach that will work across all policy areas and all parts of the UK, but a more consistent, pragmatic, evidence-based use of children's rights can help join up policymaking and deliver a more holistic and effective approach that benefits children.

## **Children's voices and participation**

Our programme has highlighted the worrying absence of children from the policymaking process, something which runs counter to a child's right to be heard and to have their views given due weight on matters that affect them. Although there are huge benefits to involving children in policy, and some important steps have been taken in some parts of the UK, considerable barriers remain.

While recent years have seen a range of child participation-related efforts, such as School Councils and local authority groups for children in care, these operate largely at a practice and implementation level, rather than at a policy level. To engage children directly in policymaking, those involved in the *policymaking* process must have the capacity and expertise to engage a diverse range of children's voices and views, and meaningfully interpret and apply these within the context of the competing interests and demands of other stakeholders.

Our evidence suggests that when the process is done well, incorporating children's voices greatly strengthens the evidence base for policy and can also lead to better implementation. Conversely, without the voices of children, policymaking can make incorrect assumptions about children's views, lives and needs, leading to unintended adverse outcomes. The recent effect of the COVID-19 pandemic on children is perhaps one of the starkest examples of how children's voices are a crucial part of effective policymaking and the consequences should they be ignored, as is discussed throughout the report.

A central aspect to consider in including children's voices in policy is the diversity that exists amongst children. Each child has their own unique voice – in part reflecting inequalities associated with factors such as social class, gender, race/ethnicity, disability, sexuality as well as their age. Including diverse children's voices will serve to reveal the breadth of views and allow space for nuances to appear. This can play a vital role in tackling inequalities experienced by children and their families; through bringing in the lived experiences of children, policymaking can better understand how to respond to the inequalities children face.

## **Principles for policymaking**

The Academy has drawn together its findings on the three themes above in this report in order to produce a set of seven underpinning principles for those working in the policy ecosystem. The principles are intended to help guide current and future discussions around childhood policy, including the way children are conceptualised in policy and the role they play in the policymaking process.

We believe that these principles will be beneficial to all levels of policymaking and in all parts of the UK. However, we expect that given the divergence and complexity of policy approaches at play, the interpretation and approach to adopting these principles will be context dependent. We have avoided being too narrow or prescriptive in our approach. We hope that this will enable stakeholders to work together in considering the best policy options and mechanisms for putting these principles into practice. Nevertheless we would emphasise that the principles are not set in stone and would welcome feedback on them.



### **1. Rebalance perspectives of being and becoming in policymaking**

Our findings suggest that policy has often been developed from a becoming-focused perspective and in key policy areas, such as education, public health, and criminal justice, the importance of protecting and enhancing the experiences of being a child can be overlooked. By rebalancing the perspectives of being and becoming, policy can be more responsive to the diverse experiences of children, benefitting children both in the present and in the future.

### **2. Increase awareness and understanding of the United Nations Convention on the Rights of the Child (UNCRC) and its benefits for existing policy agendas**

The UNCRC is the most comprehensive and widely adopted framework for incorporating children's rights into policy. However, there remain low levels of awareness of the UNCRC and its potential implications for policymaking amongst some policy actors. Therefore, those working in policy and practice will require additional training and expertise. However, to build consistent understanding and confidence in the UNCRC as a tool for better policymaking, we need to be active in forging new relationships between policymakers, academics and legal professionals who specialise in children's rights.

### **3. Take a pragmatic, evidence-informed approach to children's rights**

There are examples of how rights-based approaches to childhood policy can be effective in delivering more coherent and effective policymaking. However, divergent approaches to children's rights in different parts of the UK and in different policy areas make the possibility of a single rights-based model for childhood policy unlikely. Thus, practical and incremental steps should be considered to improve the evidence-informed use of rights-based approaches where they can help improve the overall consistency, coherence and effectiveness of childhood policies and their implementation.

### **4. Incorporate children's voices into the development and evaluation of childhood policy, wherever possible**

Those working in policy and other key actors within the policy ecosystem should avoid making assumptions about what children think or want. Good policymaking explores the range of possible impacts on different groups in society before policies are put into practice. Engaging children directly into the design of policy, and interrogating the available evidence base, will improve the assessment of policy impact on children in different contexts, increasing positive outcomes for a larger number of children and avoiding unintended negative consequences or contradictions.

## **5. Join up policymaking across all departments and levels of government**

The interests of children and the issues which affect them cut across a wide range of government departments and agencies at different levels of governance. By joining up thinking across different departments and agencies, and different levels of governance, policymaking can take a more holistic view of childhood and minimise the unintended negative consequences of decisions in one place affecting those in another. This is tough to do in practice, but examples in this report show that progress can be made.

## **6. Communicate policy that has an impact on children in child-friendly ways**

Children are too often unaware of the policies that affect their lives and the reasoning behind them, and they are usually articulated in ways that are impenetrable for most children. Communicating policy in a child-friendly way is not a simple task and requires a specialist knowledge and understanding of how children communicate, interact, and consume information. Nevertheless, a great deal of progress has been made in this field, and those working in policy and practice should engage more frequently and meaningfully with the evidence and guidance on what works.

## **7. Monitor the impact of existing policies on children**

It isn't possible to know for certain how policies will work in practice, as their effects and interactions with other policies will change over time and in different contexts. This is particularly important when addressing different inequalities that children face, as these often intersect. All of this requires a more comprehensive and systematic framework, with robust mechanisms and methods, for monitoring the impact on children over time and ensuring compliance with children's rights. Such a framework is likely to work most effectively if it engages directly with the views of children.

# 1.0 Introduction

## 1.1 Programme overview

The British Academy's Childhood Policy Programme was launched in 2018 and has explored the role of the state in childhood and new conceptualisations of children in policymaking. The programme has sought to reframe debates around childhood in both public and policy spaces and to break down academic, policy and professional silos in order to explore how different ways of thinking about children figure in policymaking.

Building on research and insights from across the SHAPE disciplines (the Social sciences, Humanities and the Arts for People and the Economy) the programme has drawn attention to the fragmented, inconsistent, and uneven policies that produce very different outcomes for children depending on their location and background. The development of childhood policy in the United Kingdom is affected by unresolved issues over how we think of the child as a subject of policy, the interdependence of different policy spheres' impact on outcomes for children, and the divergence of policy through devolution of political decision-making to nations and regions. By taking a multidisciplinary view of these issues, the Childhood Policy Programme has aimed to reframe debates over childhood in such a way that facilitates steps to improve childhood policy in the United Kingdom and to deliver policies which support, enhance, and enrich the lives of children.

The programme has focused on childhood policy within the UK and has encompassed a consideration of policymaking at multiple levels, taking in Westminster, devolved administrations and also local government. The definition of childhood policy used in this report is that it encompasses any policy that is primarily intended to have a meaningful impact on children's lives. We have aimed to take a medium to longer term view, rather than focusing on immediate or short-term policies or priorities (so looking beyond the span of one Westminster administration for example). The definition of childhood used in the programme is that of birth to eighteen years, in line with the definition in the United Nations Convention on the Rights of the Child (UNCRC). Birth to 18 years is a large age range, and one that comprises many different stages. This report does not attempt to distinguish or define these distinct stages, nor attempt to offer policy principles related to specific age groups or development stages.

While the programme has had a predominately UK focus, we have also considered transnational policy and international aspects such as the UNCRC which have had an impact on childhood policy throughout the UK to varying degrees. Also, some of the evidence and research drawn upon in this report considers children and childhood in non-UK contexts, or at transnational levels. We hope that some of the broad themes covered in this report will also be of relevance within a wider context and to an international audience.

A key objective of the programme has been to consider the 'whole child', therefore the programme's remit has intentionally been much wider than any one policy area or government department, and we have endeavoured to consider how the entirety of policymaking affects children. This encompasses those policies directly affecting children, policies affecting families, and policies affecting society more generally and that have either direct or indirect implications for children. It is important to bear in mind that it is not only 'childhood policy' that affects children, but that other policy areas can greatly affect children, for example social security policies, or environmental policies on air pollution. Similarly, when we refer to 'better outcomes' for children, we are referring to

outcomes in a broad sense in terms of the whole child, rather than a focus on individual aspects such as educational or health outcomes. The conception of better outcomes has also been informed by the focus on inequalities that underpinned the programme.

The next part of this introduction sets out the evidence base, comprising an overview of the two phases of the programme, that are drawn upon in this report.

## **1.2 Programme activities and outputs**

The childhood programme has engaged with individuals and organisations from across the SHAPE research community, involving not only our fellowship and early career researcher community, but also a wide range of external stakeholders. We tested, elaborated and refined the insights emerging from the programme through consultation and discussion with experts from academia, those working in policy, the voluntary sector and practitioner sources.

In all, the programme has convened over 170 individuals in seven deliberative evidence-generating events, comprising roundtables, workshops and a policy lab. It has drawn together over 500 individuals who joined public events such as four panel discussions. It has involved children themselves taking part in activities including workshops and discussion sessions. The programme has produced 38 publications, encompassing 15 British Academy policy reports, 16 provocations papers and 7 Journal of the British Academy papers. As of March 2022, the provocation papers had received over 20,000 views, which is very encouraging.

## **1.3 Overview of Phase I activities**

During its first phase in 2018-19 the Childhood Policy Programme investigated the evolution of childhood policy through a number of research activities, along with the convening of a number of events.

Reports produced as part of this first phase comprised policymaking landscape reviews for each of the four parts of the UK, which set out the major policies which have affected children and childhood in England, Northern Ireland, Scotland and Wales. Also produced was a report on childhood policy milestones, which covered key developments in UK childhood policy since the 1944 Butler Education Act.

Two case studies on approaches across the four parts of the UK were also produced, one on the topic of children leaving care and the other on childhood poverty.

A series of childhood provocation papers, *Reframing Childhood Past and Present*, written by experts from across the SHAPE disciplines was commissioned. The provocation papers have provided an opportunity to explore a wide variety of important and challenging childhood policy topics. Provocation papers are ‘think pieces’ which allow their authors a wide scope to challenge current thinking, to highlight perceived blind spots and to look to the future.

A series of stakeholder workshops was held across the four parts of the UK. Each of these four workshops gathered together academics, practitioners, representatives from civil society organisations and officials from a range of government departments to explore the changing role of the state in the lives of children, in the context of that part of the UK. A final workshop then took place which brought together the evidence collated during this first phase, and which explored the overarching question of how a more coherent approach to policymaking and research could lead to better outcomes for children.

This first phase concluded in early 2020 with the publication of a report which synthesised the work of Phase I, and which explored the role of the state in childhood from three perspectives:

1. The assumptions which underpin the experience of childhood and the development of childhood policy, but are not explicit or visible in the policymaking process;
2. The impact of policy decisions on children's outcomes, in particular across the four UK nations, noting that it is not only policy about children that has an impact on children;
3. The way in which the experience of children is or is not valued in policymaking, and ways in which this experience can be articulated in the policy process.

#### **1.4 Overview of Phase II activities**

Following on from the synthesis report detailed above, Phase II of the Childhood Policy Programme commenced in 2020 with the articulation of three themes that developed out of the outputs and activities that had taken place during Phase I. These three themes comprised:

- Being a child versus becoming an adult: Investigating how children are positioned in policy and exploring whether improvements could be made through altering the balance between the two perspectives of 'being' and 'becoming' so that the former might be given greater weight.
- Rights-based approaches to policy: Developing a deeper understanding of what childhood policy could look like were a rights-based approach to be more central to policy formation, delivery, and enactment across the UK.
- Children's voices and participation: Focusing on how the voices of children in their diversity can be built into policy, and how children's voices can most effectively be heard and acted upon by those working in policy.

In addition to these three themes, the second phase of the programme has been underpinned by two cross-cutting themes: inequalities; and variations between the four parts of the UK.

Events held during 2020-21 as part of Phase II, and which have each explored some or all of the three overarching themes, have comprised the following:

- Four panel discussions examining some of the topics featured in the Phase I provocation papers. In each of these virtual events, participants heard from a panel made up of provocation authors, alongside other experts such as academics, those working in policy, representatives from NGOs, and child-focused practitioners. The topics covered at these panel events have been: 1) children and the digital world; 2) children's engagement with the environments around them; 3) education policy and planning for children's futures; and 4) how children accused of crimes should be treated within the justice system.
- A Policy Lab series of three sessions focused on the question of how children's rights could be embedded within policy and policymaking across the four parts of the UK. The policy lab format brings together senior-level stakeholders from within a policy ecosystem to engage actively with the relevant available evidence and insight on a specific policy issue and work together to come up with practical, policy-

focused solutions, informed by input from across the humanities and social sciences. This Policy Lab brought together 12-15 senior individuals with extensive expertise in children's rights in order to explore the tensions and challenges in the area of children's rights.

- Phase II took place within the context of the COVID-19 pandemic and a workshop was held exploring the impacts of the pandemic on children. The workshop explored four topics (education, mental and physical health, family life, and social relationships, play and creativity) through the lens of the three Phase II themes. Participants included researchers, individuals working in policy, and non-governmental organisations, as well as a number of children.

In terms of publications Phase II has included the commissioning of five further provocation papers, each of which focused on one of Phase II's key themes. Also, a supplementary issue of the Journal of the British Academy has been published. *Multidisciplinary perspectives on the child's voice in public policy* explores the nature and role of children's voices in public policy from a diversity of disciplinary perspectives and has provoked a number of responses from both academics and practitioners.

During Phase II the Childhood Policy Programme has also endeavoured to incorporate children's voices and participation within its own activities:

- Children have participated in events including a panel discussion and workshop.
- The Policy Lab sessions on children's rights was accompanied by corresponding sessions held with children. These sessions explored their views on children's rights, and on policy issues more widely. The sessions and the Policy Lab sessions fed into each other, thus enabling a 'conversation' between the two groups to build over the course of the process.
- Encouraging the involvement of children in papers commissioned as part of the childhood programme (such as Nugent *et al's* children's voice journal article).<sup>1</sup>

Additionally, child-friendly versions of a selection of outputs from the programme have been produced. These comprise a booklet of the findings of the COVID-19 and Childhood workshop, a version of the Phase I synthesis, and a document presenting the Executive Summary of this report in a child-friendly format.

1 Nugent, B. et al (2022) 'Life As We Know It': the value of the arts as a tool for reflection, story telling and affecting policy', *Journal of the British Academy*, 8(s4), 55-63

## **1.5 The scope of this report**

The intended primary audience for this report is those involved in policymaking and others working on childhood policy, research and practice, and who therefore will already be familiar to an extent with some of the issues and policy areas covered. In terms of central government the report will have relevance across a broad range of government departments, and it is not solely relevant to, for example, the Department for Education in Westminster.

The three following chapters in this report are each structured around one of the three overarching themes outlined above that have formed the basis of phase II of the programme: being a child versus becoming an adult; rights-based approaches to policy; and children's voices and participation. The final chapter draws out some principles centred around these three overarching themes.

This report does not attempt to comprehensively review and consider the breadth of research on childhood. Rather, it attempts to draw out key findings from the evidence base generated by the childhood programme's activities and outputs and to distil these in order to produce some potential principles for policymaking.

The principles are framed broadly, and each principle does not comment directly on specific policy areas. We have framed the principles so that they sit above specific policy areas and therefore can be utilised by those working in policy and others to reframe policy on childhood by providing a framework which will enable joined-up thinking on childhood policy.

The broad framing of the principles also means that they can be applied by those working in policy at different levels of governance. We hope that they will be helpful to those working on policy at UK level, at the level of devolved administrations, and at local levels. We also hope they will be useful both to those working on policy directly related to children and childhood, and also to those working on other policy areas that, nevertheless, will have an impact on children's lives.

The principles are not set in stone but are put forward with the aim of encouraging debate and feedback, and we hope that they will prompt discussion among those working in policy and other stakeholders.

## 2.0 Being and becoming

### 2.1 Introduction to the theme

Underpinning the experience of childhood, and the development of childhood policy, is a philosophical distinction between childhood as a state of being a child and childhood as a state of becoming an adult. In other words, should childhood be valued in its own right, or as a developmental phase mostly valuable as a preparation for adulthood? This distinction is not necessarily an either/or; it can be seen in terms of a continuum on which different perspectives on childhood sit.

For policy and those working in policymaking, the being-becoming continuum expresses itself in the aims and priorities of specific policies as well as the overarching direction of policy agendas. It can be seen in the language of policy, and in how children are articulated as subjects within policy discourse. Put simply, the notions of being and becoming help those working in policy define childhood in policy, which ultimately determines crucial policy decisions such as how long children stay in care, what they study and how they are assessed at school, and how they are treated in the criminal justice system.

It was identified in Phase I of the Childhood Policy Programme how much of the debate around childhood policy takes an implicitly ‘becoming’ perspective. There are different practical, political and ideological drivers for this, but predominantly, those working in policymaking across the political spectrum (especially at Westminster) have tended to be steered towards attempting to deliver better future-oriented outcomes for which children are prepared to be economically active as adults. Discussions at workshops during Phase I suggested that there are risks in focusing too greatly on ‘becoming’ at the expense of ‘being’ and that there is a need to restore more of a balance between the two perspectives. The Phase I review of the childhood policy landscape in England stated that “while activity across the decades has been concerned with child outcomes, that is, what a good childhood can contribute to children becoming productive tax paying adults, little attention has been paid to the quality of childhood itself... Except in the extremes of abuse and neglect, the debates on the nature of schools, youth services, and wider community services have rarely addressed the quality of the experience for the child during childhood”.

Phase II of the programme has thus considered whether policy has focused too greatly on ‘becoming’ at the expense of ‘being’. Our evidence has explored whether the dominance of a ‘becoming’ set of assumptions undermines the intrinsic value of childhood and the experiences of children across different policy areas, and how giving greater weight to the concerns of ‘being a child’ might lead to different, and perhaps improved, outcomes.

The evidence and insights collected in the programme suggests that thinking about childhood policy in terms of the being-becoming continuum and then adopting a more balanced approach on the continuum can lead to beneficial outcomes across a range of policy areas, and that ‘being’ assumptions can support engagement with children’s rights and the participation of children in policy.



## 2.2 Where the emphasis lies in policy

Among the stakeholders we have engaged, there is a widely held belief that children are often viewed by those working in policy as ‘adults in training’ and that this means the experience of what it is to be a child is overlooked or downplayed when decisions are made that affect children. When policy is viewed largely through the prism of adulthood, policymaking can miss opportunities to enhance childhood experiences. But perhaps more worrying is the potential for those working in policy to make decisions that are injurious to childhood in their pursuit of future economic and social gains. If you consider the aims of many policies affecting children, the focus is often on interventions that can be made in the childhood phase in order to increase the likelihood of better outcomes in adulthood. Additionally, childhood policy can be concerned with wider outcomes linked to the national interest. This is considered by Mandler in his provocation paper on the subjects that children study at school.<sup>2</sup> Taking a historical perspective the paper considers the extent to which the subjects that students study are determined by a becoming perspective heavily informed by ideas of what will be best for the UK’s national interest, giving the example of STEM subjects being encouraged by some politicians on this basis.

### Case study 1: Education and exam pressure

An example of policy that is more focused on a becoming approach, potentially to the detriment of a being one, is in relation to education assessment. The desire to create a rigorous system of educational assessment, justified as a way of improving learning and attainment so that children have better opportunities as adults, can put significant pressure on children at school, leading to mental health issues and a general decline in wellbeing. Putwain’s provocation paper states that “the move to increased, and more difficult, curriculum content that is largely assessed through terminal exams, has coincided with an increase in the number of students requesting support or counselling to cope with the pressures and reporting adverse effects on mental health (including self-harm, anxiety, depression, and suicidal thoughts)”.<sup>3</sup> Similarly, Hutchings found that “children and young people are suffering from increasingly high levels of school-related anxiety and stress, disaffection and mental health problems” stating that a key cause of this is the emphasis placed on tests and examinations.<sup>4</sup>

While there is widespread acknowledgement of the negative effects of school and exam pressure within the education profession, as Putwain has pointed out, these concerns have often been rejected by policymakers, especially those in England. Through firstly acknowledging the being-becoming continuum policies can then be devised or adapted that lead to a more balanced consideration between the two perspectives. For example, there are proven psychological interventions that could help mitigate the harmful effects of school and exam pressures, potentially balancing the becoming-focused aims of education against the being-focused consideration of the effect this has on childhood experiences.

It can be argued that some education policy changes are already attempting to rebalance ‘being’ and ‘becoming’ in some parts of the UK. For example, the 2014 Donaldson Review of the curriculum in Wales (cited in the Wales Case Study) took a children’s wellbeing perspective and resulted in abolition of some Key Stage exams and no formal testing before GCSE as well as an explicit focus on childhood mental health and wellbeing. Similarly, Wales’ independent commissioners for Children and for Future Generations

2 Mandler, P. (2020) ‘Does it matter what we study in school?’, Reframing Childhood Past and Present, The British Academy via medium.com

3 Putwain, D. (2020) ‘Examination pressures on children and young people: are they taken seriously enough?’ *Reframing Childhood Past and Present*, The British Academy via medium.com

4 Hutchings, M. (2015) ‘Exam Factories? The impact of accountability measures on children and young people’, London: National Union of Teachers

have worked together to consider how public bodies can embed children's rights to improve the lives of children as children 'here and now' as well as planning for long-term outcomes 'for the rest of the lives of children living in their communities now, and for future generations still unborn.'<sup>5</sup> In these complementary cases, both children's rights and children's welfare perspectives have supported a shift away from a becoming focus towards a more balanced policy approach that addresses matters of being a child as well as future outcomes in adulthood.

The rebalancing of being and becoming is clearly important in cross-cutting issues such as inequalities – both socio-economic and those associated with social divisions and diversity. Whether policy is more aligned to a being or a becoming approach will affect how inequalities are viewed, which inequalities are viewed as most important, and how they are dealt with in the policymaking process. Tackling inequalities that children face in the present is shown to help decrease the inequalities faced in the future, when children become adults. One of the key arguments is about the link between different social and economic inequalities and educational attainment as well as wider aspirations for life and work. But as these causal relationships are deeply intertwined with childhood experiences, interventions need to consider how inequalities affect being a child as well as becoming an adult, seeing as the two are inseparable. The provision of free school meals, for instance, can be seen as helping to tackle long-term inequalities in health outcomes, but there are also distinct benefits to the present wellbeing of children, to their participation in school and education, and to their enjoyment of both school and home life.

### Case study 2: Being and becoming and COVID-19

The COVID-19 pandemic has provided an important case study which exemplifies the negative impact of an overly becoming-focused policy agenda. There is a widespread sense that children and childhood have been too often ignored in public discourse relating to the pandemic, and when they are considered, the focus is usually on the disruption to education and the effect this will have on children's future prospects. There has been much less emphasis on 'the whole child' and what their social and emotional needs are in the present. Focus has been on formal education, especially academic progress and attainment. However, COVID-19 has led to a huge disruption to key elements of a child's autonomy and independence, such as the ability to play, explore nature, and socialise with peers.

A more balanced policy response could have accounted for these important aspects of 'being a child' while also looking to address the experience deficit caused by the pandemic as part of a 'whole child' approach. Such an approach might also acknowledge that the requirements of a child's educational development for adulthood and being-focused activities such as play are not mutually exclusive. Play is central for children both in the 'here and now' and also in terms of future development - it is essential for emotional, social, cognitive and linguistic development. Play has a vital role in terms of building skills such as creativity, resilience and risk-taking, while face-to-face interaction with peers develops social behaviours, all of which contribute to improved chances in adulthood while improving the experiences of children as children. Similarly, in her provocation paper von Benzon argues for a greater focus on nature and the outdoors in the National Curriculum, on the basis that this can have positive impacts on children both in the 'here and now' and in the future in relation to aspects such as problem solving skills and encouraging children's growing independence.

In order for a being perspective to be valued more highly in policy (and in research) there may be some benefit to recognising and focusing on wellbeing and experience in the here-and-now as an important outcome in its own right. This could help counteract a focus on outcomes that only acknowledges or values those outcomes that occur at a later date.

### **2.3 How policy manages the transition from childhood to adulthood**

The being-becoming continuum is particularly apparent in policy decisions which affect the boundaries between childhood and adulthood. Age boundaries can be based on available evidence, but they are often driven by underpinning assumptions about the nature of childhood. Policies which deal with the age at which rights and responsibilities are bestowed upon people tend to leave little space for nuance or gradation. This creates conflicting distinctions in the way children are treated in different parts of the UK across a range of areas, from voting rights to criminal responsibility.

One of the challenges to a becoming-focused policy agenda is that it can fail to take account of the diversity in childhood experience, or the inequalities between children, which can mean that transition into adulthood is not always straightforward. Becoming an adult can become reduced to the arbitrary age distinction between whether you are 17 or 18 years old. Additionally, for some individuals the transition from childhood to adulthood can be more of a negative 'removal' of support rather than a positive 'coming of age'. As Gayle Munro has explained, the transition to adulthood can represent 'a ticking clock to a point in time when certain support structures, afforded to young people by virtue of their status as a child, will no longer be available.'<sup>6</sup> This is particularly the case for groups such as care leavers, young asylum seekers and children and young people with life-limiting conditions.

If one explores the transition between childhood and adulthood from the perspective of *being* a child, the experiences of children in different circumstances can be factored into the systems and processes designed to support becoming an adult. Thus, rather than shifting attention away from the interventions needed to improve future outcomes, an approach which balances perspectives of being and becoming can enhance such interventions and tailor them to the needs of different groups, and potentially help to address inequalities.

This argument for achieving a balance between being and becoming is beginning to get traction in children's social care. As our case study on care leavers explained, there are now schemes across the UK designed to enable young people to stay in their foster placement beyond the age of 18. This acknowledges the fact that some young people will need longer preparation and support to enable them to live independently and manage their own budgets, bills, employment and education on their own. It also acknowledges that in some situations a gradual tapering-off of support will bring about better outcomes and be more beneficial than an abrupt change when a child reaches a predetermined age.

6 Munro, G. (2022) 'Navigating the path from childhood to adulthood: the dismantling of support services', *Reframing Childhood Past and Present*, The British Academy via medium.com

## 2.4 Agency and responsibility

Part of understanding what should be meant by ‘being a child’ also involves grappling with complex and often contradictory ideas. Policymaking struggles to navigate through the practical and political challenges of allowing children greater agency while placing limits on their responsibility. During the programme, we explored the debate around the age of criminal responsibility. The UN Committee on the Rights of the Child recommends the minimum age of criminal responsibility (MACR) to be no lower than 14 years, yet all four parts of the UK fail to meet this minimum age and have some of the lowest ages of criminal responsibility in Europe (12 in Scotland, 10 in England, Wales and NI). A recent UNICEF report highlighted the ‘glaring contradictions’ between the way children in the UK are treated in the criminal justice system and other comparable European countries as well as the requirements of the UNCRC.<sup>7</sup>

One of the justifications made by the UK government for setting such a low MACR is that it allows for early intervention to prevent future criminal offending.<sup>8</sup> This is another example of policymaking adopting a becoming-focused approach to policy. This approach has also tended to be underpinned by the contradictory logic that children can be considered responsible for their actions despite being considered vulnerable and incapable of making their own decisions on many other aspects of their lives. Harriet Pierpoint has shown in her provocation paper how this logic has developed as part of a discourse of ‘responsibilisation’, fuelled by the moral panic which followed the James Bulger case in 1993, in which two 10-year-old boys were found guilty of murder. The Bulger case led to changes in youth justice policy, notably the Crime and Disorder Act, 1998, which focused responsibility for offending behaviour on the individual children rather than societal factors. This case also highlights the vulnerability of youth justice policy in relation to political pressures and populist understandings of complex policy.

How children are treated in the justice system therefore stretches policymaking in different directions. The balance between agency and responsibility in relation to children is something that has long been discussed and contested in policy. On the one hand, there is a desire to account for the agency and autonomy that we might grant to children to express themselves and explore their worlds as children. On the other hand, we might also wish to acknowledge the vulnerability of children and offer protections from certain risks and responsibilities accepted by adults in order to fully recognise the status of a child as a child. Michelle Donnelly’s provocation paper highlights the diversity within the UK regarding legal approaches in relation to youth offending and the justice system.<sup>9</sup> Donnelly outlines the distinctly welfare-based approach system of children’s hearings that has existed in Scotland since the 1970s, following the publication of the Kilbrandon Report. The paper also explores the fact that, in practice, there are a number of inconsistencies in the treatment of some children who come into contact with the Scottish youth justice system.

The move to adopt a more children’s rights focused approach to policing, and the Youth Justice Board for England and Wales’ adoption of a ‘Child First’ approach to youth justice, promote the being-focused idea of seeing children as *children* and serve to separate childhood from the justice system.<sup>10</sup> However, as experts have told us, these aims are difficult, perhaps impossible to achieve, within a system that continues to responsibilise and penalise children, exemplified by the low minimum age of criminal responsibility.

7 UNICEF (2020) *A rights-based analysis of youth justice in the United Kingdom: Summary and Infographics*

8 Pidd, H. et al (2019) ‘Age of criminal responsibility must be raised, say experts’, *The Guardian*

9 Donnelly, M. (2020) ‘Scottish youth justice and the legacy of Kilbrandon’, *Reframing Childhood Past and Present*, The British Academy via medium.com

10 Case, Stephen, and Ann Browning. 2021. “Child First Justice: The Research Evidence-base [full Report]”. Loughborough University

## **2.5 Conclusion**

The evidence and insights discussed with stakeholders throughout our programme have suggested that an overemphasis on ‘becoming’ in different policy areas can harm the experiences of children and the quality of their childhood, and in some cases, be counterproductive to their future outcomes, contrary to the intention of policymaking. There is a need for policy to acknowledge and incorporate ‘being’ perspectives more often than it does at present, and to ensure that these are not overlooked, and that they are not subsumed to policy goals that have solely a becoming focus.

Children need their growing independence to be acknowledged and listened to, both at macro and micro level, but they also need a range of protections as well as support to develop and transition into adulthood. A balance must be found between agency and responsibility. Additionally, policymaking should include a consideration and appreciation of the differences and inequalities that exist between children, as the transition to adulthood and the challenges this brings will vary greatly from one child to another.

A broader appreciation of ‘what it is to be a child’ and a willingness to balance the experience of ‘being’ alongside the necessities of becoming can seem complicated to introduce into policy, but it may well prove mutually reinforcing to the aims of improving future outcomes as well as the state of childhood itself.

## 3.0 Children's rights

### 3.1 Introduction to the theme

In Phase I of the Childhood Policy Programme, the British Academy explored the concepts which underpin the experience of childhood and the development of childhood policy across the four parts of the UK. Children's rights – specifically those set out in the UN Convention on the Rights of the Child – were debated and discussed as one of those key concepts. Children's rights then became a central theme of exploration in Phase II as it offered a unique entry point into the issue of policy divergence across the UK and one possible way of addressing the problems of inconsistency and fragmentation that may stem from this divergence. But, as we show in this chapter, children's rights can bring important wider benefits to policy, beyond the question of policy divergence, and it also encourages a greater emphasis on children as 'beings' rather than just 'becomings', which brings its own benefits, as explored in the previous chapter.

One of the suggestions from our discussions with stakeholders in Phase I was that a more explicit focus on children's rights might lead to greater coherence in how policy is made, across different parts of the UK and different departmental remits. Currently, children's rights are a central part of how Wales and Scotland address policy relating to children, but there is less of a clear commitment in England or Northern Ireland, nor is there any such focus within UK-wide legislation by the Westminster government. It is possible that embedding children's rights across policymaking in the UK could improve the coherence of childhood policy and, in turn, deliver better outcomes for children.

Phase II of the Childhood Policy Programme has attempted to explore the possibilities for a more embedded children's rights approach to policy across the UK. We engaged with a range of stakeholders to examine the potential benefits as well as the feasibility of such an approach. In this chapter, we discuss the findings of this engagement; these findings suggest that there are many benefits to a greater embedding of children's rights into policy. These benefits do not just relate to the greater coherence or even the improvement of outcomes for children. They also relate to the way in which such an approach envisages and values children, their interests and their views in policymaking, as well as the overall value to a democratic society of children playing a part in policymaking. However, even the strongest advocates for children's rights recognised that building a consensus on a rights-based approach to childhood policy is challenging, may best be done incrementally, and supported by persuasive evidence as to how it can be operationalised in different policy contexts.

### 3.2 The benefits of a rights-based approach

Stakeholders from across the UK have spoken to us about the benefits of children's rights and have pointed to examples of where rights-based approaches have proven beneficial in the development of childhood policy. One of the most recent examples of where children's rights have supported improvements to childhood policy in the UK is in the case of physical punishment of children (or 'smacking'). There is strong evidence that physical punishment does not help to improve the behaviour of children and, conversely, increases the likelihood of antisocial behaviour as well as childhood mental health and brain development issues.<sup>11</sup> This evidence, underpinned by a child's right to be protected from

11 Cuartas, J. et al (2021) 'Corporal punishment and the elevated neural response to threat in children', *Child Development*, 92: 3, pp.821-832; UCL (2021) 'Smacking young children has long-lasting effects'

physical or mental violence, led the Welsh Government to ban physical punishment in Wales in March 2022. Similarly, in Scotland, all forms of physical punishment or physical discipline of children were made illegal in November 2020. While it is possible to advocate for a ban on smacking and other forms of physical punishment from other perspectives, a rights-based approach has provided the clearest set of principles and justification for the policy decision, with explicit obligations and guidance provided by the UNCRC.<sup>12</sup>

Rights-based approaches have been beneficial beyond individual policies and have also functioned as a basis for more coherent and joined-up policy agendas. Stakeholders in both phases of the programme suggested that the use of a rights-based approach can foster a more cohesive approach by highlighting the interconnectivity of different policy areas impact on children's experiences and outcomes. By acknowledging the interaction between different rights, policymaking can take a more holistic approach, developing policies in combination rather than in isolation.

### Case study 3: Children's Rights Approach Framework, Cornwall Council

In November 2021, the Council approved a new Children's Rights Approach Framework aimed at ensuring there is recognition of children and their rights across all areas of the Council's work.

The framework will be overseen by a Children's Rights Working Group, which will also ensure that children have a voice in decisions made by the Council.

The framework takes inspiration from the rights-based approach taken by the Welsh Government, *The Right Way*, which is aimed at operationalising the UNCRC in policy and practice.

There has been praise, for example, of the recent cross-council approach to childhood policy developed by Cornwall Council (see Box 3).<sup>13</sup> This follows a similar model adopted by the Welsh Government, which also shows promise in joining-up policymaking through legislation and guidance that ensures due regard is had to the UNCRC across different areas of policy and at different levels of government and service provision.

As well as examples of where children's rights approaches have made a tangible difference, it is also important to highlight the negative or counterproductive outcomes of not respecting children's rights when devising policy. For instance, there is strong evidence of the long-term negative economic and social consequences of permanent exclusions of children from schools: a comparison of school exclusion rates in England and Scotland shows that the rights-based approach in Scotland has shifted policy towards preventing exclusion and mitigating harmful long-term effects, which has ultimately led to lower rates of permanent exclusion.<sup>14</sup>

12 See, UN Committee on the Rights of the Child (2006) General comment no. 8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia) <https://www.cornwall.gov.uk/council-news/council-budgets-and-economy/childrens-rights-lead-the-agenda-at-cornwall-council-cabinet-meeting/>

13 <https://www.cornwall.gov.uk/council-news/council-budgets-and-economy/childrens-rights-lead-the-agenda-at-cornwall-council-cabinet-meeting/>

14 McCluskey, G. et al (2019) 'Exclusion from school in Scotland and across the UK: Contrasts and questions', *British Educational Research Journal*, vol. 45, no. 6, pp. 11401159.

### 3.3 Growing divergence

Devolution in the UK has allowed a degree of divergence in approaches to childhood policy, and this has, in turn, allowed different governments to adopt alternative models of engagement with children's rights.

In Scotland, an 'ever-growing national commitment to children's human rights, including a specific focus on children's participation', can be observed.<sup>15</sup> Scotland has shown a clear recognition of children's rights in its policy agenda, with attempts to make sure children not only have rights in the abstract but also experience them in their day-to-day lives. Underlying many of the developments in Scottish childhood policy is the articulation of children's rights within Scottish policy discourse. Children's rights arguments have been persuasive in Scotland on key policies such as voting rights for 16- and 17-year-olds, raising the age of criminal responsibility, and supporting children affected by domestic abuse.

Wales has also seen developments in its approach to children's rights. Wales was the first part of the UK to appoint a children's commissioner, back in 2001. The commissioner role has aimed to both raise the profile of children's rights and monitor their progress in policy. In 2011, Wales was the first in the UK to introduce a duty on Welsh Government ministers to have 'due regard' for the UNCRC and extended this duty to local government in 2017. This included the introduction of 'children's rights impact assessments' (CRIAs) that are considered by some to be world-leading practice on children's rights, though it has been suggested that Wales may have faced some challenges in the initial years of their implementation.<sup>16</sup>

Northern Ireland has no clear commitment to embedding children's rights into policy, but it has made some progress in other related areas such as child participation. The lack of common ground between the main political parties on the human rights agenda, the long periods in which the Northern Ireland Assembly was suspended, and the strong focus on Brexit, have meant that the political climate is less favourable to children's rights at this time.

There was a strong consensus among the stakeholders we engaged that the approach of the UK government in Westminster to childhood policy is less focused on rights. There have been some positive developments in England, such as the expansion of the Children's Commissioner for England's duty to promote and protect the rights of children in the Children and Families Act (2014). However, the UNCRC has not been incorporated into UK legislation and, while the UK government claims to give 'due consideration' to children's rights in domestic policy, children's rights are not given the same political priority as they have been in Wales and Scotland in recent years.

Stakeholders were clear that the reluctance in Westminster to embed children's rights in policy not only affects the policy agenda in England, but also holds back implementation of the UNCRC in devolved administrations. Devolution may have supported the take up of a rights-based approach to childhood policy in parts of the UK, but there remain clear limits on the length to which devolved administrations can incorporate children's rights into law. In March 2021, the Scottish Parliament unanimously passed the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill with the aim of incorporating the UNCRC into Scottish law. However, the UK Government law officers referred parts of the Bill to the UK Supreme Court, which led to a judgment in October 2021 that these parts were outside of the legislative powers of the Scottish Parliament. This blocked the Bill from

15 Smith, S. (2019) *The Childhood Policy Landscape in Scotland*, British Academy (p.4)

16 EHRC (2018) *The impact of the legal integration of the UN Convention on the Rights of the Child in Wales*



proceeding in its current form and forced the Scottish Government to return the Bill to the Scottish Parliament for amendment.<sup>17</sup>

The divergence in terms of the attitudes towards and legal protection accorded to children's rights across the UK has clear implications for the policy approaches taken as well as the policy issues prioritised. For instance, while in Wales, the interests of children in vulnerable circumstances may be seen as protected by upholding children's rights, in England, policy is more targeted and needs-based, which some rights advocates have argued can lead to those children not categorised as vulnerable being overlooked by the state.<sup>18</sup>

While the different approaches to children's rights in the UK offer up the potential for comparison, having a rights-based approach is not in itself sufficient in ensuring better outcomes for children; there are many political, economic and social factors at play.

Stakeholders noted the tendency for progress on children's rights to be 'cancelled out' by other dominant policy agendas, such as public sector funding cuts to key services. Some have argued that austerity policies imposed on the UK by the Westminster government may account for the lack of progress made in Wales and Scotland on key aspects of their rights-based agenda. For example, the Welsh Government's priority commitment to ending child poverty by 2020, which is firmly underpinned by their approach to children's rights, is seen to have been circumscribed by the wider policy agendas in Westminster, such as fiscal austerity, and the fact that the main social security powers are not devolved. Arguably had children's rights principles guided these wider policy decisions, the outcomes might have been very different.

As well as divergence in central government policy, awareness and implementation of children's rights can vary considerably in local government and in civil society across the UK. While children's rights are taken into consideration by some local authorities, this is not the case in others. Equally, children's rights are more commonly understood and applied at the delivery level (though not necessarily in government) in certain sectors, such as immigration, policing and criminal justice, but not in others, such as housing, health, and social care. Organisations vary in their attitudes and openness to children's rights, ranging across a spectrum from supportive, to ambivalent, to opposed.<sup>19</sup>

Responsibility for the delivery of children's rights can also be fragmented across different government departments and agencies, making it more difficult to develop a unified concept or agenda to be operationalised. In the UK government, children's rights may often fall between the gaps because there is no dedicated space for them. This relates to wider issues of fragmentation within the multi-level governance of childhood policy that were identified in Phase I of the programme. Joining up policy areas is difficult, but as we discussed in the previous section, there has been progress in developing cross-departmental frameworks at the devolved level in Wales, and in some local authorities.

17 The Scottish Parliament (2022) Update regarding the UK Supreme Court judgment on the UNCRC Incorporation Scotland Bill. At the time of writing, the Bill has not returned to the Scottish Parliament, but an announcement was made in May 2022 by Deputy First Minister John Swinney of plans to re-introduce the Bill after consultation with 'relevant organisations and children and young people' on proposed changes. See Scottish Government (2022) 'Protecting Children's Rights, published 24 May 2022

18 Smith, S (2019) *The Childhood Policy Landscape in Wales: A case study*, British Academy

19 Williams, N. (2021) 'Why children's rights approaches in policy and campaigns are under-utilised and how we can address this', *Reframing Childhood Past and Present*, British Academy

### 3.4 The language of children's rights

While often seen in the UK as a purely legal framework to be deployed by lawyers and judges, children's rights also function as a discourse to structure policy agendas and their implementation.<sup>20</sup> In Phase I of the programme, some stakeholders suggested that children's rights language could be used to form an overarching narrative for the state's role in relation to childhood. Some felt that this approach had proven effective in Scotland in setting out across different departments and agencies a collective sense of what the government was trying to achieve.

By articulating children's rights as something distinctive from a more general discourse of human rights, there is some force to the argument that it can provide a language or focus for childhood policy that is distinct from the standard 'adult'-centric perspective that privileges the notion of children as becoming adults rather than children in the here and now. The UNCRC has been seen to support a rights-based discourse to rearticulate existing legal frameworks and cause those working in policy and practitioners to think and act differently within their existing structures.

However, to work effectively in producing an overarching narrative for policy, there needs to be shared understanding on the language of children's rights, its meaning, and how it comes to structure a shared vision for children. The evidence suggests that we are some way off any such shared understanding of children's rights across the UK. The meaning and value of rights language remains contested.

The contestability of children's rights discourse comes partly from the differences in underlying conceptions of childhood. Carol Robinson has argued that 'individual interpretations and biases' affect the implementation of the UNCRC, and such interpretations and biases are often drawn from where adults see children on the being-becoming continuum.<sup>21</sup> For instance, seeing childhood as predominantly a developmental stage which prepares children for adulthood can affect the emphasis one might place on key rights, such as the right of a child's views to be given 'due weight' (as defined in Article 12 of the UNCRC). The challenge of the being-becoming continuum is explored in more detail in Chapter 2.

There are also those, both in government and in civil society, who consider a welfare or needs-based discourse more effective than a rights-based discourse in providing a common basis for childhood policy to be understood and put into practice. When it comes to socio-economic policy-related needs, for instance, there has been a tendency to privilege development rather than rights language and approaches when dealing with the challenges faced by children.<sup>22</sup>

Children's rights language is more commonly used to frame policy and practice in certain sectors. Progress has been made to embed a rights-based discourse into policing and criminal justice as well as work with refugees and asylum seekers. This is notable in the charity sector but also in the initiatives of certain local authorities and sector agencies. The work of the National Police Chiefs Council, for instance, has helped to mainstream a children's rights-based discourse in policing through its National Strategy for the Policing

20 UN Committee on the Rights of the Child (2003) General comment no. 5, General measures of implementation of the Convention on the Rights of the Child

21 Robinson, C. (2021) 'Lost in translation: the reality of implementing children's rights to be heard', *Journal of the British Academy*, 8,(s4), pp. 41-51

22 Nolan, A. (2021) 'Is sustainable development bad news for children's rights?' *Reframing Childhood Past and Present*, The British Academy via medium.com

of Children and Young People (See Case Study 4).<sup>23</sup> However, while progress is being made on the ground, there remain some barriers to embedding children's rights discourse in Westminster in areas such as justice and immigration. This relates back to the discussion in Chapter 2 on the issues of responsabilisation.

#### Case study 4: National Strategy for the Policing of Children and Young People

In 2015, the National Police Chiefs' Council published a National Strategy for the Policing of Children and Young People. It is considered a strong step in developing a rights-based approach to policing and youth justice, based on its 'children first' approach that promotes regard to the articles of the UNCRC within the police force.

One of the key messages of the strategy was changing the perception of children within the police force, and emphasising the right of individuals under the age of 18 to be treated as children first. It warned against treating children as 'mini-adults' and emphasised the different emotional and physical maturity of children and how this affects children's behaviour.

The Strategy sets out key principles and priority areas for the policing of children and young people, drawing on evidence from the 2014 report by the All Party Parliamentary Group for children on building good relationships between children and the police. It is also accompanied by a 'Best Practice Framework'.

Since publication of the Strategy, many police forces around the UK have used the principles as a framework for their own local strategies. The shift in language and perception has also supported innovative projects to improve relations between children and the police, such as the Mini Police Scheme, started by Durham Constabulary and now active across 16 police forces in England and Wales, and involving over 5,500 children.

Other sectors are far less developed in their use of children's rights language, including at local level. An analysis by Children's Rights Alliance England found that many of those working in children's social care or homelessness sectors were often reluctant to approach the issues from a rights-based perspective.<sup>24</sup> Some found that the language of children's rights was overly legal and technical, making it difficult to use in the context of socio-economic and cultural issues. Some children's rights experts we spoke to in our policy lab noted that the language of rights may not always be helpful in every circumstance and that a more ad hoc and context specific approach might be needed to reflect the fact that some sectors are much less used to articulating childhood matters in a rights-based discourse than others.

Recent political challenges to the human rights agenda have raised concerns that children's rights may become politicised. The idea of universal human rights has been vilified in the wider 'culture wars' narrative fuelled by large parts of the British media and parts of the political establishment, particularly since Brexit. Some worry that children's rights may also be drawn into this antagonism. Treating children's rights as distinct from wider human rights discourse (whatever position one takes on the latter) may prove helpful in avoiding some of the trickier politics in the hope for greater potential for bi-partisan support.

23 NPCC (2015) *Child Centred Policing: National Strategy for the Policing of Children and Young People*; See also NPCC (2015) *Child Centred Policing: Best Practice Framework*; APPG for Children (2014) *"It's all about trust": Building good relationships between children and the police*, Report of the inquiry held by the All Party Parliamentary Group for Children 2013-2014; Institute for Public Safety, Crime and Justice (2019) *National Evaluation of the Mini-Police: Summary*

24 Williams, N. (2021) 'Why children's rights approaches in policy and campaigns are under-utilised and how we can address this', *Reframing Childhood Past and Present*, British Academy

### 3.5 A pragmatic approach

With the growing divergence of approaches and difficulty in finding broad agreement on children's rights across the UK, the prospect for greater policy consensus and coherence from a rights-based approach may be limited. Experts on children's rights suggest that, with already competing models and approaches in place across the UK and at different levels of government, there can be no one-size-fits-all approach to children's rights capable of addressing the issues of inconsistency and fragmentation observed in children's policy. In fact, pushing for convergence across the UK has risks in the sense that it could lead to a levelling-down of children's rights in some parts of the UK rather than the levelling-up of others.

With the UK government reluctant to incorporate the UNCRC into UK law, stakeholders at our children's rights policy lab made clear the value of being pragmatic and ad hoc in the approach to embedding children's rights into policy. They made clear the need for advocates of a rights-based approach to policy to consider what is realistic and achievable, especially when approaching the matter with Westminster. A gradual approach with intermediate steps may be more successful than campaigning for wholesale reform.

Underpinning such a pragmatic approach is a need to identify the right evidence to act as the foundation of targeted action and efforts to embed children's rights. There are several sources of evidence that are seen as important in supporting this approach:

- Positive case studies can help to illustrate why a children's rights approach makes a positive difference to children's lives. Case studies help to share good practice horizontally, between different departments or local authorities at the same level of governance, and they can also provide insights on how different levels of governance work together to achieve policy aims collectively. For instance, a 2018 report commissioned by the Scottish Government provided key lessons for policymaking from six case studies on the impact of children's participation on different policy areas and at different policy levels.<sup>25</sup> Case studies may also help with acculturation, where organisations, departments, or individuals see others adopting a rights approach and so over time it becomes more the norm.
- Evidence can be used to emphasise the benefits of compliance with children's rights in specific policy areas. In the case of smacking, for instance, the use of longitudinal data, such as the Millennium Cohort Study, has helped to demonstrate the benefits of giving children the same protections from violence as adults.
- Storytelling and narrative formation are often overlooked but can be effective tools for helping policymaking to think through challenging problems and reframe debates. As Craig and Dillon argue, stories create new ways of thinking, new models of reasoning, and help plan for the future; all of this improves the nexus between research and policy.<sup>26</sup> For the concept of children's rights, stories can therefore ease those working in policy into the possibility of thinking through policy issues through a rights lens and help to avoid rejection of rights-based approaches based on unsubstantiated preconceptions.

<sup>25</sup> Scottish Government (2018) *The impact of children and young people's participation on policy making*

<sup>26</sup> Craig, C. & Dillon, S. (2021) *Storylistening: Narrative Evidence and Public Reasoning*, London: Routledge; Craig, C & Dillon, S. (2021) 'Storylistening: why narrative evidence matters for public reasoning and how to use it', LSE Impact Blog

- Those working in policy and regulators may be more likely to monitor children's rights compliance and take rights more seriously if there are clearer ways of measuring the impact of rights on outcomes. Calls for more appropriate and effective collection and sharing of key data could therefore be seen as a prerequisite for building the evidence architecture needed to embed rights into existing policy frameworks. Not all of these data need to be quantitative; there will also be value in robust qualitative and mixed-methods evidence such as post-mortem analyses of child-rights breaches.
- The direct experiences and views of children are important for bringing the day-to-day realities of childhood into policymaking. However, as explored in the chapter on children's voices and participation, collecting and translating these into meaningful evidence for policymaking is a challenging task, often outsourced to the charity sector because of lack of expertise in the civil service.

One of the clearest first steps needed in any approach designed to make better use of children's rights is addressing the knowledge deficit in the policy ecosystem at all levels. Knowledge and expertise of how to apply a rights-based approach vary considerably, but tailored children's rights training for policy officials and professionals at all levels as part of mandatory professional requirements could help bring thinking on children's rights into the policy process. This has already happened in Wales.

Beyond training, subtle changes to standard practice in certain departments and agencies could also get those working in policy into the habit of considering rights. Reporting requirements can act as a prompt. Equality impact assessments are a potential tool for encouraging thinking about rights, especially if they incorporate specific consideration of children. The CQC's incorporation of a human rights approach to regulation, for instance, includes direct reference to the UNCRC, and has built human rights into its monitoring and assessment frameworks.<sup>27</sup> This was an incremental change, beginning with a set of values and principles, before slowly working with these principles to create established and evidence-informed rights-based practice.

There is also the need to think through children's rights from the perspective of different policy areas, each of which will pose its own context and challenges. In her provocation paper Livingstone explores children's rights in relation to the digital world, and raises questions as to how rights can operate in the rapidly developing context of an "array of online risks of harm to children — commercial exploitation, cyberbullying, exposure to extreme pornography, hate or self-harm materials, and the image-sharing and live-streaming of child sexual abuse".<sup>28</sup> In a related provocation paper Orben considers the difficulties of making policy in such a fastmoving area in which understanding of how children are affected by new technologies can be outpaced by the speed of technological innovation.<sup>29</sup>

Ultimately, the pragmatic approach looks to move beyond the ethical argument for children's rights to focus instead on the evidence of how a rights-based approach can improve policymaking in practice. This not only requires the communication of the right evidence and information to the right decision-makers at the right levels of governance, but also the general enhancement of knowledge and skills at all levels which enable decision-makers to interpret the evidence effectively.

27 CQC (2019) *Our human rights approach for how we regulate health and social care services: February 2019*

28 Livingstone, S. (2020) 'Can we realise children's rights in a digital world?', *Reframing Childhood Past and Present*, The British Academy via medium.com

29 Orben, A. (2020) 'Outpaced by technology', *Reframing Childhood Past and Present*, The British Academy via medium.com

### **3.6 Conclusion**

Our analysis of rights-based approaches to childhood policy in the UK has identified many potential benefits. There are examples of where children's rights have enabled a more coordinated and impactful approach to childhood policy, which offer clues as to how children's rights can be used more consistently and effectively across a range of policy issues affecting children. Children's rights can also underpin a better balance between seeing children as 'beings' and 'becomings'.

There is a growing divergence of approaches to children's rights in different parts of the UK as well as contestation over children's rights language in policy and practice. While this makes the development of a single rights-based model for childhood policy less likely, experts in children's rights and rights-based policy are clear that there is strong potential for incremental, but nonetheless substantial, steps towards greater use of children's rights in policymaking, underpinned by the available evidence of what works and the principles upon which internationally recognised frameworks, notably the UNCRC, operate.

## 4.0 Children's voices and participation

### 4.1 Introduction to the theme

There is much to debate about the role that children's voices can play in policymaking and, indeed, what impact they might have on the shape, direction, and effect of policy. There are questions over the meaning, implications, and practicality of turning children from passive recipients of policy outputs into active participants in policy design.

The policy workshop held during Phase I of the Childhood Policy Programme highlighted the extent to which children are absent from the policymaking process. While recent years have seen the introduction of some participatory approaches, such as School Councils and local authority groups for children in care, these operate largely at a practice and implementation level, rather than at a policy level.

Research on children's voice and participation articulates how children's voices can be heard in the policymaking process. Lundy's model of child participation provides a way of conceptualising a child's right to participation, as laid down in Article 12 of the UN Convention on the Rights of the Child. The four elements of the model comprise:

- *Space: Children must be given the opportunity to express a view*
- *Voice: Children must be facilitated to express their views*
- *Audience: The view must be listened to*
- *Influence: The view must be acted upon, as appropriate<sup>30</sup>*

#### Case study 5: Listening to children – including during COVID-19

An increasing number of organisations and initiatives have made efforts to incorporate children's voices into policy, and for many working in policy areas that affect children, there is a growing recognition that including children in the policy process gives the work greater credibility and impact.

This incorporation of children's perspectives can take many forms. Children can be consulted or surveyed, an example of this being the projects conducted by all four Children's Commissioners across the UK focused on listening to children's voices in relation to the impact of the COVID-19 pandemic. An example is *The Big Ask* conducted by the Children's Commissioner for England which garnered over half a million responses. Children and young people can also be active researchers, as seen in Ecorys' Growing-Up Under COVID-19 project. This project enabled 14-19 year olds from diverse backgrounds in seven different countries to act as co-researchers, and to use participatory action research to document their lives and to share their thoughts, feelings and experiences about how the authorities and the public are responding to the pandemic.

Additionally, forums such as youth parliaments give children and young people opportunities to express their views and to affect policymaking.

30 Lundy, L. (2007) 'Voice' is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child', *British Educational Research Journal*, 33:6 pp. 927-942

Children's voices and participation can be seen as a continuum, and Hart's ladder of children's participation describes eight ascending levels of decision-making agency, control, and power that can be opened up to children by adults.<sup>31</sup> The diagram below sets out these eight ascending levels, within which levels one to three represent non-participation, and levels four to eight represent increasing degrees of participation.

**Figure 1: Roger Hart's ladder of young people's participation**

Increasing participation	<b>Rung 8</b>	Young people and adults share decision making
	<b>Rung 7</b>	Young people lead and initiate action
	<b>Rung 6</b>	Adult-initiated, shared decisions with young people
	<b>Rung 5</b>	Young people consulted and informed
	<b>Rung 4</b>	Young people assigned but informed
Non-participation	<b>Rung 3</b>	Young people tokenised
	<b>Rung 2</b>	Young people are decoration
	<b>Rung 1</b>	Young people are manipulated

Source: UNICEF [https://www.unicef-irc.org/publications/pdf/childrens\\_participation.pdf](https://www.unicef-irc.org/publications/pdf/childrens_participation.pdf)

The concept of children's voices and participation in policy links closely with the other two themes covered in this report. In relation to children's rights the 'right to be heard' outlined in Article 12 of the UNCRC gives children the right to express their views freely in all matters affecting them and for their views to be given due weight in accordance with their age and maturity. There are however many challenges regarding the interpretation and implementation of this right to a voice in practice. Some of the questions prompted by Article 12 are covered within this section, below.

In terms of being a child / becoming an adult, a focus on children's voices raises questions as to whether children are listened to predominately as children (*a being focus*) or whether children are listened to predominately as they will one day be adults (*a becoming focus*). Whether a 'being' or 'becoming' mentality is foregrounded when it comes to children's voices can affect aspects such as how children are listened to, and the weight accorded to children's voices, as well as the policy spaces in which they are able to make their voices heard.

In this chapter we consider some of the questions and challenges associated with giving children a greater voice in policymaking. These include questions of which children's voices are heard, where in the policy process they are heard, and some of the challenges associated with incorporating children's voices.



## 4.2 Which children's voices are heard?

A key aspect to consider in including children's voices in policy is the diversity amongst children. Each child has their own unique voice – in part reflecting inequalities associated with factors such as social class, gender, race/ethnicity, disability, sexuality as well as their age. Children are not a homogenous group and it is essential that policy recognises the diversity amongst children and that it strives to incorporate children's *voices* (rather than children's *voice* in the singular). Relatedly, it is vital that no particular group or subset of children is presumed to represent all children. We recognise that successfully incorporating a diversity of children's voices in policy is not a simple task, and that it presents many challenges. Also, that it is not something that can be fully achieved in a short space of time. However, this should not deter policymakers and others from taking initial steps towards the inclusion of diverse children's voices.

In her Childhood provocation paper Golombok writes how it is only by speaking with children directly that we can fully understand their perspectives.<sup>32</sup> That is why it is important to include children's voices in research on topics that directly affect them (in the provocation paper the focus is on new family forms), and why it is essential that those working in policy and others listen, and respond, to what children say.

***The individual or collective:*** Children's voices can be heard either at an individual level or at a collective level. In his children's voice journal article, Archard notes that in Article 12 of the UNCRC, 'the child' is ambiguous between the collective noun and the designation of particular individuals. In some contexts, such as children's parliaments, children will be listened to as a collective, the voices treated as being representative of children more widely. In other contexts, for example child protection procedures to elicit the views of a specific child, it will be the voice of one particular child who is listened to. The question of whether those working in policy listen to children as a collective or to individual children will therefore sometimes be clearly determined by the context. However there may be occasions where those working in policy need to make a conscious decision whether to seek individual or collective children's voices.

***Maturity and age:*** A key consideration, as noted by Archard, is that it cannot be every child whose voice we can hear, but only those who are capable of forming views. Also 'we need carefully to distinguish the questions of when a child can express a view and when a child can express a view that adults will properly understand both as the child's view and in the very terms that are intended by the child'.

As it will generally be easier for the voices of older children to be incorporated into policy than younger children, there may be a tendency for the voices of older children to be heard more in the policymaking process than those of younger children. This is important as age will affect how children will experience the impact of policies. A partial understanding can occur if one sub-group of children by age is assumed to speak on behalf of all children. For instance, in workshop discussions on the impact of the COVID-19 lockdowns on children's ability to maintain friendships and social interactions, it was noted that secondary school-aged children who owned mobile phones were much better placed to do this than primary school-aged children who were less likely to own a mobile phone.

Lawrence's children's voice journal paper discusses how younger children's voices can be heard and acted upon.<sup>33</sup> Lawrence encourages an approach which recognises that

32 Golombok, S. (2020) 'The voices of children in new family forms', *Reframing Childhood Past and Present*, The British Academy via medium.com

33 Lawrence, P. (2022) 'Hearing and acting with the voices of children in early childhood', *Journal of the British Academy*, 8(s4), pp. 77-90

young children's voices and communication can incorporate non-verbal aspects such as gestures, gaze, touch, posture, position and the manipulation of objects. Additionally young children's voices should not be seen in isolation but rather as part of a complex conversation that incorporates and blends with other factors. Lawrence states that "children's voices include the voices of adults, their peers, and the material world", meaning that listening to young children will require a consideration of how their voices can incorporate or interact with their relationships with others, or with material elements such as landscape or animals. Listening to the voices of these younger children will therefore require different approaches and methods than those employed with older children. Relatedly, Hackett's provocation paper emphasises the need to consider language and voice in the widest possible sense, as something that "engages the senses and affects bodies, [...] it is entangled with places and lives"<sup>34</sup>

A consideration of the 'being a child / becoming an adult' balance can be useful in relation to thinking how younger children are engaged, and how their voices are listened to. A focus on maturity tends to support a 'deficit conception' of childhood, and a focus on children as 'becoming' (i.e they currently lack something that they will attain at a later date), rather than a 'being' focus in which childhood is conceptualised as valuable in its own right, and within which the views of younger children should be accorded due weight.

**Diversity and inclusivity:** Children's lives, like adults', are shaped by factors such as gender, ethnicity, experiences of deprivation, and locality/place. Each child will have their own life experiences, views and outlooks. As noted above, those working in policy, and other stakeholders, should never assume that children are a homogenous group. Any attempt by policy to incorporate children's voices must take this into account and ensure that no particular group or subset of children is presumed to speak for, or represent the views, of all children. At the COVID-19 and Childhood workshop, a young participant explained how children have had vastly different experiences of the pandemic, experiencing different things and at different times according to factors such as their social class or ethnicity. Therefore, it is important for policymaking not to categorise all children as the same and to assume that they all need the same support at the same time. Linked to this is the need for those working in policy not to consider one aspect of children's lives in isolation from other aspects. In her provocation paper on the wider determinants of mental health Curtis states that "early life experiences of material, social, and cultural environments in childhood are important for mental health, during childhood and also later in life, and these early life experiences may have adverse or positive impacts. These early life experiences are partly shaped and influenced by 'wider social and structural determinants' of mental health which operate beyond the individual attributes of children and their family circumstances".<sup>35</sup> Relatedly, in a separate provocation paper Sylva explores how children's life outcomes are influenced by a dynamic interplay between specific genes and specific physical or social risks/advantages.<sup>36</sup>

There are certain groups of children who have a particular set of needs or life experiences and giving a voice to these (sometimes marginalised) children can be vital. In the provocation paper *Young people in care must be heard*, Sebba notes that children who rely on the care of the state often feel they have no say in the care they receive.<sup>37</sup> Sebba finds that children in care want to be acknowledged as 'experts in their own lives' who can take

34 Hackett, A. & MacLure, M. (2021) 'The importance of place for early childhood language; is there more to early language development than words?' *Reframing Childhood Past and Present*, The British Academy via medium.com

35 Curtis, S. (2020) 'The 'wider' influences on mental health in childhood and adolescence', *Reframing Childhood Past and Present*, The British Academy via medium.com

36 Silva, K (2020) 'Thriving in the 21st century: the new science of early childhood', *Reframing Childhood Past and Present*, The British Academy via medium.com

37 Sebba, J. (2020) 'Young people in care must be heard', *Reframing Childhood Past and Present*, The British Academy via medium.com

an active role in decision-making; they want to be listened to and have those working in policy act upon the messages heard. In a separate paper, Shakespeare explores the multiple difficulties and barriers disabled children face in having their voices heard.<sup>38</sup>

Including children's voices can be vital to fully understanding a policy issue. In his provocation paper Bradshaw discussed how, in relation to child poverty, the voices of children themselves are often missing. Additionally, "it is not just the voices that are missing, it is [children's] whole presence and experience. We are failing to recognise them and their agency in poverty studies". Bradshaw goes on to state that this lack of children's voices is particularly essential as from the child poverty studies which have incorporated children's voices it is apparent that children and their parents have different perceptions regarding necessities, and that they assess assets and activities slightly differently.<sup>39</sup>

Mechanisms to include children in policy may not be equally inclusive of all children. Larkins details how, in a European context, whilst efforts are being made to promote inclusive practice, existing mechanisms show a tendency to exclude some of the most marginalised children including young Roma, migrant children and those who identify as LGBTQI.

### 4.3 Children's voices throughout the policymaking process

When children's voices are included in policymaking, their participation does not often extend throughout the policymaking process. Larkins<sup>40</sup> explains that 'children's participation at local, national and European levels tends to be at the start of policy-making cycles; children are rarely involved in other stages of the decision-making cycle - policy implementation, monitoring and evaluation stages; and very few mechanisms show evidence of the impact of children on policy-making'. There is therefore scope for children's voices to be embedded throughout the policymaking process, rather than being limited to an initial consultative exercise. Such consultation does not constitute genuine participation.

Larkins also poses the question of how influential children's voices are when they are included in the policy process and the need for evaluation of children's impact on policymaking. For instance, are changes in policy a direct result of taking children's view into account, or are they the result of taking children's views into account only when these coincide with the views of adult stakeholders? This question is closely linked to who decides on the policymaking agenda in the first place. Does the inclusion of children's views comprise eliciting their views on pre-determined topics, or are children given some scope to set the policymaking agenda, and to feed into policy on the topics that they consider important?

Relatedly, are children's voices only sought on policy issues that directly affect them and where they are a major 'stakeholder' (such as school education) or are children's voices also taken into consideration on broader policy issues where children are a less prominent stakeholder, or where they are one stakeholder group amongst many? Archard has interpreted the UNCRC to imply children should primarily be given a voice on 'self-regarding' matters, that is 'those that affect only the child and that make a significant

38 Shakespeare, T. (2019) 'Disabled children do not have rights', *Reframing Childhood Past and Present*, The British Academy via medium.com

39 Bradshaw, J. (2020) 'Child poverty: where are the children?' *Reframing Childhood Past and Present*, The British Academy via medium.com

40 Larkins, C. (2022) 'Listening, acting and changing UK policy with children: learning from European examples and theories of children's agency', *Journal of the British Academy*, 8(s4), pp. 65-76

difference to a child's well-being.<sup>41</sup> On the other hand, in his provocation paper, Kraftl<sup>42</sup> details how, despite children being amongst the most marginalised groups in urban places, children are routinely excluded from decision-making and planning processes designed to make those places better. It can be argued that children's voices are important here in terms of both 'being' and 'becoming' perspectives: children play in urban spaces in the here-and-now, and they will also be the adults of the future who inherit the result of the policy decisions made in the present. The voices and actions of children in relation to the climate crisis, including the School Strike for Climate started by Greta Thunberg, are notable here. This type of thinking also lies behind the Well-being for Future Generations Act (Wales), which aims to 'consider and involve people of all ages and diversity', including children's views now, to secure a better long-term future for those generations who will grow up and live in Wales in the future.<sup>43</sup>

A major aspect of voice and participation in relation to policymaking in democratic societies is through voting and political representation. Adults have the opportunity to express their voices in this way through elections at multiple levels (local, national, potentially international) but children do not have this channel of expression. For UK parliamentary elections under 18s are unable to vote. However there are instances within the UK of younger people being granted the right to vote. In Scotland, the voting age for Scottish local elections and Scottish Parliament elections was reduced to 16 in 2015, and in the Scottish Independence referendum of 2014, 16- and 17-year-olds were eligible to vote. In 2020, 16- and 17-year olds in Wales were granted the vote in Senedd elections. Questions over the age of suffrage will be tied to those of children's voices and participation as well as to debates around age and maturity. In a recent article, David Runciman put forward arguments as to why children as young as six should be able to vote, citing opportunities for society to rethink assumptions about children, and who can exert pressure on political leaders and political issues.<sup>44</sup> It is a complicated and sometimes controversial issue with a range of views, both amongst adults and amongst children.

#### 4.4 Children's voices across different contexts and methodologies

There are numerous ways in which children's voices can input into the policy process, some of which are more participatory than others, and some of which will give more weight to children's voices than others. A child might be one of thousands of respondents who complete an online survey, or they might be one of a small number of individuals taking part in an in-depth focus group alongside other children. Larkins gives examples of children having more active roles and engaging in direct dialogue during the policy process, such as children presenting the findings from their own research at conferences, sitting alongside and questioning adult policy actors (ministers, administrators, and service providers). Referring back to Hart's ladder of participation, this direct dialogue can be seen as a step up from children simply being consulted.

Exploring the conditions that allow for children's voices to be heard successfully in specific contexts can help illuminate how children can most effectively be heard in policy more generally. In his *Journal of the British Academy* paper, Maguire focuses on the context of the theatre and emphasises the importance of listening to children on their own terms, rather than attempting to get them to adapt and fit into adult modes and norms.<sup>45</sup> Maguire discusses how children's knowledge of and abilities to articulate, claim

41 Archard, D. (2020) 'Hearing the child's voice: a philosophical account', *Journal of the British Academy*, 8(s4), pp. 7-15

42 Kraftl, P. (2020) 'Including children and young people in building cities', *Reframing Childhood Past and Present*, The British Academy via medium.com

43 Welsh Government (2015) 'The Well-being of Future Generations'

44 Runciman, D. (2021) 'Votes for children! Why we should lower the voting age to six', *The Guardian*

45 Maguire, T. (2021) 'Human beings in a theatre made for them: the child's voice in contemporary theatre for young audiences' *Journal of the British Academy*, 8(s4), pp. 17-27

and exercise their rights to express their views on a theatre performance are necessary, but are not sufficient. Children frequently express their views of performances but are often ignored, coerced or trained into deferring to the views of adults or adopting or conforming to adult standards of behaviour and judgement. Maguire states the importance of adults learning to listen to children more effectively, on the children's own terms and without the imposition of adult perspectives.

Maguire also uses the distinction between adults' 'capability' and 'capacity' to explore how adults listen to children in a theatre context. 'Capability' refers to a set of skills, knowledge and techniques that enable an adult practitioner to support a child in expressing themselves; to attend to what they express; and to create a process of engagement with other adults to respond appropriately to the views conveyed. These are professional attributes that might be acquired through training and that are honed through experience. Adults may need to be trained in active listening and in understanding the many ways in which children might express themselves other than through verbal means. In order for the adult listening to the child to have the 'capacity' to undertake meaningful engagement and respond appropriately it is vital that the necessary resources are in place (for example the allocation of time, funding, space and materials). Relatedly, Larkins states that children's involvement in policymaking can serve to build the capacity of adults: 'children's presence and feedback in spaces of policy-making can help adults gain relevant attitudes and skills. These are needed so that they can more competently create future conditions that enable participatory policy-making with children.'

The inclusion of children's voices in policy can take many forms, and Nugent *et al*'s paper explores how creative methods can aid in more effectively incorporating young people's voices into the policymaking process.<sup>46</sup> Nugent *et al* report on the 'Life As We Know It' project, which involved a small group of young adults from across Scotland who had experience of being in care when they were younger. The project used participatory video methods, creative writing, music, and the creation of Zines (self-published booklets of original or appropriated texts and images) as effective evaluative tools for personal reflection and research. Nugent *et al* found that the use of these creative methods highlighted the benefits of using the arts to help young people shape and mould the stories they want to tell. This project enabled young people to find their voice and to articulate where, based on their lived experiences, improvements in policy and practice are needed. Additionally, the use of creative methods was found to help young people with anxiety to express themselves more clearly and confidently as well as those less able to communicate verbally. For many children and young people, written and spoken language is a less nuanced and expressive form of communication compared with artistic methods, which can more fully capture the complexity of thoughts, ideas, and preferences. It can often take a much more creative approach to get to what members of certain marginalised communities really think.

46 Nugent, B. et al (2022) 'Life As We Know It': the value of the arts as a tool for reflection, story telling and affecting policy', *Journal of the British Academy*, 8(s4), pp. 53-63

#### 4.5 The practicalities and potential barriers of including children's voices

The successful inclusion of children's voices in the policymaking process is contingent on factors such as time, cost and expertise. It is a process that requires expertise which is often not present in the civil service, and so delivery is often outsourced to the charity sector, which has its own resourcing and capacity issues. There may also be barriers to including children in the research process, for example ethics committees within universities may turn down research which engages with children directly because it is seen as risky.

##### Case study 6: Policy Lab and children's sessions

To accompany the Policy Lab on children's rights held as part of the Childhood programme, before each of the three Lab sessions, a parallel workshop held with children aged between 13 and 17 took place. Insights from these conversations with children were fed into each subsequent lab session. As well as discussion of children's rights the sessions with children explored participants' views on policymaking and the role of children's voices in the policymaking process more generally. Key points made by the participants at these discussions were:

- There was a strong sense amongst participants that policy is done to, not with, children, and a desire that this should change. As one young participant commented "Our childhood shapes our future, and your policies shape our childhood".
- There is a desire for policy to be co-created with children, with involvement in the policy design, delivery and evaluation stages. It is especially important that children are able to input on policies that directly affect them, and where they are the intended audience for the policy.
- Policies should be expressed in clear plain language, so that children can understand them. Additionally, children should be informed about policy and their rights, partly so they are fully prepared when they turn 18 and have adult rights and responsibilities.
- All policies should have their impacts on children considered before they are implemented and become law.

The Childhood Policy Programme marked the first time the British Academy's public policy work actively incorporated children's voices. For example, as noted above, the Policy Lab on children's rights included three sessions with children. Carrying out this process helped provide us with first-hand insights into some of the challenges associated with incorporating children's voices. However, the process involved careful consideration of the time, cost and resources required for incorporating children's voices into our planning. There was a need to commission specialists able to carry out the engagement activities with children. Thought also needed to be given as to how the design and outputs of these sessions would interact with, and inform, other elements of the Childhood programme.

Many organisations would not have the resources to manage these additional processes, which are distinct from and additional to the type of engagement that can be organised with adults. With many charities and non-profit organisations, and indeed many businesses, facing funding difficulties in the wake of the COVID-19 pandemic, there is a danger that the capacity for engaging with children and giving them opportunities to participate will be diminished at a time when their voices are an essential part of understanding how communities recover and build resilience. This is a point raised by Maguire in relation to the funding shortfall in the arts due to the impact of COVID-19, suggesting that the development of children's voices and participation may be deprioritised by arts funders. A further consideration for those working in policy is the

need to factor in the provision of feedback and other information to those children who have contributed to the policy process.

The issue of practicalities and potential barriers to children's voices being heard brings into focus the point raised earlier in this chapter on the diversity amongst children, and the fact that children are not a homogenous group. Incorporating children's voices into the policy process must involve ensuring that a diversity of children's voices are heard. There may be specific groups of children whose voices are especially relevant to particular policy issues or areas. Additionally, thought may need to be given to how to incorporate the voices of those children who may be considered 'harder to reach'.

#### **4.6 Communicating and articulating policies to children**

An issue related to that of children's voices and participation is how policies are communicated to children. As well as wanting their needs and views to be central to policy formation, children want policies to be clearly communicated to them. At our COVID-19 and Childhood workshop, children stated that the clarity of policy messaging is important for them, and it needs to be delivered in a way they will understand; for example, policies on school closures in lockdowns needs to be shaped for younger audiences. Timely communication to children regarding policy is essential – during the workshop some stated that at times they had felt left in the dark with little information on school closures and examinations, or only receiving very short notice of policy changes, which can negatively affect mental health.

Government communications were really tested by the COVID-19 pandemic; messaging needed to be understood across the whole of society to ensure people acted in ways that protected themselves and others. Our report on the long-term societal impacts of COVID-19 found that government communications had not always been uniformly accessible<sup>47</sup> and other non-governmental organisations have found it necessary to step in to help translate policy for particular groups, including children. One example of this is the collaboration between the Academy of Medical Sciences, Manchester University NHS Foundation Trust and Wowbagger Productions to create an online comic series to help children make sense of the challenges from the pandemic.<sup>48</sup> The British Academy has also sought to help children better understand the pandemic. We published a child-friendly version of the note from our COVID-19 and Childhood workshop.

So far, very few government policy documents have been made child-friendly by the UK government or devolved administrations. The few child-friendly documents that do exist are focused on children's rights, such as the child-friendly version of the Senedd Children, Young People and Education Committee's report on children's rights in Wales.<sup>49</sup> As with engaging children in discussions about policy, communicating policy matters that are often complex and jargon-filled to children is not a simple task and requires specialist skills that often require the involvement of an external supplier. There are also issues with how to disseminate such information and how to encourage children to engage with it. However, guidance does exist to support governments in producing child-friendly documents. Supranational bodies such as the United Nations and the European Union are considered leaders on this; the European Commission worked with researchers at Queen's University Belfast to produce a guide for those working in policy on creating child-friendly documents.<sup>50</sup>

47 British Academy (2021) *The COVID Decade: understanding the long-term societal impacts of COVID-19*

48 The Academy of Medical Sciences (2021) 'Planet DIVOC-91'

49 Welsh Parliament (2020) *Looking at children's rights in Wales*

50 European Commission (2021) *Creating child-friendly versions of written documents: a guide*

## 4.7 Conclusion

The Childhood Policy Programme has attempted to explore the ways in which children can engage with and participate in the policymaking process in the UK. Phase I identified shortfalls in childhood policy that could be alleviated by addressing the adult-centred understanding of issues that affect children. The evidence collected in Phase II has suggested that incorporating children's voices into the policy process could help to improve policy outcomes and improve confidence in the system as a whole, but that this is by no means a simple process. Incorporating children's voices also has strong synergies with the other two childhood programme themes. Enabling children's voices fits within a children's rights approach, and giving children the opportunity to express their views on issues that affect them both in the here-and-now, and on issues that they expect to affect them in the future, can help ensure that both 'being' and 'becoming' perspectives are considered in the policymaking process.

Incorporating children's voices into the policymaking process strengthens the evidence base for policy and can also lead to better implementation. Without the input of children's voices in policymaking (and in any research that underpins policymaking) there is a risk that policymaking will make assumptions about children's views, lives and needs that do not reflect the reality. Including children's voices will serve to reveal the breadth of views and allow space for nuances to appear. This can play a vital role in tackling inequalities experienced by children and their families; through bringing in the lived experiences of children, policymaking can better understand how to respond to the inequalities children face.

Childhood policy in the UK can currently be described as fragmented, and lacking in a joined-up approach. Childhood policy cuts across a number of central Westminster government departments, across the UK's devolved administrations, and also across different levels of government, including local government. Children's voices and participation can be conceptualised as a potential overarching 'golden thread' that could help bring coherence to these multiple strands of childhood policy. Similarly children's voices and participation could help to bridge academic, policy and professional silos by acting as an overarching framework or principle.

However, bringing children's voices into policy is not without its challenges. A key challenge relates to the diversity of children and ensuring that a diverse range of children's voices is incorporated into policy. On a practical level, it is a process that requires specialist expertise, and dedicated time and resources, if it is to be carried out successfully. It also raises questions of how and when children's voices are heard and on what topics. In any policy debate, children's voices will be one of many factors that policymaking will need to consider, and this poses questions as to how children's voices are balanced and weighted against the voices of other stakeholders and other factors more broadly.



## 5.0 Principles for policymaking

The Childhood Policy Programme has sought to re-frame debates around childhood policy and break down academic, policy and professional silos in order to explore new conceptualisations of children in policymaking.

As the programme draws to a close, we have wanted to bring together the evidence, ideas and discussion which the programme has yielded and provide those working in the space of childhood policy with a set of evidence-informed principles to help guide policymaking on children and childhood.

This final report has focused predominately on the work of Phase II of the programme, in which the state of childhood policy across the UK, mapped out in Phase I, has been analysed through the bringing together of multidisciplinary and multi-stakeholder perspectives. Phase I identified three core themes for analysis: being a child versus becoming an adult, rights-based approaches to policy, and children's voices and participation. From the debate and discussion around these themes, we have drawn together findings in the three main chapters of this report which we believe lead us towards a set of seven underpinning principles for those working in the policy ecosystem.

The seven principles - together with some of their implications for policymaking and implementation - are intended to help guide current and future discussions around childhood policy, including the way children are conceptualised in policy and the role they play in the policymaking process. They are not set in stone but are presented here for discussion and debate, and we would welcome feedback on them, including from children and young people.

We believe that these principles are beneficial at all levels of policymaking and in all parts of the UK. However, the findings of our programme have revealed clear differences in approaches across the UK, and so the extent to which these principles are already understood and adopted in current policymaking will differ, as will the local and regional contexts that affect their interpretation and adoption. We also hope that the principles will be of some relevance to those working on childhood policy in countries other than the UK or in transnational contexts.

It is possible that each principle can underpin distinct goals and be taken up separately, but we envisage that the principles function together as a coherent set to help systematically guide the policy process, from agenda setting and policy development, to implementation and monitoring.

We recognise that the issues that have been discussed as part of this programme, and the people we have engaged, are part of a live, active and evolving policy ecosystem. The complexity and dynamics of the current policy ecosystem is one of the primary reasons for adopting a broad principles-based approach to this final chapter, as it is at this level of analysis where stakeholders were able to come to some consensus based on the evidence. We hope that this will enable stakeholders to work together in considering the best policy options and mechanisms for putting these principles into practice.

### **5.1 Rebalance perspectives of being and becoming in policymaking**

Chapter 2 revealed the tension in policymaking between the perspectives of being a child and becoming an adult. Our findings suggest that policy has often been developed from a becoming-focused perspective and in key policy areas, such as education, public health, and criminal justice, the importance of protecting and enhancing the experiences of children as children can be subordinated to the desire to produce better economic and social outcomes in adulthood.

The question is not whether to choose one perspective over another as such; being and becoming are on a continuum, therefore considering where a policy lies on the being-becoming continuum and then rebalancing away from the extremes of this continuum can avoid unintended negative consequences for children whether now or in the future. However, at present there is, in general, a need to move further towards the ‘being’ end of the continuum. Ultimately, a balanced set of perspectives is likely to create policy that is more responsive to the diverse experiences of children and therefore be more tailored to both present and future needs.

### **5.2 Increase awareness and understanding of the UNCRC and its benefits for existing policy agendas**

The UNCRC is the most comprehensive and widely adopted framework for incorporating children’s rights into policy. However, there remain low levels of awareness of the UNCRC and its potential implications for policymaking amongst policy actors. While much of the debate has been over the treaty’s incorporation into law, legal incorporation is not a silver bullet, and much of the benefit of the UNCRC comes from the way it can help those working in policy and practice to think and act differently within existing structures. This includes providing a framework for considering the implications of policy on being a child as well as becoming an adult.

But to be effective, those working in policy and practice need to be more confident in translating the articles of the UNCRC into discussions at different levels of the policymaking process and across a wider range of policy areas. This requires additional training and expertise, and the forging of new relationships between policymakers, academics and legal professionals who specialise in children’s rights.

### **5.3 Take a pragmatic, evidence-informed approach to children’s rights**

In some contexts rights-based approaches to childhood policy have proven effective in delivering more coherent and impactful policymaking. However, divergent approaches to children’s rights in different parts of the UK and in different policy areas make the possibility of a single rights-based model for childhood policy unlikely.

Incremental steps can and should be considered to improve the evidence-informed use of rights-based approaches to help improve the overall consistency and coherence of childhood policies and their implementation.

Engaging those working in policy in the research and real-life examples of how a rights-based approach can improve policymaking in practice will help to ensure that we move beyond the tricky political and moral debates over rights as a concept and focus on the delivery of better outcomes for children both now and in the future.

#### **5.4 Incorporate children's voices into the development and evaluation of childhood policy, wherever possible**

Those working in policy and other key actors within the policy ecosystem should avoid making assumptions about what children think or want. Good policymaking explores the range of possible impacts on different groups in society before policies are put into practice. Engaging children directly in the design of policy, and interrogating the available evidence base, will improve the assessment of policy impact on children in different contexts, increasing positive outcomes for a larger number of children and avoiding unintended negative consequences or contradictions.

There is no 'one size fits all' methodology for the inclusion of children's voices and the extent and shape of how children's voices are listened to will necessarily vary and will need to be balanced with considerations such as time, expertise and resources. But wherever possible, engagement with children should be meaningful, moving beyond tokenistic and easily dismissible forms of consultation. Children's participation should have appropriate impact on all stages of the policymaking process, and on decisions as to which policies are implemented.

It is now commonplace for policymaking to assess the impact of new policies on protected groups, but this practice is not always extended to the consideration of children. The implementation of Children's Rights Impact Assessments is considered good practice, but they can only be consistently applied if there is adequate training and professional development of those working in policy alongside a culture that treats such assessment as a purposeful endeavour rather than a box-ticking exercise.

#### **5.5 Join up policymaking across all departments and levels of government**

The interests of children and the issues which affect them cut across a wide range of government departments and agencies at different levels of governance. Changes to social security, for instance, may have wide-ranging consequences in areas such as childcare, education, youth crime, and childhood health, and affect inequalities that children experience. There is no easy solution to fragmented policymaking, and many of the potential remedies are not specific to childhood policy but are conducive to better policymaking in general.

Critically, childhood policy should not be developed in silos. By joining up thinking across different departments and agencies, and different levels of governance, policymaking can take a more holistic view of childhood and minimise the unintended negative consequences of decisions in one place affecting those in another. This requires a steady two-way flow of information within government, between different departments and agencies, and between the different levels of central, devolved, and local administrations. We have seen how this is possible in practice through cross-departmental children's rights frameworks, discussed in chapter 3, which have shown progress in coordinating policy at local and devolved levels in the UK.

But it was also clear from our engagement with children that they specifically want to see more passionate advocates for the interests of children throughout government. We agree that this would help prevent key policy issues from falling between the gaps of one department or ministerial remit. This means having a cross-departmental framework for children in place, and specific roles across government to champion it, including, potentially, a cabinet-level minister with responsibility for its implementation.

## **5.6 Communicate policy that has an impact on children in child-friendly ways**

Children are too often unaware of the policies that affect their lives and the reasoning behind them. Policy is generally articulated in ways that are impenetrable to many children. This is critical where policy is designed to change behaviours and practices, and this was underlined by reactions to the COVID-19 pandemic where children felt left in the dark over the intentions of lockdown policies such as school closures and changes to exams.

Communicating policy in a child-friendly way is not a simple task and requires a specialist knowledge and understanding of how children communicate, interact, and consume information. Nevertheless, a great deal of progress has been made in this field, and those working in policy and practice should engage more frequently and meaningfully with the evidence and guidance on what works. It is a challenge that should be considered no less important to address than that of communicating effectively to people with particular disabilities or for whom English is not their native language.

## **5.7 Monitor the impact of existing policies on children**

It isn't possible to know for certain how policies will work in practice, and the effect of policies will change over time and in response to different social, economic, cultural and political factors and events. Policies also interact with one another: measures designed to address one problem can affect the impact of those designed to address another. This is particularly important when addressing different inequalities that children face, as these often intersect. All of this requires a process for careful monitoring of impact over time, ensuring that policies are working effectively to improve experiences and outcomes for children, and, crucially, that they are not worsening inequalities and harming children's rights.

Monitoring is a requirement of the UNCRC so that countries can report on how they are fulfilling its obligations, but the UK could benefit from a more comprehensive and systematic framework, with robust mechanisms and methods, for monitoring and ensuring compliance with children's rights. Such a framework is likely to work most effectively if it engages directly with the views of children.

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## 7.0 Acknowledgements

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