

***Charting the current picture – critical analysis of existing legislation and policy frameworks***



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This part of the [project](#) examined how legislation and policy positions teachers in relation to young children's participative rights in primary schools in Wales. We conducted a critical analysis of Welsh legislation and policy documents relevant to the enactment of young children's participative rights in schools.

Policies can be depicted as ongoing, interactional and unstable processes routed in social constructions of society's problems ([Ball, 2021](#)). Therefore, policy document analysis can add to our understandings of educational issues within research and practice through consideration of the forces behind general policy trajectories and the construction of specific policy documents ([Cardno, 2018](#)).

We collected a range of Welsh education and curriculum related legislation and policies and associated reports and evaluations. The timeframe was from 1999 and the devolution of educational policymaking to the Welsh Assembly Government (now the Senedd), through to the development and implementation of the new Curriculum for Wales in 2021. Our starting point was the Learning Country ([Welsh Assembly Government 2001](#)), often considered to be the vision for

Welsh education in the first decade of devolution (See [Murphy and WatersDavies, 2022](#))

Key legislation pertaining to education such as the Curriculum for Wales Framework: Curriculum and Assessment (Wales) Act 2021 and The Additional Learning Needs and Education Tribunal (Wales) (2017) was included. The embodiment of the UNCRC in Wales through the Rights of Children and Young Persons (Wales) Measure (2011) was central to our analysis, as well as the interpretative texts for the UNCRC (issued by UN Committee on the Rights of the Child) e.g. General Comment Nos 1,7, 12, 17 and 25. Other child rights-focused documents in Welsh public policy were incorporated such as [as Children and Young People's National Participation Standards \(2018\)](#), [Children's Commissioner for Wales Regulations \(2001\)](#) and [The Right Way: A Children's Rights Approach for Education in Wales \(2017\)](#). For Professional Standards for Teaching and Leadership and for Inspection Guidance the most current versions were used. We also looked at a Welsh Government commissioned evaluation and two Welsh Government commissioned reviews were included, as well as key reviews of Welsh Education produced by the Organisation for Economic Co-operation and Development (OECD).

The work of Cardno (2018) was used to support the process of the policy analysis for this initial part of the project. The chosen legal and educational documents were appraised in terms of the policy context. Cardno (2018 p.628) describes this as 'the forces and values that have driven a policy to come into being.' As part of this contextualisation of the particular law/policy we considered the author, the audience and the areas of government that the policy is intended for, the purpose, the reason why the policy was created, and its main aims. We also noted the policy status or legal basis.

We then concentrated on the policy text which Cardno (2018) states as the primary focus of the analysis process. The research team identified several key questions to support the examination of the written text including explicit and implicit reference to teachers, e.g. does the policy make explicit/implicit references to teachers, educators, school staff, education leaders, pedagogies,

curriculum content, pupil voice? We also looked for specific reference to participative rights and whether the overall document is supportive of participative rights.

In addition to context and text, Cardno's model of policy analysis (2018) considers policy consequences linked to the implementation and interpretation of a policy. Consequences will be explored in the subsequent stages of the project including data gathered via a survey to higher education providers and providers of professional learning in Wales.

## References

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