CHARTERS FOR CHILDREN:
RIGHTS, RESPONSIBILITIES AND
EDUCATION

by

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ABSTRACT

This thesis is concerned with children's rights and responsibilities at school. An important part of this thesis is concerned with a survey of what children think their rights ought to be at school. The survey was conducted in two Scottish regions - one where a Charter had been developed and one where there was no Charter.

The relevance of rights language in relation to children's rights is explored in Chapter 1. In Chapter 2, changing perceptions of childhood are examined to highlight the importance of historical change in relation to the way that children are treated. Chapter 3 reviews the main arguments of the apologists of the protectionist and the liberationist approaches to children's rights and assesses attempts to develop a moderate perspective on children's rights. In Chapter 4, we consider the significance of the developing child in relation to children's rights; further exploring the initial discussion of competence in Chapter 1. In particular, there is an examination of the impact of child development theory upon notions of incompetence in children. Having considered one of the most powerful limiting factors facing increased rights for children, in Chapter 5 we examine ways of counteracting these forces by formalizing children's rights through formal declarations. The 1989 United Nations Convention on the Rights of the Child, which influenced the development of the Lothian Children's Family Charter, is the main focus of this chapter. The Convention and the Charter are both broadly concerned with children's rights in relation to participation, protection and provision, together with children's responsibilities and the pivotal role of the family. However, in contrast with the Convention, which provides minimum standards for the treatment of children on an international scale, the Charter focuses on the recognition of rights at a regional level. In relation to education, for example, the Convention focuses on the right to an education and the general aims of education, whereas the Charter is concerned with how children should be treated at school within the context of the school's being a place of compulsory attendance. Through a close examination of the relevant articles of the

Convention[1] we are able to assess, within an international context, the expectations for children's rights in relation to education when they are embodied in a universal declaration. In this chapter, we also examine the extent to which the entitlements of the Charter are in harmony with the articles of the Convention.[2] In Chapter 6, we examine recent education policy in relation to children's rights and we explore the relevance of the compulsory element of schooling within this context. Following this, Chapter 7 is concerned with young people's experiences at school and examines the evidence which focuses on children's rights within this context.

The background to the survey, i.e. the theoretical framework and the methods adopted for the survey are discussed in Chapter 8. The methods used to conduct the survey were both quantitative and qualitative; employing questionnaire and interview techniques. Chapter 9 is devoted to the survey of young people's understanding of children's rights and responsibilities at school. The aim of the survey was to examine the views of young people regarding what children's rights ought to be at school and to consider the relevance of the Charter, as a local policy document which embodies children's rights, by assessing whether or not the Charter's principles are compatible with these views. A comparison was made between children's views in Lothian Region, where a Charter had been instituted and children's views in Strathclyde Region, where no Charter was present. The Lothian Children's Family Charter (on which the survey was based) is formulated on the principles of the United Nations Convention on the Rights of the Child.

Following the survey, in the final chapter (Chapter 10) an attempt is made to reach a conclusion about children's expectations regarding rights at school and the compatibility of these expectations with the principles of the Lothian Children's Family Charter. There was not a set of hard evidence which could have been

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[1] Those which refer specifically to children's rights and education and those of a more general nature which are also relevant when considering education.

[2] The Charter's entitlements are discussed in greater detail in Chapters 8 and 9.

examined to determine the extent of the Charter's influence upon the children's views but the comparison of the two regions has allowed us to see whether young people's views about children's rights at school were significantly different where there had been a formal attempt to recognize them.

The conclusion reached is that the survey evidence suggests that, in general, the children's views about their rights do correspond quite closely to those found in the Lothian Charter (which derive from the UN Convention on the Rights of the Child). In some respects the Lothian children's views were more in keeping with the Charter's principles than the children's views in Strathclyde. Children in Lothian, in general, had a wider view of the school's responsibility for delivering their rights and a more positive view of their own responsibilities.

At the time of writing, the author believes that this study is unique - it does not replicate any other research which has been conducted.

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INTRODUCTION

The twentieth century witnessed significant developments in respect of 'rights'. There has been a gradual yet unyielding move towards expectations of rights for everyone; regardless of gender, race, class, culture or age. Within this climate of citizens' rights, there has been a growing interest in children's rights as young citizens.

The notion of citizenship is traditionally associated with adult status, thereby excluding children. The status of children has generally reflected their being subject to limitations and adults' perceptions, as well as certain restrictions. For example, children are usually perceived by adults as not being fully developed emotionally, physically and intellectually and they are generally subject to financial restrictions due to limited earning capacity within the law. However, Tom Cockburn (1998) presents a theory wherein citizenship as a notion is more amenable to the inclusion of children. In his article *'Children and Citizenship in Britain'*, Cockburn (1998) considers T. H. Marshall's influential work on citizenship. He argues that Marshall's assumption that children are citizens *in potentia* is an example of the widely held belief that children are 'incomplete'. Cockburn turns to feminist definitions of 'otherness', for example to Simone de Beauvoir's (1949) argument concerning man's belief that he is the norm and that woman is other for man. Cockburn rightly points out that the 'otherness' of children as another example of 'others' is usually depicted in a negative way. As we shall find in Chapter 1, in relation to rights language; and in Chapter 4, within the field of child development, children have often been described as not fully rational; incapable; not fully developed: as Cockburn (1998, p.107) explains - "...everything that the non-citizen is." However, as we also note in Chapter 4, recent research in the field of child development has challenged certain assumptions about the abilities of children and the way that they develop. In addition, evidence from the Council of Europe (1994) has indicated that the established ages for which different competencies are accepted within the legislation of different European countries are extremely diverse (cited in Casas, 1997). It is clear, therefore, that notions of competence are culturally relative (McGillivray, 1994).

Furthermore, as we shall discover in Chapter 2 when we consider the historical context of children's rights, a sociological perspective establishes that notions of childhood, like those of adulthood, are socially constructed. This is also evident in Chapter 3 where different perspectives of childhood, which advocate varying degrees of protection and liberation for children, are examined.

One of the most significant factors which delimits children's rights is the widely held belief that children are not fully competent. As we shall see in Chapter 1, underlying the notion of the lack of competence in children is the debate concerning types of rights which are considered to be meaningful or 'real' rights. Classical positivists believe that the only real rights are rights written in law. In opposition to this there is continued support for the significance of natural or moral rights: that there are rights which we ought to have and that the law may be challenged in an attempt to accommodate these.[1] Traditionally, child development theory has contributed considerably to the acceptance of children as incompetent. However, as we have noted above when discussing notions of citizenship, recent research in psychology and sociology has begun to redress the balance. Nevertheless, the debate continues.

Leena Alanen (1994, p.36), in her recent sociological study of childhood, draws our attention to an important point in relation to perspectives on children's competence - "...gender is a relational concept, and so is childhood". Alanen (1994) suggests that childhood only exists through its relationship with adulthood. This highlights the need to be interested in two important aspects of studying children's lives. It is most important to consider children as individuals who take part in, or are an integral part of, various groupings in society; for example, the family, the school, paediatrics, children's social services etc. and not merely to subsume children under these categories or groupings. However, it is equally important to acknowledge the relevance of these institutions for children's lives. A significant aspect of our

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[1] Legal and moral rights are discussed further in Chapter 1.

understanding of the intersection between children's lives and the institutions which usually represent them as a group is to note the significance of adults' lives within this scenario. As Alanen states, when studying the sociology of childhood we also need to consider studies of adult life. Similarly, Judith Ennew (1994, p.125) has noted that, "...in developed countries, children inhabit spaces within an adult-constructed world." When we move towards any changes within the school system,[2] there are a number of considerations. These are often controversial as they involve young people who are below the age of majority. This thesis has attempted to address some important issues which are faced when traditional views on rights are challenged within the school setting.

Attempts were made throughout the twentieth century to formalize children's rights in order to acknowledge both the universality and the particularity of children's needs and wants. Like adults, children are all individuals. However, they also share certain attributes and experiences which create a group dynamic, as alluded to above. 'Group membership', even if it is mainly in a symbolic sense, can be beneficial when notions of rights are on the agenda. However, it can also have a negative effect when the rights of the individual are subsumed under the rights of the group if, through this process, individual differences are subordinated. Clearly this is a central issue within the current debate on children's rights. The notion of a group as opposed to an individual implies shared interests and needs. This can be a powerful campaigning tool. However, it is also crucial to acknowledge diversity and individual interests and needs.

An important point to remember is that, as with all campaigning movements, there is a sense of the needs of the 'group' which prefigures the need to consider the implications of rights for the individual. Thinking in terms of children as a group when promoting their rights can be a useful means of highlighting universal claims to rights. However, this tendency can divert attention away from the diversity of children's competencies as well as their

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[2] For the purposes of this thesis, it is the British system which is broadly referred to.

needs in respect of age, gender, class, race and culture. Both the strength of the group and the vulnerability of individuals within it must be acknowledged.

As we shall establish in Chapter 5, the 1989 United Nations Convention on the Rights of the Child provides a widely subscribed to international standard. However, if an international perspective on children's rights is to be effectively implemented, attempts must be made to establish a shared understanding and acceptance of the needs and competencies of children which crosses national boundaries. As the notion of childhood is socially constructed, there is a danger of merely constructing a new adults' perspective. This calls for a considerable increase in research which respects the views of children and the importance of the child's world to the child. It is not yet common practice, as part of scientific procedures, to ask children about their views of the world (Flekkøy and Kaufman, 1997). However, there is increasing support for engaging with children as a source of information (see, for example: Alderson, 1999; Buist, MacPherson and Asquith, 1994; Covell and Howe, 1999; Decoene and De Cock, 1996; Hart and Zeidner, 1993; Marshall and Maguire, 1998, 1999; Morrow, 1999; Delval et al., 1995;[3] Ruck et al., 1998). Taking these factors into account, the author has concluded that, if policy and practice within education are to be successful and beneficial to all concerned, it is crucial to engage with young people to ascertain their views about their rights at school. In Chapter 6, when examining various aspects of education policy, we find that it is possible to accommodate children's rights within the school system. By examining, in Chapter 7, children's views about their rights, both within the school and within other contexts, we begin to create a picture of the child's perspective as being both informative and valid. The survey for this thesis, which is discussed in Chapters 8 and 9, was conducted as an attempt to add to the growing research within the field of listening to children's views. The adults who were interviewed or who completed questionnaires for the survey provided a useful source of information on policy and practice within schools.

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[3] See Chapter 7, p.133, Footnote 1 for further details.

The survey, which examines children's views on their rights at school, attempts to engage with children and to interpret their views with respect for their particular life experiences in a world of adult rules and expectations.

The main objective of this thesis is:-

to consider, in two separate Scottish regions - one with a children's Charter and one without a children's Charter - children's perceptions of their rights at school within the context of sets of rights devised by educationalists and to assess whether or not the children's views are compatible with the principles of the Lothian Children's Family Charter.

The essential principles of the Lothian Children's Family Charter are generally in harmony with those of the 1989 United Nations Convention on the Rights of the Child.

The essential principles of the UN Convention are embodied in the following extracts from three articles of the Convention:-

Article 2: Non-discrimination
1. The States Parties to the present Convention shall respect and ensure the rights set forth in this Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parents' or legal guardians' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Article 3: Best interests of the child
1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 12: The child's opinion
1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

The essential principles of the Charter are similarly concerned with non-discrimination, the best interests of the child and the child's opinion. Within the Lothian Children's Family Charter, particular emphasis is placed upon the following statement:-

- to take and share responsibility at appropriate times; to participate in decision making about their lives; to be able to have their opinions heard and taken into account and to participate in other ways appropriate to developing adults in a democratic, multicultural society.

(1992, p.3)

The entitlements embodied in the Charter are divided into seven categories:- Choice, Health, Access, Responsibility, Thoughtfulness, Encouragement and Recreation.

When we examine the articles of the UN Convention and the entitlements of the Lothian Children's Family Charter, it becomes clear that they are broadly concerned with participation, protection, provision and responsibility. However, it should be noted that, in keeping with the entitlements of the Charter, the context of the survey questions later in this thesis and the traditional literature relating to rights language, throughout this thesis rights are generally referred to as choice, protection and welfare rights (see Diagram 1 on p.179).

The potential influence of a Charter for children upon the school system can generate both positive and negative expectations. There is potential conflict between the expectations of children, teachers and parents. However, this should not render the introduction to schools of meaningful rights for children untenable. Conflict between those who claim to have rights is inevitable.

A Charter can provide an opportunity to express a desire for recognition. Without constituting a legal requirement, a Charter can express those rights and/or responsibilities of a given group within society which are considered desirable or appropriate. These rights and responsibilities must be grounded

on a relatively coherent set of principles. By placing these principles in a Charter, they may be recognized as salient by both the general public and the law makers. Although these principles are not legally binding, they do present a powerful moral indicator of a general consensus.

An important implication of the existence of a Charter lies in its potential to influence perceptions and attitudes. This, in turn, may lead to the establishment of new conventions or rules which may reflect the principles of a Charter.

On the other hand, it may be that formalizing rights into written declarations has both the negative effect of creating resistance, or an ossifying effect where the codified rights become fixed and determinate, whereby they limit what can be expected rather than being capable of extension. It may also be that written declarations of rights encourage a formalistic culture of rule following which favours those who have the power to judge their application.

There is also the potential for the dissipation of credibility when a vehicle for the promotion of rights and/or responsibilities, i.e. the use of Charters, becomes ubiquitous. When something becomes commonplace, it can lose its impetus and in turn its value. Paradoxically, however, despite this possibility, it is also through familiarization that ideas and beliefs become accepted. It is, therefore, important to consider both the positive and negative aspects of Charters when contemplating their value as a means of advancing the rights of children.

Before we consider young people's views regarding what children's rights ought to be at school and the compatibility of these views with the principles of the Lothian Children's Family Charter, it is important to consider some crucial related issues to which we have alluded in this introductory chapter. These are: the meaning of rights in relation to children; changing attitudes towards children; the way that childhood is constructed as a barrier to rights for children and the particular effect of this upon rights at school; attempts that

have been made to formalize rights through Charters; and finally, current education policy and young people's experiences at school in relation to children's rights.

CHAPTER 1

THE LANGUAGE OF RIGHTS

1.1 INTRODUCTION

When considering the concept of rights, it is essential to acknowledge the complex nature of such a notion and the multifarious applications to which it has been subject. The word rights, when applied to children, is often both contentious and complex. Although the vast literature on theories of rights does not provide conclusive answers when considering children's rights, there are various criteria which help to unravel the complexities of the language of rights. These shall be examined here.

In Section 1.2, we shall look at traditional theories of rights in order to establish the various components of rights language which are particularly significant within the children's rights debate when focusing on schooling. In Section 1.3, legal and moral rights shall be discussed. Following this, in Section 1.4, the notion of duties in relation to rights shall be addressed.[1] Finally, the conclusions are recorded in Section 1.5.

1.2 DIFFERENT CONCEPTS OF RIGHTS

1.2.1 Introduction

When examining different concepts of rights, it is important to distinguish between different senses of the noun 'right'. When considering children's rights at school, the important distinction to make is between rights which entail choices and those which do not. These shall be examined next.

1.2.2 Unravelling rights language

Rights which entail choices require competence to exercise these rights, i.e. the right-holder must be a competent chooser.[2] Other rights, such as protection

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[1] The term 'duties' has been referred to in this chapter as this is in keeping with the historical context of rights language which has been discussed. However, throughout the rest of this thesis, the term 'responsibilities' has been substituted for the term 'duties' as this is a more widely used term today.

[2] The notion of competence is discussed later in this section.

rights and welfare rights, do not require the right-holder to be a competent chooser. The philosopher, D. D. Raphael (1967), uses the term 'rights of recipience' to describe such rights. These are, in effect, rights to receive benefits or services from others. Raphael points out that this includes having the right to be left alone. Certain rights are protected rights (i.e. 'rights of recipience') and others are not, i.e. the right to do something when, by carrying out this action, one is doing nothing wrong (i.e. described as a 'right of action' by Raphael, e.g. cultivating one's garden). Clearly, it is only when choice is involved that the right-holder needs to be a competent chooser. It is these rights in particular which are problematic when we associate them with children.

When a right involves choice, the notion of competence is fundamental. Competence is discussed extensively in Chapter 4 in relation to problems and solutions associated with increasing rights at school for children. In the meantime, the notion of competence shall be outlined in order to establish its powerful influence within the children's rights debate.

1.2.2.1 Competence

It is useful to distinguish two senses of 'competence'. Although it may be an important factor in relation to certain types of rights that the right-holder is capable of taking decisions, it is, however, clearly only important in relation to choice rights, that is, the power to choose or to do something (Veerman, 1992). Where the right does not presuppose action or choice on behalf of the right-holder, there is little justification, on the grounds of incompetence, to deny that child, or anyone else, a right.

In respect of choice rights, research by various prominent psychologists for example, Piaget, Inhelder and Kohlberg, has shown that children develop through a number of definable stages. According to the Swiss psychologist Jean Piaget (1958),[3] children, or young people, do not reach the beginning of the stage of formal operations until approximately twelve years of age. This is the final stage of cognitive development, when a child begins to use an adult form of logic and symbolic representation. The broad terms of Piaget's theory have been widely

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[3] See bibliographical reference B. Inhelder and J. Piaget.

accepted within the field of developmental psychology. However, critiques have emerged which suggest that the boundaries of these stages may need to be more flexible and that younger children are able to comprehend certain activities when different methods are applied than Piagetian research implies (Carlson, 1993).[4]

Within the context of studies of child development, it is also necessary to take into account the powerful impact of the social experiences of different children. According to research, for example, poor children are relatively slow to acquire the belief that rights are relevant to them (Hart and Zeidner, 1993).

Traditionally, rationality and liberty have often been equated. John Locke (1689a/1960), for instance, endorsed this belief, claiming that allowing a person the liberty to act, constrained only by his knowledge of the moral law, was only acquired when he reached the 'age of reason' which enabled him to understand that law. A person was 'born to freedom'; only entered into at the age of majority. Up until this time children were subject to parental authority.

It has been widely accepted that, if it may be claimed that children are incompetent, they may be denied choice rights. However, whilst acknowledging Piaget's theory regarding developmental stages in childhood, if the aforementioned critique of Piaget is taken into account, it may be inappropriate to categorize children so strictly. Bentham (1823/1990, p.260) has argued that establishing the age at which a child may be considered to have reached the end of the stage of incapacity is not possible. He, therefore, suggests that "For cutting this Gordian knot, analogy and informity unite in suggesting an expedient." Bentham acknowledges the fact that any line drawn between those who are regarded as fully competent and those who are not is inevitably going to be arbitrary. This is one reason why Bentham (1789/1962) places his faith, when determining public policy, on the principle of 'the greatest happiness of the greatest number' rather than individual rights.

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[4] Studies of child development and competence are examined in detail in Chapter 4.

There are clearly immense difficulties encountered when attempting to ascertain the most appropriate method of establishing competence. Nevertheless, the degree of difficulty of a task should not necessarily preclude an attempt to employ the most just method of establishing a child's level of competence. It may be wiser to judge a child on individual merit and the ability to demonstrate competence, despite the greater complexities involved.

An important point to consider is that complete rationality is not always essential where actions are concerned. If an action does not embody significant long-term consequences and is not potentially harmful to the child or to another person, in the absence of any other good reason, the child should not be prevented from acting as he or she chooses. For example, where a child goes to a public park, this child has a right, in the sense of a liberty, to play on the swings, the roundabout etc. and should not be prevented from doing so if this action is in accordance with the above criteria.

When considering rights which do require people to be competent choosers, there is clearly an important issue to be addressed. Whether humans are presumed to pass through development in stages (as discussed earlier), or through a gradual maturation process which, although involving reaching certain levels of competence in a set order, does not necessarily entail passing through set stages at particular ages, there are clearly implications for assessing a child's competence. A conception of childhood which links development in stages to chronological age supports the concept of legal competence thresholds. Alternatively, a conception of childhood which links development, as a gradual process of maturation, to certain capacities, challenges the validity of such thresholds.

In recent years, the notion of 'the child's best interests' has taken centre stage within the debate concerning children's rights. Although this notion shall be discussed in greater detail later in this thesis, particularly in Chapter 5 in relation to the United Nations Convention on the Rights of the Child, there are some points which should be noted here with regard to this notion.

Some important questions need to be asked. Are the best interests of the child always being considered? Are decisions taken to protect the child, to protect the rights of another person or merely because the adults concerned prefer things to be done in a certain way? If decisions are made on a child's behalf in accordance with this last statement, then this action is not justifiable as it does not 'protect' anyone. In these circumstances, rules are often no more than a convenience for the rule makers - they express a power relation rather than being justifiable in terms of rights, either of children or other parties.

Although it is clearly in the child's best interests to receive nurturance, care and protection, this notion of children's 'best interests' can become generalized in a way which is far from beneficial to children.

However, there is always potential for genuine conflict between a child's views and what is deemed to be in the child's best interests. Whether or not the child is considered to have reached a level of competence which suggests that their views should be taken seriously, the child's views may legitimately be overridden by concern for the child's best interests, despite being in conflict with the child's views.[5]

Assumptions which are made by adults about what is in the child's best interests may sometimes be based on preferred standards of a tradition of obedience and authority relations. The obedient child may appear to pose less of a threat to the status quo than the inquisitive, challenging child. Whether it is really in the child's interest to be brought up within a society where adults' perceptions of what is good for children are never permitted to be challenged is seriously open to doubt.

In addition to the notion of competence, two other factors should be examined when considering whether or not children can have choice rights. Firstly, the notion of autonomy in relation to children. Secondly, the significance of the legal arrangement between children and their parents - which has implications for the relations between children and their teachers when acting *in loco parentis*.

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[5] Article 3 of the United Nations Convention on the Rights of the Child is concerned with 'the child's best interests' and Article 12 is concerned with 'the child's right to express his or her views'. These articles are discussed in detail in Chapter 5.

1.2.2.2 Children's rights and autonomy

The fundamental question of the child's autonomy lies behind considerations of children's rights. Choice rights embody liberty and are therefore sometimes referred to as 'autonomy rights'. Rights of recipience, on the other hand, embody an essential good, i.e. a good which is generally considered by others to be of benefit to, or in the best interests of, the right-holder. Adults choice rights are legitimized on the assumption that adults are autonomous, i.e. independent, rational, mature, economically and emotionally self-sufficient individuals (Wringe, 1981). Autonomy is clearly unnecessary in relation to rights of recipience, which are inherently paternalistic. Even when choice is not involved, an essential good may be called a 'right'. When considering the compulsory element of schooling, for example, it may be argued that education is an essential good and that children should not, therefore, be able to waive their right to receive an education.[6] It is often argued, for instance, that such a right of recipience is justifiable on the basis that it is a prerequisite for the future autonomy of the child.

Although children are produced by their parents, which forms a biological tie, they possess a separate consciousness. Nevertheless, complete separateness, or independence, is rarely achieved in childhood. Various forms of dependence exist for children. Physical, emotional and financial dependence contribute to a different type of identity for children than that which exists for adults.

Children become autonomous beings through a developmental process. Children differ, therefore, from adults in this sense. They are not fully rational nor fully mature beings. Neither are they, in general, economically or emotionally, fully independent, self-sufficient individuals. The argument that all children should have the full range of choice rights which are encompassed by the notion of autonomy would be invalid, if based on these criteria, as most children clearly do not share such attributes with adults. Instead, children generally are in the process of acquiring these attributes through the maturation process.

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[6] Arguments for and against compulsory education are examined in Chapter 6.

1.2.2.3 Legal arrangements between children and their parents

The legal arrangement between parents[7] and children also creates a dilemma when addressing the issue of choice rights for children. Children have a right to be protected by their parents and parents have a duty to protect their children. It is in virtue of the duties which parents have towards their children that they have parental rights. In view of this legal arrangement, liberties should not be the same for children as they are for adults. When considering children's choice rights, these rights may conflict with other people's rights or specifically with rights which are particular to their parents.

As the educational philosopher Colin Wringe (1981) points out, this does not mean that children have no liberty. It does mean, however, that children's liberties are not the same as adults' liberties. Of course, it is possible that the legal arrangement between adults and children could be altered. These arrangements are, after all, determined by societal norms. If children were considered to be more independent, the constraint on their liberty by parents could be less; leading to greater legal independence for young people.

In summary, it is sometimes justifiable to restrict the liberty of children for various reasons. Firstly, on the basis of not possessing full rational capacities; secondly, where the child or other persons are likely to be harmed as a result of the child's actions; thirdly, because they are not fully independent, physically, emotionally or financially; and fourthly, where the rights of their parents may be infringed.

It is evident that various types of rights present difficulties where children are concerned. These difficulties do not generally arise in the case of the rights of adults. A child's dependence upon his or her parents, as well as the parents' responsibility for the well-being of the child, create both a legal and a moral dilemma when attempting to introduce greater freedom and increased choices for children. The moral question of the child's best interests is paramount. It must, however, be remembered that the best interests of the child should always be considered in conjunction with the child's views regarding their interests.

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[7] Or guardians, or teachers when acting *in loco parentis.*

This belief is embodied in the United Nations Convention on the Rights of the Child 1989.

Article 3 (1) declares that:-

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

(1989, p.4)

Article 12 (1) declares that:-

"States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

(1989, p.6)

It is with these factors in mind that the concepts of legal and moral rights shall now be examined.

1.3 LEGAL AND MORAL RIGHTS

1.3.1 Introduction

Although, in the process of developing both legal and moral rights, each type of rights may draw upon the other for direction and justification, it is evident that legal and moral rights have their own distinct characteristics. Also, although moral rights may often be presented as grounds for legal rights, it is not necessary to claim that all moral rights should lead to legal rights.

1.3.2 Legal rights

Legal rights are those which are sanctioned by law (Wringe, 1981). Without such rights, a person has no guarantee that his or her rights will be recognized or protected by the state. Accordingly, without legal rights a person has no legal warrant to act, be protected or receive a benefit. The criminal law can protect persons and their property and can punish those who invade these, whilst the civil law provides means by which persons can seek legal redress, for example, compensation or the enforcement of another person's duty. If we consider this

within the context of a person's right to an education, this would be an issue for the civil law. A person may, for instance, have a moral right to an education but for it to be a legal right there must be institutions to provide education as well as legal requirements upon others both to provide education and to provide enforcement or remedy for its absence. These 'others' include teachers, administrators and inspectors as well as courts of law (judges and lawyers etc.). If a person is denied an education, they have legal redress against those who have a duty to provide it.

Legal rights are, of course, subject to modification. Education law might change to shift the burden of responsibility in education provision among local authorities and parents; and the law may alter what counts as 'compulsory education' by, for example, stipulating requirements of the curriculum, or changing the age of required attendance. The decisions of the courts may themselves affect the legal right to education by the precedence of their decisions (Wringe, 1981).

Legal rights are different for adults and children and are designed in such a way as to, ostensibly, create a framework which at best takes account of the capacities, needs and interests of those to whom these legal rights apply.

Children at school have no legal rights to autonomy; that is they have no legally enforceable choices to make with regard to the major issues within the school, for example, the curriculum, dress codes, attendance and discipline. On the other hand, children do have legal rights of protection; albeit within the constraints of a system which promotes the notion of the protection of children 'in their best interests', which remains a contentious claim. Here, it can be seen that children at school have no legal rights to do certain things unhindered. At the same time, however, they do have the legal right to protection or the right of recipience not to be interfered with or harmed.

Clearly, these legal rights also apply to children outside school. The compulsory element of schooling, however, adds another dimension to the question of rights at school. The significance of the compulsory aspect of schooling is examined fully in Chapter 4. It is here that arguments for and against increased rights at school for children are presented.

When considering the law in relation to children, Wringe (1981) cites three general criticisms which, among others, he considers to be significant.

Firstly, children are treated differently from adults, in an arbitrary fashion, with regard to the law. Secondly, the authority relations which are created by law between adults and children are inequitable. Thirdly, children are treated as property, rather than as persons.

In a broad sense, the first two criticisms appear to be valid. The third proposition, however, as Wringe acknowledges, is anachronistic. Clearly, in relation to this third proposition, there have been developments in legislation during the twentieth century which have introduced and maintained the promotion of the child's interests. The Children and Young Persons Act of 1948, for example, introduced the notion of an interest in the welfare of the child. This principle is also evident in recent legislation, for example, the Children Act 1989 and the Children (Scotland) Act 1995.

The Children Act 1989 embodies the notion of the welfare of the child as paramount and emphasizes the claim made earlier in the Cleveland Report (Butler-Sloss, 1988) that a child is a person, not merely an 'object of concern'.

The Children (Scotland) Act 1995 also emphasizes the welfare of the child as paramount, as well as the fact that the views of the child must be taken into account. In addition, the child's right of redress against parents is a notable element of the 1995 Act. For instance, the child has been granted the right to sue parents who fail to fulfil their parental responsibilities as stipulated in the Act.

Nevertheless, as Wringe (1981) points out, it is a significant contention that rights are often denied children by the law despite their acceptance generally as moral rights.

1.3.3 Moral rights

Moral rights are not necessarily legal rights and are thus not necessarily sanctioned by law. Historically, they are associated with the belief in natural

rights which are universal rights to which all of humankind are entitled (Wringe, 1981).

Many theorists have questioned the validity or usefulness of the notion of moral rights, for example, Bentham (1824/1843); Austin (1873); Frey (1980); Hohfeld (1919/1964) and Young (1978). Moral or natural rights, however, are important as a means of challenging existing legal rights.

Lawyers have tended to doubt the proposition that children's moral rights exist. This is, as Wringe (1981) suggests, the result of the way in which lawyers define a right as something which is enforceable by an individual or by another on his or her behalf, initiating legal action. Furthermore, lawyers have tended to accept Bentham's definition of a right as being created only by law, resulting in an acceptance of legal rights only. Bentham asserts that moral rights are only 'ought-to-be' rights. The theory of legal positivism would demand that only written law qualifies as law. On the other hand, the theory of natural law would dispute this claim (Cohen, 1992). As Cynthia Price Cohen (1992, p.53) points out, it is when written laws are claimed by some to be unjust that "...natural law theory provides the basis for the new positive law which corrects the claimed injustices."

Whether examining legal or moral rights, it is essential to consider their relationship with duties. Wringe (1981) considers rights as correlatives of duties. The notion of duties shall be examined next.

1.4 DUTIES

1.4.1 Introduction

It is important to establish how duties differ from rights. It is evident that the notion of a duty or obligation has, throughout the history of philosophical thought, been considered more fundamental than rights. Man had duties before he had rights. However, most theorists argue that duties presuppose rights. Bentham considers this correlation to be fundamental to the notion of rights.

1.4.2 What are the preconditions for duty-holding?

The preconditions for duty-holding are to be a member of a moral community which acknowledges the concept of duty, to be competent to carry out the duty and to have the power to act.

1.4.3 Duties in relation to rights

It is important to establish who is (are) the primary duty holder(s), responsible for fulfilling the right and who is (are) the secondary duty holder(s) in relation to unfulfilled rights. In the case of school children, teachers act *in loco parentis*; they are responsible for the children in the absence of the children's parents during the school day. Teachers, in this case, are the primary duty holders. They are responsible for fulfilling the child's right to protection. If, however, teachers fail in their duty, the Education Department of the local authority has a secondary duty to ensure that the child receives adequate protection whilst at school.

The notion that rights entail duties is ambiguous in that it may be understood as a logical or a moral relation. It is a logical relation in that X having a right to Y means that Z has a duty to enable Y (Z may be a specific person, office, class of persons, or the whole of humanity and the duty may require positive action or non-interference). The moral claim of reciprocity is that beneficiaries of rights should also have duties to respect or deliver the same rights to others, or the right-holders may have consequent duties in virtue of their rights (i.e. a child has a duty to follow a parent's instruction, thus a parent has a right to obedience, in virtue of the child's right to protection and the parent's duty to provide it). Whilst the logical tie between rights and duties is by its nature unconditional, the moral reciprocity is not; it will, for instance, depend on capacity. A baby or young child has a right to receive nurture and care before they can be said to have reciprocal duties.

In some cases right-holders have discretion over the bearer of reciprocal duties whereby the obligation of the duty-holder may be waived by the right-holder (X can elect to set aside his right and therefore Y's duty to repay a debt). *Prima facie* duties may also be set aside by a competing and morally more pressing duty, without warrant of the right-holder (Wringe, 1981). For example, Y may

break an agreement with *X* to fulfil a higher obligation. It is important to recognize that both rights and duties are normally conditional and competitive. In general, however, children are not deemed competent to waive their rights and others' duties.

We may conclude that it makes sense to talk about duties without identifying a specific holder of a correlative right. It does not make sense, however, to talk of rights which entail no duties. For practical purposes, if rights are to mean anything, it must be possible to identify the actual or class of duty-holder.

1.5 CONCLUSION

In concluding this chapter, it is useful to cite Freeman's (1992a) observation that, in order to take children's rights seriously, it is necessary to consider both the protection of children and their autonomy. Freeman points out that, when proposing the need to respect the autonomy of the individual, his view is dependent upon the capacity for autonomy rather than upon actual autonomy.

In this chapter, we have considered traditional theories of rights, moral and legal rights and the role of duties in relation to rights. A discussion of rights language provides an opportunity to clarify some conceptual difficulties which arise when examining the case for children's rights. There are some clear implications for children's rights within the language of rights and its concern with rationality. In Chapter 4, powerful arguments for and against increased rights for children shall be debated. It is here that the language of rights is discussed specifically in relation to children and competence.

Before this, in the next chapter, the historical experience of childhood to the present is examined in relation to two important factors - the changing attitudes towards children which led to the introduction of compulsory education towards the end of the nineteenth century and the relevance of the social construction of childhood in relation to schooling. This discussion highlights the significance of the language of rights in relation to attitudes towards children and the way that they are treated as a result of established principles of rights, both ideologically and within the law. In Chapter 3, the focus is upon the strengths and

weaknesses of protectionist and liberationist attitudes towards children's rights and the recent attempt to reach a compromise, with a moderate position being established which draws upon the principles of both the protectionist and the liberationist movements.

CHAPTER 2

CHANGING PERCEPTIONS AND ATTITUDES: HOW HAVE THEY INFLUENCED CHILDREN'S EXPERIENCES?

2.1 INTRODUCTION

It is evident from various studies that, throughout history, conceptions of both childhood and adulthood have altered and continue to do so (Archard, 1993; Ariès, 1962; Cunningham, 1995; Firestone, 1972; Franklin, 1986a; Freeman, 1983a; Hendrick, 1990, 1997; Hoyles, 1979; Plumb, 1972; Verhellen, 1992). Perceptions and attitudes towards the rights of children are fluid and dynamic; being affected by social, political, economic and religious trends at any given time. When examining the experience of childhood, as Freeman (1983a) rightly points out, it must be put into its historical context.

Although the history of children's rights is not the central concern of this thesis, it is important to trace some of the more notable developments; particularly in relation to the schooling of children. In order to understand current interest in children's rights, it is necessary to analyse earlier developments and their impact upon children's lives today.

In this chapter, the influence of changing perceptions and attitudes upon the experiences of children shall be examined in relation to children's rights. In Section 2.2, the 'concept' and 'conceptions' of childhood are considered. In Section 2.3, the central claims of Ariès's (1962) influential study of childhood and family life - 'Centuries of Childhood' - are examined along with the main criticisms that have been levelled against his findings. In Section 2.4, the early period is considered: a brief historical account is presented which considers issues concerning the rights of children, mainly from the Reformation to the Industrial Revolution. In Section 2.5, the focus is upon the period from the Industrial Revolution to the end of the nineteenth century.

Section 2.6 is concerned with developments from the early twentieth century to the present. Finally, the conclusions are recorded in Section 2.7.

2.2 LOOKING AT THE CONCEPT AND CONCEPTIONS OF CHILDHOOD

2.2.1 Introduction

Before examining the changes that have had the greatest impact on the development of the current children's rights agenda, it is important to consider what is meant by childhood and the way that its meaning has been interpreted at different times.

2.2.2 Having a concept and a conception of childhood

At this point, it is helpful to consider Archard's distinction between a 'concept' of childhood and 'conceptions' of childhood.[1] He suggests that, in simple terms:-

"...to have a concept of 'childhood' is to recognize that children differ interestingly from adults; to have a conception of childhood is to have a view of what those interesting differences are." (1993, p.22).

This is an important distinction to make in order to retain a clear perspective when considering issues relating to children, their rights and education.

The esteemed philosopher, Jean-Jacques Rousseau (1762/1993), is acknowledged for pioneering a view that emphasized the importance of childhood.

Rousseau possessed a distinctive 'conception' of childhood. He believed that everything that God creates is good. According to Rousseau, therefore, children are born good and if they become bad, this is because of a flawed education. Rousseau's belief in the law of nature underpins his whole theory

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[1] Archard bases his theory on an analogy with Rawls' distinction between a 'concept' and a 'conception' with respect to justice in 'A Theory of Justice'.

within his influential work, 'Émile'. He saw no reason to contradict nature, as he declares: "Fix your eyes on nature, follow the path traced by her." (1762/1993, p.16). Rousseau's conception of childhood derives from his particular idea about human nature which is, in part, explicable in terms of his life experience.

However, it would be wrong to assume that there is only one conception of childhood. The fact that there are numerous conceptions is a fundamental issue at the centre of the discourse on children's rights. In western society today, a generally accepted modern conception of childhood exists where children and adults are viewed as distinct groups with regard to such things as work, games and clothes. Nevertheless, it is widely acknowledged that the modern western conception of childhood is a fairly recent one (Archard, 1993; Ariès, 1962; Franklin, 1986a; Plumb, 1972). This conception requires further specification to avoid its being treated as the only available concept. Following Archard, we might suggest that, not only has a concept of childhood been recognized by all societies at all times but also that different conceptions of childhood have coexisted at the same time in different societies throughout the world. Once we recognize that conceptions of childhood are diverse and dynamic, we can understand both the historical developments in the west which led to a widespread belief in the need to protect children and changes which led to the demand to liberate children.

2.3 THE CENTRAL CLAIMS OF ARIÈS IN HIS STUDY OF CHILDHOOD AND SOME IMPORTANT CRITICISMS

2.3.1 Introduction

It is widely held today that the *concept* of childhood: that which allows us to distinguish between adults and children, is axiomatic. Archard (1993) has suggested that this concept has been recognized by all societies at all times. However, Ariès (1962) cites the seventeenth century as a watershed in the emergence of childhood as a concept. Ariès claims that the idea of childhood did not exist in medieval society. He argues that until the mid-seventeenth century, children who were under seven years of age were considered to be

'infants', not yet ready to attend colleges; and children who were over seven years of age were considered to be other, smaller adults. Later, this period of infancy was extended to nine or ten years of age. Ariès suggests that modern western childhood is associated with the classroom and play, with children having been removed from the world of work and economic responsibility.

However, there has been considerable criticism of Ariès's findings in his study, *'Centuries of Childhood'*. In particular, there has been criticism of three main features: the use of specific and rather narrow sources for his evidence;[2] inconsistencies;[3] and value judgements.[4] These criticisms have already been well documented (see, for example: Archard, 1993; Franklin, 1986a; Freeman, 1983a; Pollock, 1983; Thane, 1981; Wilson, 1980) and do not require further discussion in relation to the present study. However, there are other criticisms of Ariès's thesis which are of particular interest and these shall now be examined.

2.3.2 Additional problems with Ariès's thesis

Although Ariès provides a wealth of historical material on the evolution of the concept of childhood in the seventeenth century, he does not provide an adequate explanation for the change in attitudes towards children that took place (Freeman, 1983a).

Ariès stresses the influence of ideological change in his analysis of the reasons for changing attitudes to childhood, in particular the religious influences of Calvinism and the philosophy of the Enlightenment. He is, however, remiss in certain aspects of his analysis (Freeman, 1983a; Hoyles,

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[2] As well as using evidence relating to Louis XIII recorded in the diary of Henri IV's doctor, Heroard, Ariès cites evidence from paintings which portrayed children as miniature adults before the seventeenth century and ones from the seventeenth century onwards where this trend began to dissipate.

[3] An important example of Ariès inconsistencies is that he presents the emergence of an educational system and the family's pre-eminence as resulting from a society's having a 'concept of childhood' whilst, at the same time, presenting these developments as the pre-conditions for acquiring such a concept.

[4] Ariès has a tendency not only to assume that there was no concept of childhood in the past but also that our modern concept of childhood is automatically just.

1979; Hunt, 1972; Thane, 1981; Wilson, 1980). Ariès offers little explanation for certain phenomena which he highlights (Hoyles, 1979; Thane, 1981). Hoyles argues that Ariès did not account for certain significant groups in society and their needs. Hoyles refers to the rising bourgeoisie, merchants, scientists and artisans, who challenged the old world. Furthermore, as Thane rightly points out, Ariès fails to consider the issue of the development of capitalism and the influence of economic change, when referring to the formal lengthening of childhood coming earlier to boys than to girls and coming first to the professional and commercial middle strata of society. Thane addresses these issues when she refers to the development of European capitalism from the fifteenth to the eighteenth centuries. Two crucial factors are considered by Thane.

Firstly, it was necessary for those who had access to property or wealth to control these assets in order to profit fully upon their disposal. Secondly and most importantly in relation to childhood, the world of work was becoming more demanding for adults, with the need for greater levels of skill. Thane proposes that it is, therefore, reasonable to expect the middle strata to wish to gain greater control over the next generation, which would help to prevent the dissipation of carefully acquired wealth. Education was one way of increasing levels of skills and helping to tighten these controls.

It is necessary to add to this hypothesis the significance of the structural requirements of capitalist production methods, when considering the importance of the education of children.

A Marxist account would propose that it was not only the individuals concerned with the economic benefits of modern production methods who were instrumental in the development of a desire for a disciplined workforce and a disciplined future workforce. The requirements of the economic system itself, although not existing in isolation from the capitalists and the workers, provides an arena wherein a notion of childhood and its prolongation can fit comfortably. It is useful to capitalist production to have a skilled workforce,

attainable by many years of education. It is also useful to eschew the use of young children in the workforce when work is scarce or adult labour is abundant. This allows the future workforce to be adequately nurtured and fully developed in both mental and physical capacities before venturing forth into the workplace.

It is, therefore, important to consider the social, economic and political motivations which made their mark upon the development of childhood as we know it today but at the same time, it is also necessary to consider the important effects of structural requirements within a western capitalist society.

2.4 CHILDHOOD: THE EARLY PERIOD

2.4.1 Introduction

Childhood became an important phase in life with the profound changes which occurred within society through the period of the Renaissance and more specifically, the Reformation and its aftermath (Freeman, 1983a).

2.4.2 The powerful influence of morality and religion upon children's lives

Towards the end of the sixteenth century, certain influential pedagogues were setting down new boundaries for children's education. Attitudes concerning 'indecent' books were emerging. Expurgated editions of the classics were to be provided for children. During the seventeenth century, a powerful moralist movement was emerging. This movement embraced educational literature, religious practices and a new religious iconography (Ariès, 1962).

The emergence of a new conception of childhood became associated with the ideas of "...childish innocence and weakness" and with "...the need accordingly to discipline children." (Freeman, 1983a, p.10). This was in stark contrast with earlier notions of children and their treatment. Formerly, children were not considered to be 'innocent', in the sense of having no knowledge or understanding of sexual behaviour. Indeed, nakedness and sexual play amongst children were considered to be acceptable up to the age of seven years (Plumb, 1972). By the end of the seventeenth century, however, old

sexual freedoms, as well as gambling and drinking alcohol were no longer considered to be acceptable for children.

Also, children were not formerly perceived as 'weak' to the same extent as they were by the seventeenth century. This new notion of childish weakness, of course, was concerned more with emotional, spiritual and intellectual weakness, rather than physical weakness. Children were considered to be vulnerable and potential victims of passion and irrationality. Sexuality was becoming an issue in relation to childhood, with a shift from the earlier view that children beyond infancy and under the age of puberty were believed to be either indifferent to or unaware of sex (Fuller, 1979). This shift was to a view that they must be protected from sexuality as a potential pollutant. Foucault (1976, p.17) refers to the seventeenth century as "...the beginning of an age of repression emblematic of what we call the bourgeois societies...".

Discipline was perceived to be the best way to control unacceptable behaviour in the young. It was the duty of adults to ensure that innocence was preserved and that passions were repressed (Plumb, 1972). As Plumb aptly states, "The protected child could be guided by remorseless effort into the world of rational behaviour, innocence could be transmogrified into adult morality." (1972, p.158). With regard to physical weakness, it was not until the nineteenth century that children were acknowledged as requiring protection from certain forms of physical activity, for example, working in the coal mines.[5]

Within this climate of the seventeenth century, juxtaposed with a growing view that children were innocent and in need of care and protection, increased discipline ensured that children were not generally pampered. Freeman (1983a) suggests that an often brutal and authoritarian régime existed for many children. Indeed, de Mause (1976) has described graphically the history of childhood as "...a nightmare from which we have only recently begun to awaken." Furthermore, Thane (1981) states that the role of the law has been,

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[5] The 1842 Mine Act stopped the employment of children under ten years of age in the coal mines.

from very early times, mainly to protect the rights of the parent or guardian against the loss of the property or service represented by the minor.

The evidence presented so far suggests that such an existence was the experience of most children. However, there is inevitable diversity in the degree of acceptance and institution of ideological and practical changes within a society. All ideologies are susceptible to challenges. Some parents, as well as other adults wielding power over children, would have had more moderate views concerning discipline. Therefore, some children would have experienced a compassionate upbringing despite the dominant ideology of strict discipline during the seventeenth century. Other social factors would also have been relevant. Indeed, Ariès asserts that children's experiences were related to social class. Plumb (1972) supports this claim, stating that, by the seventeenth century, changing attitudes towards children started with the upper and middle classes and slowly filtered down to the working classes. Plumb provides the example that, in Victorian London, many working-class children still lived the old life; similar to that of an adult in relation to clothes, drink, sexual promiscuity etc.

The influence of religious beliefs is highly relevant in relation to changing perceptions during the sixteenth and seventeenth centuries. At that time in Britain, as well as throughout much of Europe, as Weber (1930) states, Calvinism was the faith over which the great political and cultural struggles were fought. One of the crucial features of Calvinism was that the creation of one's own salvation was the responsibility of each individual. However, this was not attainable through the gradual accumulation of good works but instead "...in a systematic self-control which at every moment stands before the inexorable alternative, chosen or damned" (Weber, 1930, p.115).

In contrast, followers of Catholicism, the predominant religion in southern Europe during this period, could rely on a succession of individual acts to atone for sins or to increase the likelihood of salvation. Whereas Catholicism acknowledged a person's contradictory and conflicting thoughts, feelings and

actions, there was no place for imperfection under Calvinism. Only a lifetime of systematic good works would suffice. Calvin believed that mankind is corrupt and depraved by nature (Smart, 1969). The implications for attitudes towards children are manifest within this principle: if people are born corrupt and depraved - with Original Sin - it follows that children need to be saved from eternal damnation by early intervention. Indeed, Calvinism portrayed infancy as a period of depravity rather than innocence and unless parents and schools trained and controlled the child, it was condemned to sin and evil (Thane, 1981).

In *'An Essay Concerning Human Understanding'* (1689b/1997), the highly influential philosopher, John Locke, attacks the popular contemporary doctrine of Plato's notion of innate ideas. Locke describes the mind as "...white paper, void of all characters, without any ideas..." (II, i, 2). Instead, he promotes the relevance of learning by experience, through the senses. In *'Some Thoughts Concerning Education'* (1693/1889), Locke continues this theme. He proffers the notion that children are born with minds which are *tabula rasa* - like a blank sheet of paper - to be shaped by experience. Nevertheless, although Locke asserts that we are born without ideas, he acknowledges that we are born with certain characteristics. These, he suggests, may be modified or conquered through the exercise of reason.

Locke's views on education may be described as 'quasi-child-centred'. This is because he was not concerned so much with the experience of childhood in and of itself as he was with the relevance of the child's education as part of a process of developing into a whole man.

Powerful and conflicting doctrines influenced the perceptions which were forming during the sixteenth and seventeenth centuries in relation to children.

It is clear that new attitudes towards morality through the influence of religion, along with a renewed interest in education towards the end of the sixteenth century, precipitated the changing attitudes towards children which were

emerging at that time. However, altered methods of production during the industrial revolution also provided a catalyst within this significant time of change for children.

2.5 FROM THE INDUSTRIAL REVOLUTION TO THE END OF THE NINETEENTH CENTURY

2.5.1 Introduction

Morality and religion continued to influence the lives of children. During the eighteenth century, traditional attitudes faced further challenges. The publication of Rousseau's 'Émile' in 1762, for example, followed Locke's lead. Rousseau, like Locke before him, emphasized the importance of learning by experience through the senses. Furthermore, both Locke and Rousseau asserted that education should be based on an in-depth study of the nature and needs of the child. However, Rousseau also shared Locke's belief that the importance of a child's education is primarily part of the process of becoming a whole, rational man. Rousseau's principles of educating children inspired educators like Johann Pestalozzi, Friedrich Froebel and Maria Montessori. Pestalozzi's theory of education, like Rousseau's and Locke's before him, was based on learning through the senses (Silber, 1973). Froebel, however, was critical of Pestalozzi's methods. As Joachim Liebschner (1992) states, Froebel believed that Pestalozzi was mistaken in assuming that observation of an object is the main focus which engenders reflection in young children. Froebel asserted that it was, in fact, the child's actions which brought about reflection. In other words, "Pestalozzi's world of education was that of reflection based on observations, Froebel's that of reflection based on individual activity." (Liebschner, 1992, p.49). Montessori's main interest was in spontaneity (Cohen, 1987). She believed that children should be allowed to develop at their own pace and to choose their own activities. It is evident that notions of quasi-child-centredness in education have been developing since Locke's lifetime. However, many battles have been fought by radical educators in an attempt to introduce their principles of education.

By the eighteenth century, concern was growing in relation to hygiene and physical health (Ariès, 1962; Donzelot, 1980; Foucault, 1976). This is reflected in a wealth of literature, focusing on the preservation of children, which began to flourish in the middle of the eighteenth century (Donzelot, 1980).

Added to the influence of morality and religion upon children's lives was the effect of major changes to society which were occurring during the eighteenth century.

2.5.2 Industrial developments and structural changes

In Europe, from the late eighteenth century, dramatic changes to methods of production were occurring alongside specific social, political and economic developments. Eighteenth-century technological advances were instrumental to the changing pattern of work which emerged during the eighteenth and nineteenth centuries. The factory system was now destined to replace the old domestic system with these innovations (Heward, 1993; Rose, 1991; Walby, 1986).

Along with the factory system, however, came some extremely harsh working conditions. Child labour was prevalent and a long working day was the experience of most factory workers. Many distinguished writers have recorded the conditions faced by workers of the developing industrial age. Thomas Carlyle (1843) wrote, in 'Past and Present', of the juxtaposition of wealth and poverty which was growing at that time. Frederick Engels (1845) wrote powerfully, in 'The Condition of the Working-Class in England in 1844', of the stupefaction induced by factory work. Oscar Wilde (1891) was also critical of the conditions of the workers. In 'The Soul of Man under Socialism', he described manual labour as undignified and degrading.

The nascent industrial society was an appropriate milieu for the advancement of the concept of childhood. The diminishing importance of the home as the main focus for paid work and the extension of paid employment within a

factory setting presented the home with a vacancy to be filled. The ideal candidate was the new style of family which had been emerging since the seventeenth century. Instead of the home serving the dual purpose of living quarters and workplace, it could increasingly provide the industrial worker with a retreat from the potential alienation of the monotony of factory labour.

It is important to stress the relevance of the family and its development into the nuclear family for childhood and education today. This new function of the family and the increasing distance between home and the workplace provided a suitable environment for the new conception of childhood within the family. Ariès (1962, p.413) states that, from the seventeenth century, "The family ceased to be simply an institution for the transmission of a name and an estate - it assumed a moral and spiritual function, it moulded bodies and souls." It is here, according to Ariès, that we witness the emergence of the modern concept of the family. However, whereas Ariès emphasizes the importance of cultural change, Thane (1981) also rightly examines the relevance of economic change in relation to altered family life.

It is evident that, during the nineteenth century, there were conflicting views on the capabilities of children and that ideological notions of children fought many battles against the practical needs of production. Nevertheless, as Thane (1981) aptly points out, industrialization provided the potential for minors to become self-supporting from their mid-teens. In many occupations, young people could easily find unskilled or semi-skilled work, which made it possible for minors to contribute significantly to the family income.

Thane (1981) highlights the significance of the increased attempts, during the nineteenth century, at parental and societal control of minors and the emergence of a new literature concerned with adolescence as a 'problem'. This may be seen as a reaction against the newly found independence of these young people. Education, within this context, could serve the purpose of containing a potential problem of loss of control (see also Donzelot, 1980).

A significant development during the nineteenth century provided a further means of examining and monitoring family life. It was during the late nineteenth century that developments in psychology laid the foundations for psychoanalytic theory today. Through Sigmund Freud's research, notions of children and adults as distinct, differentiated beings gathered momentum. As Thane (1981, p.22) suggests, "...psychoanalysts since Freud, and developmental psychologists since Piaget have emphasized the importance of childhood and its differentness, in that the child is believed not to have obtained a level of adult competence." Thane emphasizes the correspondence between the beliefs of psychologists and "...parallel economic and political imperatives".

In summary, it was not only changes in attitudes towards children which engendered the development of childhood as we know it today. Structural changes in society also played a major role in providing the necessary conditions for the creation of a lengthening of childhood, as well as very specific provisions for children. Humanitarians fought for improved conditions for working people and in particular, for children. However, changes in methods of production dramatically altered patterns of work and the organization of the workforce; eventually removing children from most forms of paid labour. Within a climate of a renewed interest in education, which had been growing since the seventeenth century, a vast number of children were freed from their labouring duties.

From the Restoration to the French Revolution, attitudes towards children altered. The result was increased freedom for children and a move towards more affectionate relationships with them. Children were becoming recognized as a special status group (Stone, 1977). By the nineteenth century, most children were being excluded from many adult activities, for example, entering public houses, gambling and buying tobacco. The different status of children was increasingly recognized in law - the introduction of an age of consent being a prime example (Plumb, 1972).

2.5.2.1 Nineteenth century legislation and its impact upon children's lives

The nineteenth century witnessed the introduction of many important parliamentary acts which would bring about significant changes to the lives of both adults and children. Crucial changes in relation to attitudes towards children and the development of childhood are linked with the 1833 Factory Act which limited the hours of work of children between nine and thirteen to eight hours per day and outlawed the work of children under nine, and also tried to enforce the provision of elementary schooling by mill-owners (Mathias, 1983). This, along with subsequent legislation to limit the working hours of women and children, for example, the Mines Act of 1842 and the Agricultural Act of 1867, gradually altered working patterns.

Before there was a regulated factory system, families would often work as a unit in mills and mines, with children helping their parents as they had done when working on the land or at home. The disciplining of children was the responsibility of parents. As Mathias (1983) aptly points out, by breaking the link between the shifts of adults and children at work, the kinship system in production was broken to pieces by this nineteenth-century legislation. This introduced new arrangements for the disciplining of children. Foremen and managers imposing this discipline was perceived as unacceptable and workers began to protest against the harsher conditions of the new system.

It may be argued that welfare legislation in the nineteenth century was not necessarily introduced purely for philanthropic reasons, even though Bentham's utilitarian philosophy of the greatest happiness of the greatest number was being widely adhered to. A Marxist account of this nineteenth-century legislation would propose that the threat of radical socialism in the face of widespread poverty was the flame which fuelled the fires of reform. This was, arguably, the ransom the bourgeoisie was prepared to pay in order to obviate the threat of revolution. Without improved working conditions and new legislation to protect women and children at work, there was a possible threat that working people would revolt in an intolerable environment of long hours, poor pay and physically exhausting work. The development of an

industrial age, with its large factories and mills in an urban setting, facilitated the exposure of traditional practices by a growing humanitarian movement (Mathias, 1983).

A further indication that the lives of adults and children were becoming more diverse is illustrated by the impetus to remove children from adult legal proceedings. Leading up to the twentieth century, Thane (1981) reports that philanthropists such as Mary Carpenter were instrumental in the movement in Britain to improve prison conditions of adults and to remove children from adult forms of punishment and from related processes of law. However, it is worth noting that, during the nineteenth century, the legislation which related to children did not challenge the notion that children were the possessions of parents (Berger, 1972). The Youthful Offenders Act 1854 together with further Acts in 1857, 1861 and 1866 extended childhood in legislative terms from seven years to young people under sixteen (for non-indictable offences). However, this legislation reinforced the notion of the need to control and discipline children, with parents being expected to be responsible for this in order to avoid delinquent behaviour in their children (Hendrick, 1997).

2.5.2.2 Moving towards an education for all

Before compulsory education was established through the 1870 and 1880 Education Acts, schooling was mainly provided by the churches and religious orders, as well as by philanthropic organizations for the poor and the very wealthy (Gleeson, 1992).

Children's experiences, within an educational context, have altered gradually but starkly since the nineteenth century. Before the factory system had been established, the small producer household was able to provide space for educational activities which included the teaching of skills to children (Johnson, 1979).

With the increased pressure upon workers to offer their labour to mass production methods, factory employment engendered the gradual dissipation

of the household as a place of production and of education. Substitute provisions were introduced by the state and the school system today has grown from these early roots, which have drawn a clear line between children and adults within the sphere of education.

During the first half of the nineteenth century, education for a vast part of the population in Britain consisted only of basic tuition in reading, writing and arithmetic (Thompson, 1963). Furthermore, this was a period of autodidacticism: labourers, artisans, shopkeepers, clerks and schoolmasters began to teach themselves in order to improve their elementary literacy techniques.

This notion of increasing one's knowledge and improving one's skills was a principal feature of the radical political groups which were growing during this period of political unrest. The Owenites and the Chartists were two such groups. However, illiteracy was still the experience of a million or more people in Britain during the first half of the nineteenth century (Thompson, 1963).

From the 1830s to the 1850s, the Owenite and Chartist models of education were influential. Robert Owen's utopian vision of social reform was realized earlier than this in his New Lanark cotton mills' experiment at the beginning of the nineteenth century. Owen's co-operative approach to social welfare reform clearly challenged the notion of *laissez-faire*. He provided his workers and their families with improved working and living conditions (Cole, 1965). Shorter working hours[6] and the provision of health care were important aspects of Owen's pioneering work. In addition, schooling facilities were provided to combat child neglect (Klaus, 1985). Owen's principles of education were similar to those of Pestalozzi: the purpose of education was to develop the intellectual, moral and practical faculties of the child. In addition, they aimed, through education, to improve the living standards of the adult

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[6] Owen expected a ten and a half hour day from his workers instead of the standard fourteen hour day (Klaus, 1985).

population (Silber, 1973). It was also during this period of Owenite and Chartist activity that Froebel opened his first Kindergarten in 1837. This provided children with an environment which focused on play as a learning process instead of the standard contemporary teaching methods of drilling children (Silber, 1973).

The Chartists were also concerned with improving the conditions of the working classes. Indeed, Chartism was the first mass organization of the industrial working class. The Chartists contended that it was the duty of those who exploited the workers to educate the children of these workers (David, 1980). These movements developed their own educational institutions. Education was the main method of political agitation for the Owenites. Similarly, Chartism emphasized the importance of increased literacy and articulacy as an aspect of mass agitation (Johnson, 1979). The Owenite and Chartist models of education were based on the notion of "...'really useful knowledge', and not schooling" (Gleeson, 1992, p.446). Johnson (1979) makes the important observation that there was less emphasis upon the child-adult distinction within parts of this tradition than there was within the contemporary middle-class approach to education.

According to David Gleeson (1992), nineteenth century reformers, Poor Law Commissioners, the medical profession, factory and public health inspectors, the police, the prison service etc. had a common goal despite coming from an often disparate ideological conviction. The crucial factor to be noted is the desire by these interested parties to alter, or correct, what they interpreted as faults in the system of education. This was to be made possible by state intervention.

Although the 1870 and 1880 Education Acts established compulsory education, this legislation was somewhat incoherent.[7] This led to its being widely interpreted (Gleeson, 1992). The views and actions of significant members of society, for example, magistrates, landowners and industrialists,

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[7] This educational legislation was enacted in Scotland through the Education (Scotland) Act, 1872.

were influential in relation to the rather slow establishment of universal compulsory education. Tony Bilton and colleagues (1987) have noted that only 2 per cent of children aged 14 and 40 per cent of those aged 10 were receiving full-time schooling in Britain as late as 1870. Gleeson (1992) reports that many magistrates believed that certain categories of young people would benefit more from working in the home or the factory. For example, girls were more frequently absent than boys. However, where girls remained within the home, where they were likely to be engaged in domestic duties and looking after children, surveillance by school attendance visitors was rare.

Another factor which restricted the implementation of the 1870 Act was the attitude of landowners and industrialists regarding attendance. Their respective livelihoods were undermined by legislation which made school attendance compulsory. They remained, therefore, relaxed in their attitude towards attendance (Gleeson, 1992). Irregularities in relation to the implementation of compulsory attendance followed (Johnson, 1976).

These irregularities highlight the conflicting requirements of capitalist production. On the one hand, in order to sustain adequate levels of cheap labour, in the form of child labour, it was necessary to retain a relaxed approach to the new legislation. On the other hand, however, education was essential in order to produce a knowledgeable workforce in line with technological advances which were occurring.

According to David (1980), the economy's requirement for labour was not the only reason for the introduction of a compulsory education system. It is more generally linked with the need for particular types of adults, both in a social and an economic context. David (1980, p.15) rightly states that the introduction of compulsory education has "...aided the reproduction of social and sexual divisions and the family itself." This claim is supported by the fact that, from 1870, the gender-specific orientation of the emerging curriculum was apparent. This curriculum extended and helped to confirm the different treatment of boys and girls. This was predominantly in relation to anticipating

their prospective social and occupational roles. It was generally assumed that a boy's exact future role could not be identified, whereas the accepted future role of a girl was to be within the home (Paterson, 1989). It may also be argued that the school curriculum is designed in accordance with specific values and standards which are most appropriate for children from the middle class.

Another significant effect of the incoherence of the 1870 legislation and the diversity of its interpretation was that working people were able to use schools to their advantage. Johnson (1976) asserts that children were often sent to school to acquire relevant skills such as literacy. Once these skills were mastered, children were then withdrawn from school.

The evidence suggests that economic factors were influential in establishing a system of compulsory education. It is also evident, however, that state control of education is an attractive prospect within a climate of social unrest. Economic, social, political and religious developments during the nineteenth century each contributed to the introduction of compulsory education: the need for a specific type of workforce which led to changes in the economic status of children; radical political movements which galvanized social unrest; contemporary religious doctrine which reinforced the widely held belief that children needed to be protected from the potential pollutant of adult types of experience; in particular, those relating to sexual activity, gambling, drinking alcohol etc. Within this climate, state control of education was a powerful vehicle with which to present an image of potential economic and social stability.

During the 1880s, under the impact of schooling and amidst a growing concern about poverty, the Child Study movement developed. The interest of the Child Study movement (1880s -1914) was twofold. One branch of the movement (the Child Study Association (1894)) was interested in the scientific study of individual children; embracing notions of normality and abnormality. The other branch (the Childhood Society (1896)), which was medically

oriented, was concerned with the mental and physical condition of the child. The mass schooling of children was to become an ideal setting for research to be carried out which involved a cross-section of children. Sociologists, psychologists, educationalists and other professionals could study the new socially constructed 'school child' within an accessible environment - the school (Hendrick, 1997).

2.5.2.3 Compulsory education - childhood enters a new phase

By the 1890s, schooling was both compulsory and universal (David, 1980). Schooling had become a central feature of the life of the child and remains so today.

The experience of childhood was altered significantly by the introduction of compulsory education in Britain. The evidence suggests that the main changes were the gradual transformation of children from wage earning, economically valuable, contributors to the family's maintenance to dependent, vulnerable children, considered to be intrinsically different from adults and in need of protection from danger; in particular from a presumed innately dangerous sexuality. Hendrick (1990, p.43) cites the widely held view that there was "...an extremely dangerous tension in children's lives between innocence and experience".

Furthermore, the experience of childhood was to become regulated by the school day. This, to a great extent, removed the practical experience gained when working; replacing it with the values, morals and attitudes considered to be correct by the state.

By the end of the nineteenth century there had been a dramatic change in the relationships between parents and children and between parents and the state, over schooling (David, 1980). The state had adopted partial responsibility for children which would be shared with parents.

2.6 FROM THE BEGINNING OF THE TWENTIETH CENTURY TO THE PRESENT

2.6.1 Introduction

In this section, we shall consider the most notable changes in attitudes towards children which have contributed to the shaping of children's experiences during the last hundred years. In particular, we shall examine how children's lives have been affected by the dramatic impact of compulsory schooling for all young people - currently up to the age of sixteen - and the clear distinction which this has created between adults and children.

2.6.2 The early years - from concerns with welfare to the right to a childhood

In the early years of the century, the growing interest in children's welfare continued to emphasize their health and education. However, there was a shift from the concern with rescue and reform of the mid-nineteenth century to a concern with the national interest and the potential to develop healthy, educated children whilst striving for national efficiency (Cunningham, 1995). The school was to become a central feature in children's lives. In 1900,[8] Ellen Key, one of the first authors to write about the rights of the child, published her 'best-seller' 'The Century of the Child'. Key was very concerned about the welfare of children. With regard to education, she was emphatic: "The school should be nothing but the mental dining-room in which parents and teachers prepare intellectual bills-of-fare suitable for every child." (1909, p.206). There is a distinct emphasis here upon feeding the child's hungry mind so that the natural qualities that the child brings to school shall be stimulated. Key believed that this was necessary so that the child would remain interested in education and develop into a social human being.

As Veerman (1992) points out, many of Key's suggestions have been accepted; others have not found their place in today's society. Clearly, a significant factor is Key's dislike of drilling children and her belief in encouraging them to learn by stimulating their interest in education. This

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[8] First published in Sweden in 1900; first British publication 1909 - date of bibliographical reference in this thesis.

bears a striking resemblance to the dominant educational ideology of recent years.

It was also during the first decade of the twentieth century that the process to improve conditions for children in relation to the law and punishment reached fruition.[9] As Thane (1981, p.19) states, "This process was completed in the Children Act 1908, which separated the judicial and punitive processes concerning adults and children under 14."

The twentieth century has come to be described as the 'century of the child'. Indeed, it is arguable that children have been more highly profiled during the last hundred years than at any other time in history (James and Prout, 1997). During the early years of the twentieth century, there was growing concern about the ability of families to provide adequately for their children. The child saving movement was gradually taking over from the child rescue movement of the philanthropists of the mid-nineteenth century. State intervention in family life was increasing with the 'saving of children' being regarded as essential in order to produce a population capable of competing in the modern world (Cunningham, 1995). Although there was still considerable governmental support for the philanthropic approach to solving social problems, there emerged, during the first decade of the twentieth century, a degree of criticism of their methods and results (Cunningham, 1995).

Urbanization continued to grow and the efforts of the philanthropists to combat the social problems of the nineteenth century were, by the early twentieth century, beginning to be viewed as inadequate and in need of assistance. The state would have an increased role to play in this arena (Cunningham, 1995).

By the early 1900s, it was becoming more generally acknowledge that good health and the provision of adequate food and clothing were essential if

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[9] This initial stages of this process have been described in Section 2.5.2.1, with reference to nineteenth-century philanthropists.

educational success was to be achieved (Chakrobarti, 1988). For example, the Education (Scotland) Act, 1908 allowed local authorities to provide these essentials where it was considered to be necessary.

The growing interest in children's rights at the beginning of the twentieth century concentrated not only upon the right to maintenance, education and protection but more specifically upon the right to a 'childhood' (Cunningham, 1995).[10] Child welfare reformers aimed to provide children with a happy childhood; one which could be free from the responsibilities which adults had to bear. This belief in the rights of the child to a childhood was certainly consonant with the state's increased role. Only the state could enforce these rights for children (Cunningham, 1995). This formulation of an ideal childhood was confronted by the stark reality of many children's real life experiences of poverty. Seebohm Rowntree's famous study of poverty in York in 1899 and Charles Booth's study in London in 1889 found that poverty was a much more serious problem than had generally been realized.

2.6.3 A growing interest in the child's mind

By the end of the First World War there was a growing interest in the child's mind. This interest, which had its roots in the Child Study movement,[11] was now embracing notions such as the child's emotions, dreams, fantasies, instincts and habits (Hendrick, 1997). Particularly influential within this arena were psychologists Cyril Burt and Susan Isaacs. Burt was concerned with individual differences in children, studying 'disorders' in children such as nervousness, delinquency etc. whilst Isaacs was concerned with child development. Isaacs, who established the Department of Child Development at the London Institute of Education, promoted the work of Freud and Piaget for educational psychologists. Furthermore, the Child Guidance clinics of the 1920s and 1930s espoused a view of children as being in need of tolerance and understanding (Hendrick, 1997). The message that childhood matters

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[10] Children's rights are discussed further in Chapter 3.
[11] Discussed in Section 2.5.2.2.

was spreading throughout the professions of psycho-medicine, teaching, social work and penology (Hendrick, 1997).

Increasingly, children's lives have become directed by principles of providing appropriate conditions for the creation of well-rounded, well-balanced adults. The school has had an important role to play within this arena. Today's education system in Britain has developed from 1940s legislation towards the end of the Second World War. The Education Act, 1944 in England and Wales and the Scottish version - the Education (Scotland) Act, 1946 laid the foundations. This Scottish Act has since been superseded by the Education (Scotland) Act, 1962 which specifies that all children must receive an appropriate education in line with their age, ability and aptitude (Chakrobarti, 1988).

Until the 1960s, the notion of children as being in need of appropriate rearing within the family to produce happy, healthy adults continued to dominate the professions concerned with children. Compulsory education, which was expected to contribute significantly to this process of rearing children to be useful, productive members of society, continued to receive widespread support.

By the mid-1970s, however, the welfare state was beginning to show signs of weakness. Public spending was cut to meet the conditions of an International Monetary Fund loan (Coote and Campbell, 1982). William Beveridge's vision, during the Second World War, of 'cradle to grave' welfare provisions was becoming less feasible with limited funding and increasing demands upon the system for pensions, health care and unemployment benefits.[12] By the mid 1970s children were no longer growing up in a world of secure long-term state welfare provisions. The need to obtain a good education and qualifications in order to enter employment was becoming a central feature of young people's lives.

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[12] The Beveridge Report (1942) was to provide unemployment benefit, sickness benefit, disability benefit, workmen's compensation, old age, widows' and orphans' pensions and benefits, funeral grants and maternity benefit.

2.6.4 From attempts to liberate the child to the 'rediscovery' of child abuse

A challenge to this dominant notion of an appropriate childhood was developing through the children's liberation movement which promoted the same rights for children and adults. Although those who promoted the extreme elements of this perspective had lost ground by the mid 1970s, the underlying principle of 'greater participation by children' is one of the central themes of the children's rights debate today.[13]

In the mid 1970s, a new wave of child protection was growing with the rediscovery of child physical abuse and in the 1980s child sexual abuse (Hendrick, 1997). Whether or not children were, at this time, being abused more than during the earlier part of the century is debatable. It was at this time, however, that the women's movement and the child protection movement took on the problem of child sexual abuse (Finkelhor, 1984). Media attention was drawn to the growing number of cases being uncovered. During the 1970s and into the early 1980s discourses in the media focused on paedophilia surrounding the activities of the now banned Paedophile Information Exchange. During the 1980s and 1990s there was a shift in this emphasis from paedophilia to incest. This was influenced by large-scale reports of intra-familial child sexual abuse, i.e. the Cleveland case in 1987 and the Orkney case in 1991.[14] The notion of children being abused mainly by strangers or at least by people outwith the family was superseded by the realization that most child sexual abuse is perpetrated by male family members (Sgroi, 1978).

2.6.5 A new children's rights movement

Since the 1980s, attitudes towards children have moved away from, on the one hand, excessive and often repressive protection of children and on the

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[13] The various children's rights movements of the twentieth century are discussed further in Chapter 3.

[14] The Cleveland case led to the 1988 'Report of the Inquiry into Child Abuse in Cleveland 1987' and the Orkney case led to the 1992 'Report of the Inquiry into the Removal of Children from Orkney in February 1991' - see bibliography for full details.

other hand, the extreme liberation of children to provide them with adults' rights which would effectively remove the 'separateness' of childhood so fought for during the late nineteenth century. The 1980s heralded a new children's rights movement where listening to children and campaigning on their behalf was the central principle (Hendrick, 1997).

By the end of the 1980s, this perspective was enshrined in policy and legislation. The United Nations Convention on the Rights of the Child 1989, the Children Act 1989 and the Children (Scotland) Act 1995 have formalized the more central approach to the welfare of children, emphasizing the need to listen to children's views and to take them seriously whilst balancing this principle with concerns about protection and the child's best interests.[15]

It is evident that in recent years a new construction of modern childhood has emerged. Within this arena, children have the right to greater participation in decision making, for example, children's views are now to be taken seriously in matters which affect them; taking into account their age and maturity. Childhood has also been extended over time - since 1974, education has been compulsory up to the age of sixteen (rising from fifteen). It may be argued that there has been a return to exposure to aspects of the adult world which, until recently, had become more restricted (Postman, 1983).[16] However, adult and in particular parental authority remains a powerful influence in most children's lives (Hood-Williams, 1990).

With regard to education, there have been some modest moves towards greater participation by children in decision making in schools. Increasing numbers of pupils' councils in recent years have helped to provide (formally at least) some opportunities for children's voices to be heard within schools. However, as we shall see in Chapter 6 when discussing education policy today, the evidence suggests that the effectiveness of pupils' councils has met

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[15] A discussion of the United Nations Convention on the Rights of the Child is to be found in Chapter 5.

[16] The American professor of media ecology, Neil Postman, argues in '*The Disappearance of Childhood*' that, through the influence of television, the advertising industry's use of children as models, the loss of many children's street games and the similarity between children's and adults fashions, childhood is disappearing.

with some criticism. Furthermore, recent education legislation has done little to advance children's rights within schools. Instead, parents' rights have taken centre stage. During the 1980s, education legislation embraced the general trend within the political arena to promote the primacy of market principles. Amongst other things, the Education (Scotland) Act, 1981 provided parents with the right to send their children to schools outwith their local catchment area and placed an obligation on local education authorities (LEAs) to provide information relating to a school's examination results, subject choices and facilities (Chakrobarti, 1988). However, this Act does not provide equivalent rights for children. Nevertheless, the Children (Scotland) Act, 1995 - following the UN Convention on the Rights of the Child - does provide children with the right to be heard and to have their views taken seriously. Clearly, the implications of this legislation for schools are considerable. The foundations have been laid for young people's participation to be increased within schools. Any change in the level of participation by children will, of course, depend upon the flexibility of educationalists, teachers and parents and the way in which the legislation is interpreted.[17] As Lorraine Waterhouse (1997, p.51) points out, taking children's wishes into account "...needs to be honoured in spirit as well as law."

So, children appear to have more active rights in some areas of their lives and perhaps fewer protective rights in others. In the midst of recent changes in attitudes towards young people and their rights, children themselves are becoming increasingly aware of their more participatory role in the decision-making process concerning their lives. Active groups promoting the rights of children lobby the Government when seeking changes in the law. Groups such as Article 12 and PEG (Participation Educational Group) have been highly successful campaigning groups for children's rights. On a much larger scale, NGOs (non-governmental organizations), for example, Save the Children and Defence for Children International, also actively campaign for children's rights. Media attention has been drawn to changing attitudes

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[17] These issues are discussed in greater detail in Chapter 6 which is concerned with education policy today.

towards young people as well as changing attitudes of young people themselves. Television for children, for example, is no longer limited to entertainment programmes presented by adults. Children's programmes such as BBC's 'Newsround' and 'Byker Grove' and Channel 4's 'Hollyoaks' present the news and controversial dramas with adult style material and formats. In recent years, presenters of children's programmes have been getting younger, with a considerable number of teenagers and some younger children taking on this role. Also, there has been an increase in the number of television documentaries being made about young people's lives, for example, Channel 5's 'School' which follows the lives of a class of GCSE students over a twelve month period. These developments have added a new dimension to children's lives, with expectations of greater participation in the traditionally adult-dominated world.

In summary, one contemporary conception of childhood is not easily specified. Young people now have the right to have their views taken seriously but this modern childhood exists in a world differentiated from adults in fundamental ways. Children's increasing entitlements have to be seen alongside their extremely limited earning capacity and this form of dependency, combined with and partly due to the central role of compulsory education, lies at the centre of socially constructed childhood.

2.7 CONCLUSION

It is evident that attitudes and perceptions relating to children have altered in many respects during recent centuries. Although it is tempting to assume that children's experiences must now be considerably better than in the past, this would be a dangerous route to follow. As we noted earlier, Ariès has been accused of such an assumption. It may be wiser to argue, as Archard (1993) does, that societies in the past, in comparison with today, had different moral perspectives and conventions regarding the rearing of children.

We may be tempted to say that there are many coexisting conceptions of childhood, not only across the globe but also within a pluralistic culture like

Britain. No doubt there are subtly different views about child rearing between social classes, ethnic and religious groups and subcultures. Also, many children living in other countries today have a vastly different experience of childhood. In some parts of the world, for example, Brazil, Guatemala and South Africa, many street children have been tortured and murdered (Ennew, 1995). Also, it has recently been reported that children as young as four years old have been found working in urban and rural China (McElroy, 2000, p.7). War and famine continue to impact upon children's lives in many parts of the world. This evidence confirms the relative nature of the experience of childhood. Nonetheless, it does appear to be valid to generalize enough to say that there is a conception of childhood which is subject to historical change.

There was certainly a considerable shift in attitudes towards children from the Reformation to the beginning of the twentieth century in the form of increasing concern about and provision of welfare, protection and education. During the twentieth century there has been a further shift; towards recognizing children's active rights and their meaningful participation in decisions which affect them.

In the following chapter, we shall consider the various children's rights perspectives which have influenced policy and legislation in recent years.

CHAPTER 3

PROTECTION, LIBERATION OR COMPROMISE

3.1 INTRODUCTION

In Chapter 2, we explored changing attitudes towards children during the past few hundred years. It is evident that, in recent years, there has been a shift towards a more participatory role in society for young people. In this chapter, we shall examine different perspectives on children's rights and their varying degrees of influence within the children's rights debate today. In Section 3.2, we shall outline the main arguments of various children's rights perspectives which span the spectrum from the position of the extreme protectionists to the extreme liberationists. In Section 3.3 and 3.4 respectively we are concerned with the development of the children's liberation movement and the continued support for a protectionist approach to children's rights. The current trend is then discussed in Section 3.5. Notions of protection, liberation and compromise are examined in relation to children's rights in Section 3.6. This is followed, in Section 3.7, by a consideration of attempts to take seriously the views of children and the conclusions are recorded in Section 3.8.

3.2 DIFFERENT PERSPECTIVES OF CHILDREN'S RIGHTS

3.2.1. Introduction

During the twentieth century, there has been considerable interest in children's rights. In the early years, this was mainly in relation to welfare and protection rights. However, during the 1960s and 1970s an interest in choice rights for children began to grow. Within the literature on children's rights, two perspectives are often distinguished, i.e., the protectionist perspective and the liberationist perspective. However, this ostensibly oppositional distinction can be misleading as it does not take into account the existence of more moderate perspectives on children's rights which share some of the characteristics of each of these perspectives. Before we consider a more moderate approach, we shall examine some of the similarities and differences in values which exist within the more protectionist and liberationist perspectives.

3.2.2. Different perspectives of children's rights

In her study of perspectives in child care policy, Lorraine Harding (1997) distinguishes four perspectives which continue to fuel the children's rights debate today. These perspectives are: *laissez-faire and patriarchy*; *state paternalism and child protection*; *the modern defence of the birth family and parents' rights*; and finally, *children's rights and child liberation*.

The *laissez-faire and patriarchy* perspective promotes power within the family as being paramount and asserts that state intervention is only acceptable in extreme circumstances.

In contrast, state intervention is legitimated in both the *state paternalism and child protection* perspective and *the modern defence of the birth family and parents' rights* perspective. However, in the first of these two perspectives state intervention may be coercive if this is considered to be necessary in order to protect children. In the other perspective, the aim of state intervention is to be supportive; defending and preserving birth families (Harding, 1997).

The final perspective which Harding (1997) distinguishes is concerned with *children's rights and child liberation*. This perspective considers the child to be an independent person - a subject with rights. At the extreme end of the children's rights spectrum, children are to be liberated from what is considered to be adult oppression by being given rights which are similar to those of adults (Harding, 1997).

However, as we have discussed above, there is a more moderate position which promotes increased participation by young people but which also advocates the protection of children where this is considered to be necessary due to their incomplete development and limited experience. We shall return to this perspective later. Before this, however, we shall look in greater detail at the more extreme perspectives, as they bear some of the characteristics of the more moderate approach which has recently been gaining popularity.

The proposals of both the protectionists and the liberationists have been well documented by various authorities including Archard (1993); Franklin (1986a; 1986b); Freeman (1983b); Harding, 1997; Purdy (1992) and Veerman (1992).

Since the 1960s, the more established protectionist approach to the treatment of children has been challenged. During the 1960s and 1970s, a group usually described as 'the children's liberation movement' formulated children's rights in an extreme way. Advocates of the children's liberation movement have been motivated by a different set of principles from those who favour a more protective environment for children.

Whether people believe that children should be liberated or, on the contrary, need to be protected from potential harm, they do generally make a distinction between children and adults. Therefore, even when one aspect of a conception of childhood is accepted as axiomatic, for example, that there are differences between children and adults, disagreement can exist with regard to how children should be treated based on this conception.

The liberationists promoted the principle of educating oneself. They also proposed that children should not be subjected to arbitrary restrictions merely because of their chronological age, or because of their incomplete physical, psychological or emotional development. In other words, they should not be treated differently because they are children. Those who adhere to a more protectionist approach would argue that, in particular, because of the aforementioned factors, children need to be protected from potential harm.

This is one example of the complex nature of conceptions of childhood. It highlights the fact that, not only do conceptions of childhood vary by time and culture, they can also vary within a single culture at any given time. This is an important point to remember when examining the results of the survey later in this thesis.

Before we consider the continued support today for the protectionist approach, let us first examine the main proposals of the children's liberation movement which gained popularity during the 1960s and the 1970s.

3.3 THE CHILDREN'S LIBERATION MOVEMENT

Two prominent members of the Children's Liberation Movement were Richard Farson, a psychologist and John Holt, a teacher; both of whom advocated the same rights for children and adults.

Before considering the rationale which led to the liberationists' proposals, it is helpful to list the rights which they have advocated for children. The following are the proposals which Holt (1974) and Farson (1974) present in defence of equal rights for children.

Holt (1974) advocates that children should have:-

- the right to equal treatment at the hands of the law;
- the right to vote and take full part in political affairs;
- the right to be legally responsible for one's life and acts;
- the right to work, for money;
- the right to privacy;
- the right to financial independence and responsibility;
- the right to direct and manage one's own education;
- the right to travel, to live away from home, to choose or make one's own home;
- the right to receive from the state whatever minimum income it may guarantee to adult citizens;
- the right to make and enter into, on a basis of mutual consent, quasi-familial relationships outside one's immediate family, i.e. to choose guardians.

Holt consolidates these wishes with the statement that children should have the same legal rights as adults.

Throughout Holt's book, various other rights are discussed. It is proposed, for instance, that children should have the right to own property, for example, toys; ought to be able to control their own learning; to take drugs; to drive; and to have sexual freedom.

Farson (1974) proposes similar rights for children:-

- the right to an alternative home;
- the right to responsive design with things designed to suit the size and needs of children, for example, a transport system that suits them;
- the right to information;
- the right to freedom from physical punishment;
- the right to sexual freedom;
- the right to economic power;
- the right to political power;
- the right to justice.

The notion of autonomy, according to Farson, defines the whole concept of children's liberation and is fundamental to all the other rights to which children are entitled and children of all ages should possess equal rights with adults.

Although the proponents of children's liberation have presented various permutations of the rights that they promote for children, they share a belief in a fundamental principle that children should have the same rights as adults.

Other notable advocates of autonomy for children include educational writers of the free school movement such as A. S. Neill, Leila Berg and Michael Duane. The free school movement is a form of progressive education which emphasizes "...experience that is meaningful to the child, self-directed activity and freedom coupled with shared responsibility" (Lawson and Peterson, 1972, p.1). Neill, Berg and Duane, in their 1972 contributions to a book entitled 'Children's Rights', claimed that no-one can be truly free if their education, as a child, has been repressive and authoritarian.

The philosopher, Howard Cohen (1980), provided an approach to children's rights of a less extreme nature. He proposed that children should share adults' rights if children's choice rights could be exercised with the aid of adult agents. These agents could provide the capacities that children might lack in order that they could exercise their own choice rights. With this approach, Cohen (1980) was able to circumvent the widely held assumptions that one must be able to exercise one's choice rights if they are to be meaningful. In this way, children are able to do so with the assistance of an agent.

3.3.1 The rationale of the children's liberation movement

The liberationists suggest that age is an arbitrary criterion and that the incompetence thesis is flawed. They argue that children are not, in fact, incompetent. They do not suggest, however, that children are as competent as adults. They aim, instead, to highlight the ideological aspect of the notion of incompetence in childhood and its relation to the adult's desire to promote helplessness and innocence in children in order to protect and to control them. Holt suggests that adults instil anxiety in children regarding the wider world and their ability to cope with danger.

The notion of the helplessness of children having a 'power' dimension is worth considering. By presenting children as helpless, adults are guaranteed a position of control. Having control over children's lives places adults in a powerful position within this relationship. The threat of losing this power is sufficient to engender hostility in many adults when faced with the prospect of children's rights.

Furthermore, Farson (1974) argues that children's liberation is not an attempt to remove standards in relation to laws, morals, ethics and beliefs but one to remove double standards, in order to enable children to benefit from the same standards as adults. The regulations and standards to which adults are expected to adhere, he continues, must also apply to children. The liberationists also propose that children should be protected by the same law as is accorded adults: "...a principle of equality is a principle of protection."

(Harris, 1982, p.49). Finally, they claim that children are segregated and oppressed.

The notion of oppression was widespread during the 1960s and 1970s. This is illustrated by an examination of another movement at that time.

3.3.2 Notions of oppression: the shared experience of women and children

A general movement, which advocated the emancipation of the whole of humanity during this period, presented the ideal setting for the promotion of the liberation of children. Within this scenario, the notion of oppression and its relationship with western industrialized societies was paramount. The family and the school were focal points in the arena of symbols of oppression. The Swedish social scientist, Göran Therborn (1996), has commented that an important contribution made by the women's movement to the emergence of child politics was its highlighting of the significance of the 'family' when deconstructing gendered language. The feminist movement, during the 1960s and 1970s addressed the issue of patriarchy within industrialized societies and focused upon the family as an institution of oppression (Archard, 1993; Firestone, 1972). Firestone proposes that the widely accepted bond between women and children is, in effect, shared oppression. The child-bearing capacity and the child-rearing role of women is cited by Firestone as fundamental to woman's oppression. Children are defined, according to Firestone, in relation to this role and their psychological development is formed by it.

Significantly, the family was considered by not only the feminist movement but also by sympathetic supporters, such as psychiatrist R. D. Laing, to be oppressive both to children and women (Archard, 1993). This parallel between the experiences of both children and women within the nuclear family is historically significant as it may be viewed as an affirmation of a long-term phenomenon. Historically, women and children have been considered to be in need of protection. The feminist movement individualized the family, proposing that women should have the same rights as men. This, according

to Therborn (1996, p.36), "...undermined the patriarchal collectivism of the family..." and provided an opportunity for the rights of children to be considered.

Although support for the extreme liberationist approach to children's rights of the 1960s and 1970s has now diminished considerably, there is continued support for a more moderate approach to this perspective. Those who favour a more moderate approach would include Harris (1982) and Franklin (1986a; 1986b).

3.3.3 A flaw in the liberationist perspective

The liberationists' disregard of the varying needs of children of different ages and their belief that children would cope with all situations in a similar way to adults is premised upon the assumption that the world would, simultaneously, somehow become a safer and more caring environment. Many assumptions are being made which cannot withstand close scrutiny.

3.4 CONTINUED SUPPORT FOR THE PROTECTIONIST APPROACH

3.4.1 Introduction

Before the 1960s, any significant attempts to address the issue of children's rights had been concerned with the protection of children rather than their liberation. Recent advocates of the protectionist approach include Andrews (1980), Dingwall, Eekelaar and Murray (1983), Goldstein, Freud and Solnit (1979, 1980), Holman (1980), Howells (1974), Pringle (1975, 1980) and Purdy (1992). However, as we have seen when we considered Harding's (1997) study of perspectives in child care policy, there are a number of differences between the various protectionist perspectives, in particular in relation to the role of the state and the role of parents. We shall outline the most notable of these differences in the following section.

3.4.2 Parental authority and state intervention

The notion of parental authority as paramount with regard to the rearing of children is exemplified in a statement by Goldstein, Freud and Solnit (1979)

when discussing state intervention in family life. They suggest that family relationships are altered by interference from any outside sources and the effectiveness of parental authority is thus undermined. This sense of parents having some kind of 'natural' or moral authority over their children carries some of the assumptions which attach to the notion of regarding children as a form of property and the association of this idea with contemporary protectionists. Harding (1997) describes Goldstein, Freud and Solnit as the most notable authors on child care associated with the *laissez-faire and patriarchy* perspective. Using psychoanalytic theory, Goldstein, Freud and Solnit (1980) assert that psychological parenthood, where there is an ongoing interaction between children and parents, is crucial for the development of children which leads to adult functioning. The psychological parents are often likely, of course, to be the biological parents. However, unrelated adults who are the child's principal carers and who wish to care for the child are considered by Goldstein, Freud and Solnit (1979, 1980) to be equally suitable candidates to play this role. It is the continuity of relationships which is considered to be paramount. Harding (1997) suggests that this view regards the importance of the family in social and psychological terms rather than in genetic terms and that it, therefore, differs from earlier forms of laissez-faire which considered it necessary to protect the blood tie.

There has also been considerable support, however, for the notion that more, rather than less, state intervention may be necessary to protect children (see, for example: Dingwall, Eekelaar and Murray, 1983; Howells, 1974; Pringle, 1975, 1980; Purdy, 1992).

Although the views held by these supporters of the *state paternalism and child protection* perspective do not concur in every respect, they share the belief that the state should be a powerful means of protecting children when parents are found to be providing inadequate care. This perspective certainly advocates children's rights but unlike the liberationists, who wish to free children from what they consider to be adult oppression through the provision of adult style status and rights, here the rights are of protection from adults

who might abuse them. Howells (1974), for instance, when writing about the Maria Colwell case of 1973, is critical of the assumption that the biological bond is necessarily the most sustainable and argues that sometimes it may benefit the child to be separated from birth parents and that if necessary this should be enforced.[1] This position is also supported by Pringle (1975) who considers state intervention between parent and child, in order to protect children from abuse, to be an essential role of society. Without appropriate state intervention and the provision of permanent substitute parents, Pringle (1975) asserts that there will be long-term suffering for children. It is evident that, in spite of other differences of opinion with supporters of the *laissez-faire and patriarchy* perspective, both Howells (1974) and Pringle, in her earlier work of 1975, share with Goldstein, Freud and Solnit (1979, 1980) an emphasis upon psychological parenthood. However, in her later work in 1980, Pringle turned her attention to improving support services for families in order to prevent poor quality child care. Pringle's position, therefore, shifted from an earlier one which emphasized the need for strong state intervention to remove children from their natural parents, when necessary to prevent abuse, to a later position which also advocated strong state intervention but with the aim of enabling children to remain with their birth families where possible, with state support. As Harding (1997) points out, Pringle's position moved closer to that of *the modern defence of the birth family and parents' rights* perspective.

An acknowledgement of increased state intervention in family life has been powerfully expressed by Donzelot (1980). He has argued that the last one hundred years has witnessed an extension of state control over family life through the use of professional experts, such as teachers, doctors and social workers.

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[1] In 1973, the public's attention was drawn to the case of a seven-year-old girl called Maria Colwell who died from injuries caused by her stepfather. The death of this child occurred after a period of severe neglect under the care of her mother and stepfather and whilst under a court order for supervision and protection by social workers.

There is a more moderate position within the *state paternalism and child protection* perspective. For instance, although Dingwall, Eekelaar and Murray (1983) are also supporters of state intervention, they have not proposed a dramatic extension of state power. Instead they have been more concerned with increasing the powers of local authorities to supervise parents through parental supervision orders and to make legal provisions for protecting children who are at risk of being abused.

Finally, let us consider *the modern defence of the birth family and parents' rights* perspective distinguished by Harding (1997) (see, for example: Holman, 1980: Andrews, 1980).

Holman (1980) has defended the birth family by highlighting the impact of social deprivation on many families which can result in children being taken into care. Holman (1980) advocates greater support by social services for families experiencing difficulties when caring for their children. Andrews (1980) also supports birth families. He asserts that the birth family offers the child a secure and consistent environment of care and attachment. Andrews (1980) argues that it is a reasonable assumption that most parents know what is in their child's best interests.

Although the protectionists deny the active role of the child in the decision making process, there is clearly a degree of disagreement with regard to who should play the paternal role: parents or the state.

An important example of the state versus parents in the battle to play the paternal role is embodied in the Gillick case. A House of Lords decision, in the case of *Gillick v. West Norfolk and Wisbech Area Health Authority (1986)* created a milestone in legal history (Roche and Rogers, 1992). Lord Scarman (1986) asserted:

> "Parental rights are derived from parental duty and exist only so long as they are needed for the protection of the person and property of the

child...parental right yields to the child's right to make his own decisions when he reaches a sufficient understanding and intelligence to be capable of making up his own mind on the matter requiring decision."

(p.184 and p.186)

This English legal decision was a watershed for the debate on children's rights. One crucial aspect of this decision was the acknowledgement that parental authority should *gradually* yield to their children's decision making, rather than continuing until the age of majority. This is clear recognition that young people do not develop in a uniform manner and that a degree of latitude is often necessary. Furthermore, this case had set a precedent. It was now declared, within a judicial context, that the degree of maturity was a measure of a young person's ability to make decisions.

3.4.3 Problems with the protectionist perspective

The notion of protection is assumed by the protectionists to be an uncontroversially desirable condition for children. Furthermore, exposure to risk is considered always to be undesirable. However, being able to take risks during childhood can be a useful and necessary aspect of the learning process. Taking risks can teach us about potential dangers and can contribute to the development of our confidence and competence to carry out different kinds of tasks effectively. Let us consider a childhood experience where protection is paramount and risk-taking is minimized.

We do not need to look very far for an example. Since the early nineteen eighties, there has been growing concern about the impact of HIV and AIDS upon society. One aspect of this concern is the attempt within schools to minimize risk of infection amongst pupils.[2] There appears to be a correlation between fear and protection which leads to attempts to reduce risk factors. Unfortunately, attempts to protect can often have negative consequences. Individual children may be less at risk if they do not come into contact with the blood of other children. The fear is that infected blood is one way of

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[2] The evidence for this example is drawn from the children's remarks in the survey in Chapter 9.

transmitting HIV and AIDS. However, the risk is likely to be relatively low amongst children. Nevertheless, the increased fear for children's welfare in the playground has resulted in very restricted play during recreational breaks in some schools. Boisterous games are banned in some primary schools and pupils are warned not to touch other children who have a cut. They are, instead, to seek the help of an adult. Some children do not understand why they are to refrain from offering help to another child. It may be argued that the child is being denied the right to information which may increase understanding of a complex situation. In addition to the potential for increased fear in children, there is also the risk to both physical and mental development and well-being when children are prevented from engaging in spontaneous play and exercise. This is not an attempt to deny the benefits of protection for children. It is, rather, an attempt to highlight some of the problems inherent in the extreme protectionist model.

A difficulty with the extreme protectionist stance is that it does not entertain the possibility that quite young children could benefit from being introduced gradually to the notion of rights and responsibilities. The assumption of the extreme protectionists is that children are unable to understand these concepts because of their immaturity, lack of rationality and limited experience. If, however, young children are more rational than was once believed, this protectionist approach could potentially delay the development of certain reasoning capacities in children.[3] In relation to lack of experience, Purdy (1992) suggests that children benefit from adults' greater experience of decision-making. According to Purdy (1992, p.45), it is the wider experience of adults and their exposure to some of life's temptations and pitfalls which makes them "...well placed to advise and guide children for whom these pitfalls remain a serious threat." However, Franklin highlights the incongruity of this protectionist argument concerning lack of experience and decision-making. "If children are not allowed to make decisions because they have no experience of decision-making, how do they ever get started? This is catch 22." (Franklin, 1986a, p.11). This important point challenges the extreme

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[3] See Chapter 4 for detailed examination of child development.

protectionist perspective on decision-making by children. However, it is important to acknowledge that, as Harding (1996) emphasizes, the liberationists' and the protectionists' perspectives are not always in tension. Harding (1996) argues, for instance, that without minimum welfare conditions being met the autonomy of children cannot be exercised.

Having considered the more extreme protectionist and liberationist positions, let us now turn to a more moderate approach which has been developing in recent years.

3.5 THE CURRENT TREND

3.5.1 Introduction

The liberationist conception of children's rights has continued to be challenged by those who advocate a more protectionist approach. This has led to the current trend which has moved away from the extremes of these two polemical conceptions of children's rights. The current trend is dominated by a more moderate approach which promotes some of the more useful elements of both the liberationist and the protectionist movements. This is highlighted by Freeman's (1992b, p.66) suggestion that it is important to recognize "...the integrity of the child and his or her decision-making capacities but at the same time note the dangers of complete liberation." He considers paternalism to be the philosophy which is fundamental to protection. As Freeman (1992b, p.68) points out, "All paternalistic restrictions require moral justification." Clearly, where adults are concerned, this requirement is also applicable. Adults are often treated in a similar way to children in relation to their rights. Often, protective measures are instituted without due consideration of the moral implications.

There is a growing adherence to the more moderate approach to children's rights exemplified above by Freeman (see also, for example: Archard, 1993; Cockburn, 1998). These changing attitudes are reflected in recent attempts to formalize rights for children which are discussed in the next section.

3.5.2 Formalizing children's rights

The late 1980s and early 1990s witnessed some crucial changes in relation to children's rights. The United Nations Convention on the Rights of the Child, the Children Act 1989 and the Children (Scotland) Act 1995 have been innovative attempts to consider the child's perspective.

The 1989 and 1995 Acts have shifted the emphasis of legislation for child care from parental rights to parental responsibility. These Acts have paid particular attention to children's wishes and the need to listen to children. The principle of the best interests of the child is also embodied in both Acts.[4]

Nevertheless, as Lyon and Parton (1995) point out, when referring to the Children Act of 1989, although there is now the opportunity to advance the autonomy, wishes and independent actions of young people, it is very limited. Lyon and Parton (1995, p.53) propose that instead of becoming subjects in their own right, children have been "...reconstituted as legal - as opposed to welfare - objects for the purpose of governing families at a distance". It may certainly be argued that there has not been a noticeable shift away from the protective mode of addressing children's rights in recent legislative attempts to formalize rights for children.

On an international scale, the most significant document to formalize children's rights in recent years has been the United Nations Convention on the Rights of the Child. This Convention may be described as a compromise between the liberationists' and the protectionists' approach to the rights of children.

In November 1989, the United Nations Convention on the Rights of the Child was adopted by the General Assembly of the United Nations and came into force in September 1990; being ratified by the United Kingdom Government in December 1991. Veerman (1992, p.551) rightly states that, although certain aspects of children's rights have been regulated in Conventions since the beginning of this century, it is only since 1989 that "...a true Convention on the

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[4] The tension between the child's best interests principle and the child's opinion is explored in Chapter 5.

Rights of the Child has aimed to harmonise the different human rights standards relating to children."

Although the UN Convention is not enforceable in the same way as the Children's Acts mentioned above, it is a powerfully persuasive set of principles of rights for children. It has provided a means of focusing upon the needs of all children throughout the world. In this respect, it provides a guideline for all governments and can be used to hold them accountable in the fight to improve children's lives.[5]

The UN Convention on the Rights of the Child shall be discussed in greater detail in Chapter 5. It is here that the formalizing of rights shall be considered as part of an examination of problems and solutions encountered when attempting to increase rights for children at school.

Within the Convention, the most significant principles for this study are the promotion of the *best interests of the child* (Article 3); *the child's opinion* (Article 12); *freedom of expression* (Article 13); *freedom of thought, conscience and religion* (Article 14); *protection of privacy* (Article 16); *parental responsibilities* (Article 18); *education* (Article 28); and the *aims of education* (Article 29).[6]

At a local level, the Lothian Children's Family Charter, launched in 1992, has provided a comprehensive approach to implementing improved rights for children. Its creation has been an attempt by a local authority to embody the UN Convention in a Charter of guidance and practice. It is this Charter which forms the basis of the questionnaire for the survey which was conducted as a central part of this thesis. Although the significance of the Charter is not on the same scale as the UN Convention or the two Children's Acts of 1989 and 1995, it is nevertheless an important and innovative document. A significant

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[5] Under Article 44 of the UN Convention, States must submit an initial report within two years of ratifying the Convention and thereafter, every five years, to the Committee on the Rights of the Child (established under Article 43 of the UN Convention to examine the progress of States in realizing their obligations).

[6] See Chapter 5 for the text of these Articles of the UN Convention.

feature of the Charter is the active participation of children in its development. The Charter shares the main principles of the UN Convention and the Children's Acts, with emphasis again being placed upon the best interests of the child, parental responsibility and listening to the child's views. This exemplifies the increased status of the child in recent years.

3.6 LIBERATION OR PROTECTION: DEVELOPING A COMPROMISE

3.6.1 Introduction

Views concerning the rights of children diverge between the extremes of the liberationists and the protectionists. It has been established that a modified approach to the rights of children has been developing in recent years. It is here that we find elements of both protection and liberation to be relevant, if it is truly the interests of the child with which we are concerned.

3.6.2 The central position

Taking the central position of compromise a little further, it is crucial to acknowledge the significance of these notions of protection and liberation for adults as well as for children; though in differing degrees.

Most adults living in a modern, western society would expect to possess both the legal right and the moral right to at least a degree of protection and of liberty. The issue here is not whether a right is legal or moral. What is important is that most adults would not expect or wish to live within a society which provided such a degree of protection that their liberty was severely encroached upon. Most adults, however, would expect or wish to be protected from harm. For instance, being at liberty to go out of one's home at any time, during the day or night, would be considered to be a right by most adults. At the same time, there is an expectation that it is reasonably safe for an adult to do so. This is because physical, intellectual and emotional competencies are implicit in adult status. It is generally accepted that an adult has the ability to protect himself or herself.[7] In addition, the police force

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[7] However, there are exceptions. Women as a group, as well as people with various kinds of physical or mental disabilities, frequently share this experience with children. There is often the presumption that they are also less competent and are in need of protection or supervision.

provides extra protection if necessary and the judicial system acts as a deterrent to those who may consider infringing the individual's right not to be harmed.

In contrast, children are often deprived of their liberty in relation to making certain choices or taking risks. This is usually the result of attempts to protect children in a way that adults would be unlikely to accept.

3.6.2.1 Distinguishing between adults and children

Danger is not the main criterion which influences the establishment of such distinctions between adults and children. Clearly, children, like adults, regularly engage in dangerous activities, ranging from horse riding to contact sports. Here, the notions of competence or rationality enter the arena. This other dimension needs to be considered in conjunction with notions of protection and liberty. Each of these concepts has been introduced in Chapter 1, where the language of rights was examined. In Chapter 4, these concepts shall be further examined in relation to problems and solutions associated with attempting to increase rights for children at school.

When discussing the notion of liberty, it has only been considered so far, within this chapter, as being the antithesis of protection. It is evident, however, that liberty does not only imply freedom to take risks but also to make decisions which may not only affect the decision-maker but often, also, other people.

The crucial factors to be considered, when tracing children's rights movements, relate to the degree of similarity and the degree of difference between adults and children. These similarities and differences should be addressed in relation to physical, cognitive and emotional development, within the context of the protection and the liberty of the individual.

It is worth remembering that, to date, most of the significant developments within the arena of children's rights have come about through the actions and

philosophical debate of adults. On the whole, it has been the voice of the adult which has resounded on both sides of the debate, proffering many laudable opinions. It is the children, however, who have to live with the consequences of decisions made on their behalf.

It is through a consideration of changing social, political and economic conditions that both the protectionist and the liberationist movements may be best understood.

3.7 TAKING CHILDREN'S VIEWS SERIOUSLY

3.7.1 Introduction

In this section, the trend in recent years of taking children's views seriously shall be examined.

3.7.2 Recent attempts to take children's views seriously

There has been a move from a repressive approach to a permissive one during the twentieth century. According to Freeman (1983a), children now have even more autonomy than they had in previous permissive or more tolerant ages, such as the eighteenth century. At that time, there was a move away from the strict, Calvinistic approaches to child-rearing of the sixteenth and seventeenth centuries towards warmer, more affectionate methods. In the late twentieth century, there is some evidence of greater autonomy. However, much of this self-governance is, in fact, limited to the domestic sphere: within the home and the family dynamic. Within such institutions as schools, courts and hospitals, ultimately the autonomy of children is diminished and the important decisions are made by adults.

The general trend, in recent years, has been to take seriously the views of children (see, for example: Article 12 of the UN Convention).[8] On close examination, however, the underlying notion of their 'best interests', or what adults consider to be the wisest course of action in relation to a child's welfare, has prevailed (see, for example: Article 3 of the UN Convention). Children's

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[8] The UN Convention is discussed in Chapter 5.

views are afforded weight in accordance with their age and maturity. The older or more mature the child, the more likely it is that the child's views will be taken seriously. Maturity, within this context, is concerned with the child's level of understanding. An example would be: if a child were being considered for adoption, in what circumstances would the child's views be taken seriously with regard to matters relating to his or her adoption? The Children (Scotland) Act 1995 requires courts and adoption agencies to take into account the child's views with regard to matters of adoption; with the presumption that children aged twelve and over are capable of forming their own views.[9] Regardless of the child's age, however, for the child's views to be taken seriously, the child would be expected to exhibit an understanding of not only the immediate consequences of any decision made but also the future or long-term consequences of this action.[10] The child would also be expected to be expressing a 'serious' view. If the child were to decide, for example, that it would be preferable not to be adopted because this process would involve going to a new school, this reason may not be taken seriously. Such an outcome may appear to be reasonable to an adult. Of course, to a child, this may be an extremely important reason for choosing not to be adopted.

Although such a reason is unlikely to form the basis of decision-making in such important circumstances as an adoption, there is a need to take seriously the proposition that there is a significant gap between what is, in a general sense, important to a child and what is important to an adult. There is always the argument that our concern should be with the best interests of the child, i.e., the child's future happiness - what that child would choose to do if he or she were an adult. There is also, of course, the counter argument that this undermines the child's existence *as a child* and suggests that there is something rather inferior about childhood when compared with adulthood. Childhood is being viewed as a state of being in waiting. It may be argued that

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[9] This amends the Adoption (Scotland) Act 1978 - new Section 6(2).

[10] It should be noted that, despite the presumption of maturity at age twelve contained in the Children (Scotland) Act 1995, some children who are younger than twelve may be found to have the necessary maturity and some children who are aged twelve and over may be found to lack the necessary maturity.

childhood is a long period for children to be under the watchful eye of concerned adults making decisions in their best interests.

Concern over the child's interpretation of a situation is clearly important. For younger children, however, whose views are less likely to be taken seriously, this may lead to conflict where children may be unhappy with decisions made by adults on their behalf.

3.8 CONCLUSION

During the twentieth century, there has been considerable diversity in relation to attitudes concerning children's rights. In recent years, there has been a move away from extreme views of protection or liberation to a more moderate approach. Current legislation emphasizes the best interests of the child, listening to the child's views and parental responsibility.

It is important, however, to emphasize that the experiences of children do not only alter in relation to the time and place in which they live but are also dependent upon their culture, social class, gender and ethnicity.

In addition, it should be remembered that, within the constraints of ideological influences and practical necessities within society, individuals negotiate within and resist such powerful mechanisms. There is always a degree of diversity within any culture. This must be acknowledged when considering children's experiences today and in the past.

The question of childhood is a vast and complex one. Children's rights, within an educational context, should be considered both in relation to historical factors which have contributed to the development of the modern conception of childhood and to the continuing consensus to retain the compulsory element of education.

Chapter 4 is concerned with child development and the polemical issue which circumscribes attempts to increase children's rights within schools, that is, children's competence to make important decisions.

CHAPTER 4

ARGUMENTS FOR AND AGAINST INCREASED RIGHTS FOR CHILDREN IN RELATION TO NOTIONS OF COMPETENCE

4.1 INTRODUCTION

In Chapters 2 and 3, a review of conceptions of childhood has highlighted the convoluted nature of the notion of children's rights within a social system which is essentially based on rights; in particular, the supremacy of adult human rights. As we have established in Chapter 1, different types of rights are circumscribed by various criteria. In view of these criteria, various arguments have been propounded both in favour of and against increased rights for children at school.[1] One of the main arguments that concerns us within the context of this study is the notion of competence in relation to child development. This chapter is devoted to this important issue and how it has influenced the children's rights debate both in the past and today.

4.2 CHILD DEVELOPMENT AND THE ISSUE OF COMPETENCE

4.2.1 Introduction

Historically, the notion of competence has been a powerful factor when determining a person's suitability for holding choice rights. The main arguments relating to competence have been considered in Chapter 1. The way that competence relates to children is central to the ongoing debate on children's rights. Competence, in terms of the ability to understand one's actions and the future consequences of these actions, is generally considered to be crucial as a bench-mark for holding choice rights. By studying research in child development, we are able to reach a deeper understanding of the levels of competence reached by children as they grow.

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[1] There is often concern expressed by adults that children's rights will impact upon their rights as adults. However, to argue that a person should be denied a right because it would infringe upon another person's right, without due attention to the relative value of each of the rights in question, would surely be untenable. Wringe (1981) considers the notion of 'restricting the freedom of children to protect the rights of others' under this title, pp.108-110.

In the following section, various approaches to the study of the developing child are examined. Traditional theories of child development, which emphasize the relationship between competence and chronological age, have recently been challenged by research which emphasizes the importance of experience in relation to competence. For example, Priscilla Alderson's (1993) research, which explored children's participation in decision-making about surgical treatment, suggests that children's competence is linked to experience rather than chronological age. This has clear implications for the assumption that children are not fully competent until they reach a certain stage of maturity which is traditionally linked with the age of the child. Also, Martin Ruck (1998) and his colleagues, in their study of adolescents' and children's knowledge about rights, have concluded that experience is as likely to influence young people's spontaneous knowledge about rights as cognitive level.[2]

Whilst acknowledging the significance of these findings, it is important to examine traditional theories of child development in order to establish the relevance of both chronological age and experience in relation to children's competence.

An appropriate starting point is to consider Jean Piaget's widely acknowledged theory of child development. The merits and shortcomings of Piaget's work shall be considered in the light of recent research findings. As important contributors to the field of child development, the work of Lev Vygotsky and Lawrence Kohlberg is also critically examined.

Before we examine these theories of child development, let us consider the child's need for particular types of competence within the context of having rights at school.

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[2] See Chapter 10 for further discussion.

4.2.2 Competence and children's choice rights at school

There are various types of competence that children require if they are to have rights which facilitate their participation in important aspects of decision making at school. Clearly, children need to have certain cognitive skills in order to understand their rights, i.e. memory skills; the ability to conceptualize; to reason; to learn; and to acquire knowledge. However, children also need to have affective attributes, for example, motivation to exercise their rights. Furthermore, it is also essential that children are able to function within a social context - for our purposes the social context of the school environment. It is clear, therefore, that children need to have a combination of cognitive, affective and social competencies in order to function effectively. Broadly defined, social competence is an indicator of the adaptive or functional behaviours of children within their environments (Waters and Sroufe, 1983).

If children had meaningful choice rights at school, there are clearly a number of cognitive skills which they would require in order to understand these rights, so we shall now explore these skills in greater detail.

4.2.2.1 Having meaningful rights at school: competence and the role of cognitive skills

In order to have meaningful rights at school, children require cognitive skills which enable them to acquire knowledge and to learn about new concepts. At the same time, children need to be able to remember information over time, that is, they need to have adequate memory capacity to retain information which would indicate that the child has more than a momentary interest in decisions being taken. Evidence suggests that children's ability to remember new information about a particular subject is dependent upon the knowledge that they already have about it (Neisser, 1982). Children are generally less expert than adults and this is one reason why they tend to remember less than adults. However, when children are experts they can demonstrate very good memories. Research which studied young people's ability to remember stories about hypothetical games of football found that children who were football experts remembered more details about these stories than older children or

those who scored higher in IQ tests (Schneider, Korkel and Weinart, 1989). It would appear, therefore, that the development of memory skills is dependent upon experience and the amount of knowledge an individual has acquired relating to a particular subject, as well as being affected by cognitive changes during development - in particular, the increase during childhood in the amount of information a child can hold in short-term or working memory and the increase in the speed of processing information (Geary and Brown, 1991).

An important aspect of information processing for children engaged with rights issues is their ability to pay attention when learning and gaining knowledge about rights. Clearly the child's ability to concentrate is important; particularly the child's ability to manage 'attention selectivity'.[3] This ability means that the child can concentrate on the important stimuli in a given situation. For instance, when considering a rights issue during a pupils' council meeting, the child needs to be able to concentrate on the material being discussed whilst excluding other stimuli such as the sound of children playing noisily in the playground or a music class in an adjacent room. Of course, adults as well as children can fail to maintain selective attention. However, research has indicated that the ability to deploy attention selectively generally improves as children grow older (Santrock, 1996). 'Flexibility'[4] is also significant in relation to the deployment of attention, i.e. children's ability to shift their attention from one issue to another is important if they are to manage information and tasks effectively. It is clearly important that children have these abilities if they are to manage the complexities of understanding their rights and engaging with others about these matters. It is evident that quite young children are skilled in these areas, having the ability to pay attention both selectively and flexibly. It has been demonstrated that by the age of six or seven children pay more attention to relevant aspects of a task, for example, instructions for problem solving, in comparison with younger children (Paris and Lindauer, 1982). This suggests that in these older children there has been a shift in cognitive control of attention which enables children to reflect more (Paris and Lindauer, 1982).

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[3] See John Santrock's (1996) study of child development for a detailed discussion of selective attention and the related concept of flexibility.
[4] See Footnote 3.

Also, children need to have the ability to reason[5] and to conceptualize in order to understand the decisions being made and to look at an issue from another person's perspective. This will become clear if we consider a hypothetical example. If, for instance, children are expected to participate in the decision-making process concerning whether or not they should wear a school uniform, they must be able to manage the available information in a particular manner. In order to have their views taken seriously, children must be able to demonstrate that they understand the concept of wearing school uniforms and the implications of either wearing a uniform or not wearing one. The ability to reason is also important. In this hypothetical example, if the children were presented with evidence which suggests that the wearing of school uniforms helps to identify children, the children should be able to deduce that the children at their school would be more easily identified if they were to wear a school uniform.[6] Without the ability to reason and to conceptualize, decisions would merely be arbitrary.

4.2.2.2 Having meaningful rights at school: the role of social competence

Children also need to have the social competence to interpret social conventions within the school environment and to operate effectively within the constraints or demands engendered by such social conventions (Pellegrini and Blatchford, 2000). Children need to be able to manage complex relationships where the ability to negotiate and to compromise are essential qualities. A reasonable level of social competence - that is, 'socially adaptive behaviour'[7] - is necessary if children are to be able to interact with their peers and their teachers in a positive way which enables them to have their views taken seriously. Research on social competence has suggested that, in pre-school children, social interaction with peers is often inhibited by the presence of adults (Hartup, 1983; Pellegrini, 1984a and b) and that social competence develops more effectively in children when they interact with their peers rather

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[5] Moral reasoning is discussed in Section 4.2.4.

[6] In Chapter 9, there is a discussion of what children should be able to wear to school when Question 5 of the survey questionnaire is examined.

[7] See Anthony Pellegrini and Peter Blatchford (2000) for further discussion of socially adaptive behaviour.

than with adults (Wright, 1980). For instance, a Canadian study of social competence in pre-school children by Wright (1980) found that social adaptability was related to interactions between children and their peers, with children having to display higher levels of competence with peers than with adults in order to acquire resources. Anthony Pellegrini and Peter Blatchford (2000) propose that the school playground is the ideal setting for opportunities to develop socially competent behaviour due to the generally minimal adult supervision and the enhanced opportunity for children to interact without adult intervention. Free play not only in the playground but also in the classroom is suggested by Pellegrini and Blatchford (2000) as a means of maximizing peer interactions which encourage behaviour associated with social competence.

We have established that various competencies are required by children if they are effectively to manage choice rights at school. We shall now consider various theories of child development in order to assess the potential for children to have right-holding status.

4.2.3 Cognitive development and the road to competence

Modern approaches to child development have established a theory that children develop in stages. One of the most distinguished modern experts on child development, Jean Piaget, pioneered the research which led to this widely-held belief. Piaget introduced the conception of the child as an active participant rather than a passive recipient in relation to socialization (Schneider, 1993). Piaget divided childhood into four stages of cognitive development, i.e. the sensorimotor period, up to approximately the age of two; the preoperational period, from approximately two to seven years of age; the period of concrete operations, from approximately seven to twelve; and finally, the period of formal operations from approximately twelve years.[8] It is at this stage of formal thought that "...there is a reversal of the direction of thinking between *reality* and *possibility* in the subjects' method of approach...it is *reality* that is now secondary to *possibility*" (Inhelder and Piaget, 1958, p.251). At

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[8] For full description of the four stages of cognitive development see, for example, Piaget (1971a).

this stage, according to Inhelder and Piaget, all the possible hypotheses relating to a given situation are considered before a conclusion is reached.

Piaget's influential work on cognitive development in children has been a major contribution to contemporary conceptions of childhood. John Flavell (1985) remarks on the complexity of Piaget's ideas about cognitive growth. Flavell suggests that this complexity has sometimes led to oversimplification and misrepresentation of his work. However, it is important to note that there has been considerable criticism of Piaget's work, including that of Flavell himself (for example: Isaacs, 1930; Helmore, 1969; Gelman, 1972; Wood *et al.*, 1976; Gelman and Shatz, 1977; Donaldson, 1978; Flavell *et al.*, 1981; Vygotsky, 1978; Cohen, 1983; Flavell, 1985; Das Gupta and Bryant, 1989; Rogoff, 1990; Foot *et al.*, 1990; Smith and Cowie, 1991; Siegler, 1991, 1996; Carlson, 1993; Berk, 1994, Boden, 1994; Cullingford, 1997).

Some of these criticisms have been concerned with Piaget's methods, for instance, that many of his studies lacked proper controls (for example: Isaacs, 1930; Carlson, 1993). In addition, Piaget's system has been criticized for being too rigid (for example: Isaacs, 1930; Helmore, 1969). It has also been stated, in relation to Piaget's methods, that his terms were not always defined operationally (Carlson, 1993) and that some of his ideas were unclear or inaccurate (for example: Berk, 1994).

Other criticisms have focused upon Piaget's theory of child development. In relation to cognitive development in children, two important criticisms have been levelled against his work. These are concerned with the stages in a child's development and the child's cognitive ability. Let us consider each of these criticisms in turn.

Firstly, most experts agree that children's cognitive development is not as distinctly stage specific as Piaget believed (Berk, 1994). Research has indicated that Piaget overestimated the distinct boundaries of the stages in a

child's development, as well as the apparent unity of these stages (see, for example: Siegler,1996; Berk, 1994; Boden,1994).

Secondly, there is also evidence that Piaget has underestimated the abilities of young children. For example, in their recent study of three- and four-year-olds' reasoning about a structured object, Sharpe, Côté and Eakin (1999, p.870) have found that "...young children possess hitherto unappreciated cognitive-linguistic capacities relating to object structure and the heritability of properties from parts to wholes." It has been proposed that young children possess greater social competence and intellectual abilities than Piaget believed (Siegler, 1991). Others have also suggested that children younger than the ages associated with Piaget's stages of development have been able to perform tasks which are typical of the ages associated with these stages (see, for example: Gelman, 1972; Donaldson, 1978; Das Gupta and Bryant, 1989; Boden, 1994; Cullingford,1997).

Piaget tended to concentrate on the child as an individual developing through various stages. He did not consider to be important the impact of social and cultural factors upon the developing child (Berk, 1994).

The Soviet psychologist Lev Vygotsky (1978a), on the other hand, emphasized the centrality of these influences. He held that meaning is socially constructed and that language reflects our shared experiences, in other words, our culture. Vygotsky highlighted the part played by language and interpersonal communication in the process of acquiring competence through active experience and concrete mental operations. As Peter Smith and Helen Cowie (1991, p. 360) point out, "His perspective encompasses the use of language as a framework for thought and the use of language as a representation of the culture." Vygotsky is critical of Piaget's belief that young children are unable to take into account the perspective of another person. Vygotsky interpreted the monologues of young children under the age of seven, on which Piaget based this theory, as highly social activities. Vygotsky believed that monologues are a form of communicating with the self, becoming

internalised at around seven years of age to become inner speech. This, in Vygotsky's view, is the way that we regulate or guide our actions during both stages: before and after seven. Vygotsky's belief that children do understand another person's point of view is supported by the work of other researchers. Flavell et al. (1981) have found this to be true for three-year-olds examining a card. The child realizes that someone looking at the other side of the card does not see the same thing. Gelman and Shatz (1977) have found that four-year-old children simplify their speech when talking to two-year-old children compared to when they are talking to adults.

Vygotsky (1978a) also emphasized the essential part played by expert adults, or more knowledgeable peers, through active intervention at an appropriate level for the child to develop thinking and problem-solving abilities. Research has established that assistance of this kind can have a beneficial effect upon a child's cognitive development (see, for example: Wood et al., 1976, Foot et al., 1990). However, it should be noted that there has been some criticism of Vygotsky's work. For example, Barbara Rogoff (1990) has asserted that Vygotsky's emphasis upon the importance of language in the process of developing thought diminishes the importance of other learning instruments, for example, observation and practice. Nevertheless, Vygotsky's sociocultural theory has provided an invaluable foundation for further research within the intriguing arena of the development of thought processes.

The American psychologist, Jerome Bruner (1963), developed Vygotsky's ideas. He reached the conclusion that even quite young children can grasp ideas intuitively, albeit at a less complex level than when they are older. Bruner (1963) claims that each level of understanding is valid. Importantly, Bruner suggests that it is through a process of developing ideas and returning to these ideas that we acquire true knowledge. He believes that children reach a level of development where they are able to symbolize at approximately seven years of age. This symbolizing is dependent on language. It is this capacity that allows the child to think abstractly.

4.2.3.1 The implications of sociocultural theories of child development and rights at school

Vygotsky's findings and the work of more recent developmental psychologists have clear implications for education. If we accept that children develop in a more socially interactive way than Piaget proposed and we acknowledge that social and cultural factors have a considerable effect upon development; as Vygotsky suggested and as recent research has confirmed (Wood *et al.*, 1976; Donaldson,1978; Foot *et al.*, 1990), this adds an interesting dimension to the contentious issue of rights and schooling. Furthermore, Alderson's (1993) research has questioned the relevance of chronological age as a measure of children's competence, claiming that experience is more important.

It is clear that the issue of children's rights at school - with regard to both the teaching and the implementation of these rights, as well as the child's competence to hold rights, presents a dilemma. If, as Piaget asserts, children develop through their own actions, reaching a point where they begin to think hypothetically and abstractly at approximately eleven or twelve years,[9] it is relatively easy to conclude that this is the earliest that children are competent enough to understand the consequences of their actions. Consequently, this would be a reasonably acceptable age for children to be introduced to the notion and experience of holding meaningful choice rights - those that involve important consequences for themselves and others. However, if Vygotsky is correct and children's cognitive development is greatly influenced by social and cultural factors and is more fluid than Piaget envisaged, this presents a dilemma when estimating an appropriate age at which children should have effective choice rights. The evidence certainly establishes the importance of social and cultural influences upon the developing child.

It has been demonstrated that contemporary research in the field of child development has built upon the innovative work of Piaget and Vygotsky. The theoretical and empirical investigations which have been considered in this

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[9] Piaget's stage of formal operations.

section have highlighted in particular the importance of Vygotsky's sociocultural approach.

Another aspect of development which is of interest when considering the rights of children at school is moral development. In the following discussion, various approaches to research in this field are examined.

4.2.4 Moral development

Moral development in children is an important aspect of being able to function within social and cultural settings where an accepted set of rules has been established. Although these sets of rules vary from one culture to another and within different individuals, there are common elements shared by all of these. (Carlson, 1993). As Smith and Cowie (1991, p.197) point out, however, "Moral reasoning refers to how we reason, or judge, whether an action is right or wrong: it is different from moral behaviour." People do not always act in ways that reflect their moral understanding. Piaget's pioneering work on moral development in children has greatly influenced the work of other researchers in this field.

Piaget presented his theory on moral development in 1932 in *'The Moral Judgment of the Child'*. His findings shared certain qualities with his theory of cognitive development. Patterns of age were again a feature. On this occasion, however, the patterns recorded by Piaget were less distinct. He has explained this phenomenon by stating that moral judgement is greatly influenced by the social relationships of the child. Piaget is concerned in particular with the child's interaction with peers and with authoritarian control of the child by adults. He distinguishes two levels of morality reached by children at different stages in their development. The first stage extends from five to ten years and is called 'moral realism'. According to Piaget, during this stage the child believes that rules are fixed and laid down by a 'higher' source, for example, parents, God, the Queen. The child also considers guilt to be dependent upon a person's behaviour rather than their intentions. This phase is also characterized by a form of self-centredness called *egocentrism*. The

second stage is called 'morality of co-operation' and occurs from ten years onwards. Piaget claims that during this phase the child becomes less egocentric, more flexible in relation to rules and begins to consider intentions of an act as well as the consequences.

Again, Piaget's findings have received some criticism (see, for example: Smetana, 1981; Bretherton et al., 1986.; Thompson, 1987; Chandler et al., 1989; Smith and Cowie, 1991; Carlson, 1993; Cullingford, 1997).

An important criticism has been that Piaget has, once more, underestimated the abilities of young children. For instance, further research has found that, by the age of two years, children are able to understand and interpret other people's emotions (Bretherton et al., 1986). Although Ross Thompson's study of the early development of empathy claims that this area of research is speculative, Thompson (1987, p.141) nevertheless argues that the evidence challenges "...the assumption that very young children are too egocentric to understand the emotional experiences of others...".

The American developmental psychologist, Lawrence Kohlberg has developed Piaget's theory of moral development through stages. Kohlberg (1968, 1981), however, believes that there are six stages of moral development. He argues that it is through these stages that people develop a sense of justice. Kohlberg considers this sense of justice to be the main guiding principle of morality. He believes that, in order to reach a moral level of reasoning, it is necessary to attain the corresponding cognitive level. However, attainment of a cognitive level does not, in itself, guarantee that the corresponding moral level is reached. In broad terms, Kohlberg's stages correspond with Piaget's cognitive stages of development. Kohlberg's six stages[10] are divided into three sub-groups:- preconventional (stages 1 and 2); conventional (stages 3 and 4) and postconventional (stages 5 and 6). He believes that, in order to

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[10] Stage 1: the punishment and obedience orientation; Stage 2: the instrumental relativist orientation; Stage 3: the interpersonal concordance or 'good boy - nice girl' orientation; Stage 4: the society maintaining orientation; Stage 5: the social contract orientation; Stage 6: the universal ethical principle orientation (for full description of these stages of development see Kohlberg, 1981, pp. 17-19).

reach this final phase of postconventional morality, a person must have reached the stage of late formal operations. Kohlberg also believes that some people never reach stage 6. He has studied moral development through to middle age and has suggested that, if reached at all, the later stages are usually only achieved during adulthood. Like Piaget, Kohlberg believes that social experiences are part of moral development. However, unlike Piaget, he emphasizes the importance of empathy during early moral development and actually making moral decisions during later development. Kohlberg used a set of moral dilemmas to test the current stage of an individual's moral development. These dilemmas required respondents to consider conflicting with authority or breaking the law.

Various criticisms have been expressed in relation to Kohlberg's work (see, for example: Damon, 1983; Gilligan, 1982; Shweder and Much, 1987). Carol Gilligan (1982) criticized Kohlberg for being male biased because he used only male subjects in his tests. Shweder and Much (1987) have claimed that Kohlberg's scoring method was unreliable. They suggest that the method employed relied entirely on explicit propositions in the text of the interviews conducted and ignored the implicit argument contained in the narrative. Damon (1983) has also been critical of Kohlberg's methods. He questions whether Kohlberg's interview subjects' answers reflect their behaviour when faced with moral dilemmas in everyday life or are, to a great extent, an intellectual exercise. Nevertheless, the work of Kohlberg has paved the way for further research in this important field. Nancy Eisenberg and her associates (1986), for example, have devised tests which, unlike Kohlberg's tests, do not require children to consider the prospect of law breaking or conflicting with authority. By removing the element of potential punishment for decisions made by the children during the tests, Eisenberg's findings suggest that younger children than Kohlberg has claimed are able to reason at an advanced moral level.

Robert Siegler (1996) has developed an interesting variation on the theme of development in stages. He likens Piaget's theory to the *staircase metaphor*,

whereby development is similar to going up steps. This creates an image of sudden developmental changes occurring. Siegler (1996) provides an alternative metaphor which he associates with Kohlberg's theory. Siegler calls this the *overlapping waves metaphor*. He suggests that, although Kohlberg's theory of moral development is based on stages, it is in keeping with the overlapping waves metaphor, as Kohlberg found in his research that individual subjects, when considering moral dilemmas which he had developed, generally displayed reasoning at two or more stages.[11] Siegler describes development as being more like the overlapping waves metaphor - "...a gradual ebbing and flowing of the frequencies of alternative ways of thinking, with new approaches being added and old ones being eliminated as well" (1996, p.86). This is certainly an interesting and more flexible way of describing development. It is a useful description as it accommodates the existence of multiple ways of thinking and their relative frequencies during each stage of development.

4.2.5 Emotions and human behaviour

When considering theories of cognitive and moral development, it is important to note the emphasis upon the intellect when determining human behaviour. This model of development is inclined to neglect the importance of emotions and their contribution to the way that people behave. As Carlson (1993) points out, people sometimes behave morally to avoid feelings of guilt. Also, as Archard (1993) notes, although morality appears to exist in all cultures, moral thinking and behaviour varies considerably from one culture to another. Furthermore, Justin Oakley (1992) has argued that our emotions profoundly affect our moral lives.

4.2.6 The impact of Piaget's, Vygotsky's and Kohlberg's theories of development upon education

Firstly, let us consider the contributions of Piaget and Vygotsky to the field of education. Piaget's cognitive developmental theory and Vygotsky's

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[11] See Colby, Kohlberg, Gibbs and Lieberman (1983) for further details of this longitudinal study of moral development conducted over a twenty year period.

sociocultural theory have had a great impact on education. Piaget's theory established the need to consider individual differences; with children going through the same sequence of development but at different rates. It also promoted discovery learning, where children are encouraged to learn through interacting spontaneously with the environment. The importance of sensitivity to a child's readiness to learn is also highlighted by Piaget (Berk, 1994). Vygotsky's theory has centred our attention on the significance of social and cultural influences upon learning and the importance of language; social interaction; assisted discovery, with teachers guiding children's learning in accordance with each child's zone of proximal development;[12] and peer collaboration through co-operative learning, where the peer group is attempting to reach a common goal (Berk, 1994). As Damon pointed out in 1984, and this is still relevant today, co-operative learning is not a feature of the present education system. Notions of competition and informing children in a one-way system from teacher to pupil is still widespread.

Kohlberg's contributions to the study of moral development have clear implications for education. He has claimed that an individual would be drawn to a level of reasoning which is one stage higher than the one they find most comfortable. However, an individual would not be able to understand reasoning of a higher level than one stage above their own. In other words, Kohlberg's theory provides scope for advancing a child's moral understanding to the next level through the teacher's skilful ability to ascertain the child's current level of moral understanding. Needless to say, the emphasis would have to be upon the need for gifted and skilled teachers if this were to be achieved.

An important aspect of Kohlberg's theory, which was alluded to earlier, is his belief that *justice* is the main guiding principle of morality. This notion has

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[12] According to Vygotsky, the zone of proximal development refers to a selection of tasks that a child cannot yet manage alone but is able to do with the assistance of adults or more skilled peers. Vygotsky proposes that "…an essential feature of learning is that it creates the zone of proximal development; that is, learning awakens a variety of internal developmental processes that are able to operate only when the child is interacting with people in his environment and in co-operation with his peers." (Vygotsky, 1978b/1997, p.35).

been challenged in recent years. It has been noted that Gilligan (1982) criticized Kohlberg for using only male subjects in his tests. Gilligan has argued that the justice orientation is associated more with males and that the responsibility or care orientation is associated more with females.

Graham Haydon (1994; 1997) has challenged Gilligan's theory, suggesting that it is an oversimplification of the way that men and women think about moral issues. According to Haydon (1997), each person's thinking appears to have a predominant focus of either justice or care. Haydon (1994; 1997) likens the justice orientation and the care orientation to Kantian and neo-Aristotelian approaches respectively. Haydon describes the Kantian approach and the justice orientation as being concerned with universal rights and principles which are based on rationality. The justice orientation is not concerned with the shared moral values of individual moral agents within different cultures. Conversely, the neo-Aristotelian orientation suggests that shared moral values within communities is an important aspect of the realization of virtues. Haydon (1997) has noted that the way in which each orientation is described to someone may not be neutral. This has clear implications for the person's response. It is also apparent, when comparing Gilligan's and Haydon's findings, that the context may influence the person's orientation towards justice or care. In contrast with Gilligan's study of women deciding whether or not to have an abortion, Haydon's experience of discussions with teachers about moral perspectives has found that most males and females with whom he spoke favoured the care orientation (Haydon, 1997).

The important factor here is that both the care orientation and the justice orientation seem to play the dominant role for different adults. Therefore, if we presume that justice is not always the main guiding principle of morality, we can contemplate the role of empathy, which is analogous with the care orientation, within this scenario. If Kohlberg's acknowledgement of the importance of empathy in early moral development is recognized, we can attempt to construct a different set of principles on which to base a child's

competence. As Haydon (1997, p.69) states, "...the fact that a certain way of thinking comes later in a person's life does not mean it is better". It may be conceivable that many of the rights that children could have at school do not require a high level of abstract thinking in children. For example, the right to choose the order in which to complete different pieces of work for the day, week etc.; the right to choose what to wear to school; or the right to choose whether or not to do sports. To exercise these rights may require a reasonable level of competence with a basic appreciation of the immediate consequences of the child's actions. This does not, however, require the child to be fully competent, in the sense of having reached a level of understanding comparable to Piaget's final stage of formal operations.

Of course, if we consider there to be a correlation between bullying and what is worn to school, we could argue that the wearing of a school uniform may provide a social leveller which can reduce bullying.[13] However, it may also be argued that children are able to ascertain each other's social and financial status through communication when denied the more obvious indicator provided by clothing. Whether or not children should have the right to choose not to do sports is also a controversial issue. A powerful argument concerns the child's health. The contribution to good health that is made by participating in sports and gym activities is considerable. There is clearly the issue of the future consequences for the child's health to consider. However, there are opportunities to keep fit and healthy outside school.

If a child is reasonably competent to make decisions about rights at school which do not have devastating consequences if the wrong decision is made, surely these rights should be available to children. If, as Kohlberg concluded, quite young children are empathic, this provides a framework for increasing rights for children where a reasonable level of competence has been reached and where the child has a basic understanding of the need to respect other people's rights at the same time as considering their own preferences when rights are available to them.

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[13] This is examined further in Chapter 9.

Although Haydon is concerned with the ethical difficulties of teaching values to children within schools, it has been demonstrated that his theories concerning the justice and the care orientations can be adopted for a hypothesis of children's competence and its relevance for children's rights at school. An attempt has been made to consider the justice and care orientations in relation to the relevance of different competencies in the developing child for right-holding status.

4.3 CONCLUSION

In recent years, research in the field of child development has begun to challenge established beliefs regarding children's competence. Four important points may be drawn from recent research which has been conducted on both cognitive and moral development. Firstly, development is not as unequivocal as it was once thought to be; stages of development have less strict boundaries than Piaget believed and children are able to carry out tasks and can sometimes consider moral issues at a younger age than Piaget claimed. Secondly, as well as biological factors, social, cultural and environmental influences play an important part in development. Thirdly, children's competence may be linked more to experience than to chronological age. Fourthly, the capriciousness of human behaviour and the possibility of errors in methodology are both potential hazards for all social research experiments. This is not intended to appear defeatist. It is merely an acknowledgement of the need to exercise caution when working with human subjects.

Arguments about the development of rational thought are not the only obstacle to children's choice rights at school. The compulsory element of schooling is also significant. It not only reflects the notion of children's inadequate and underdeveloped reasoning skills, it is also a potential barrier to choice rights at school. Having choice rights at school would be a clear acknowledgement of rational ability in young people. Compulsion, as an aspect of schooling, would be powerfully challenged within this scenario. Compulsory education and the

prospect of choice rights at school for young people shall be examined in Chapter 6.

The traditional view that all children axiomatically are not fully rational and that, consequently, they are unable to make competent decisions which would have important implications for their future adult lives is no longer acceptable. The evidence suggests that children are more competent than was previously believed. Furthermore, recent research has highlighted the need to consider the impact of experience upon the development of competence in children rather than concentrating on chronological age. Such evidence has powerful implications for children's rights at school.

In the next chapter, attempts to formalize rights for children are examined within the context of the United Nations Convention on the Rights of the Child. As the most influential international document on children's rights to date, the potential and the limitations of the Convention are considered in relation to schooling. This heralds the survey in Chapter 9 of children's views concerning rights at school which focused on the principles of the Lothian Children's Family Charter - a localized attempt to formalize children's rights.

CHAPTER 5

FORMALIZING RIGHTS FOR CHILDREN THROUGH CONVENTIONS AND CHARTERS

5.1 INTRODUCTION

From the pioneering work of Eglantyne Jebb, which led to the development of the 1924 Declaration of Geneva, to the introduction of the United Nations Convention on the Rights of the Child in 1989, the twentieth century has been a time of great interest in the needs of children and there has been a move towards an international focus upon children's rights. This is evident in various official documents which have established sets of principles regarding children's rights. We shall be examining some of these documents in this chapter.

The twentieth century has also witnessed a shift from an emphasis upon the child's right only to protection to incorporate the child's right to have his or her views taken into account. This move towards the child's more active role in the decision-making process has been circumscribed by the notion of the child's best interests;[1] an ambiguous phrase which has generated considerable debate.[2] It is clear that, to date, although children's views are being taken more seriously in the public gaze than previously, protection is still the paramount objective contained in both British and international policies, legislation and ideology. Despite the acknowledgement in the UN Convention, as well as in the Children Act 1989 in England and Wales and the Children (Scotland) Act 1995, of the importance of the child's opinion, any attempts within each of these documents to address this issue for children is circumscribed by the principle of the child's best interests and the need to retain a protective element which ultimately has the potential to override the child's opinion.

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[1] The 1959 Declaration on the Rights of the Child introduced the notion of 'the best interests of the child'.

[2] See Section 5.3.1.

Nevertheless, the 1989 Convention is, as Freeman (1996, p.36) points out, the first to acknowledge that children have "...a right to 'have a say' in processes affecting their lives". In a study of the Convention's potential to alter adults' views of children, Ferran Casas (1997) remarks that adults can no longer think of children, in theory at least, as beings who are only in need of protection.

A host of Declarations, Conventions and Charters have been introduced throughout the twentieth century.[3] In Section 5.3, we examine the principles of the UN Convention which are of particular interest within the context of children's rights at school; and in Section 5.4, the conclusions are recorded. Before this, in Section 5.2, we shall consider briefly two important world Declarations which reflected a germinal international interest in children's rights.

5.2 AN INTERNATIONAL FOCUS ON CHILDREN'S RIGHTS

It was after the First World War that children's rights were first viewed as internationally significant. Freeman (1983a, p.19) cites the Declaration adopted by the Fifth Assembly of the League of Nations in 1924 as reflecting "...a concern with the rights of children afflicted by the devastation of the 'Great War' and its aftermath." The principles of the Declaration were concerned with a child's right to resources required for their physical and mental development. The main concerns were as follows:- the provision of food, medical care, shelter, relief for children first in times of distress, vocational training to enable children to earn a livelihood and to be protected from exploitation and finally, raising children to believe that they should devote their talents to their fellow man. The emphasis was upon children's material needs.

In 1959, a second world Declaration was adopted by the United Nations. This Declaration introduced the principle of the child's best interests. The focus of this principle was on laws concerning child protection and development and on

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[3] For a comprehensive examination of these documents, see Philip Veerman (1992).

those responsible for the child's education and guidance. The 1959 Declaration of the Rights of Children was based on the premise that"...'mankind owes to the child the best it has to give'...". (Freeman, 1983a, p.19). Freeman (1983a) states that there is, within this premise, an emphasis upon duties to children and therefore, children's rights, in the sense of claims, or, as he explains, rights as legitimate entitlements. In fact, however, although the preamble to the Declaration does refer to rights and freedoms, Freeman (1983a, p.19) points out that "...the ten principles set out in it do not embrace children's liberties (or freedoms) at all." The ten principles are concerned with discrimination, protective legislation (e.g. from exploitation), the right to a name and nationality, welfare provisions (food, shelter, medical care etc.) for the handicapped, as well as for the able-bodied, love and understanding, education and interestingly, the shift from being the first to receive relief in times of distress to being 'among' the first. The reason for this shift was concern for the elderly, the handicapped etc. In the event of a disaster, it was considered that older or bigger children would, in fact, be more able to help themselves than these more vulnerable groups.

Freeman (1983a) concludes that the Declaration is deliberately vague, both in relation to the rights children should have and in relation to those who should bear responsibility for the correlative duties and states that the Declaration is simply a proclamation of general principles. It is evident that the Declaration is, in fact, vague. It is also quite likely that it is deliberately so, when considering the many conflicting views concerning the various principles. The existence of so many different cultural values and norms engendered dissatisfaction with the wording of the Declaration and with the implications for poorer countries, when attempting to provide the same standards for their children as countries of higher economic standing.

However, the most important shift for children's rights on an international scale has been instituted by the UN Convention on the Rights of the Child (1989) (henceforth referred to as the Convention). As well as the above-mentioned inclusion within the Convention of the child's right to express an opinion and

for it to be given due weight, another notable factor is the speed at which it has been ratified on an almost universal international scale. Since November 1997, apart from the United States and Somalia, every country in the world has ratified the Convention (Fortin, 1998).[4]

It is the Convention, therefore, which shall be the main focus of this chapter; with a particular emphasis upon the principle of the best interests of the child and the principle of the child's right to express an opinion. A number of articles from the Convention have been selected for discussion as they are particularly significant when considering children's rights at school.

5.3 THE INTERNATIONAL CONTEXT TODAY: THE CONVENTION AND THE EXPRESSION AND IMPLEMENTATION OF CHILDREN'S RIGHTS

Many commentators have written comprehensively on the Convention and its potential to generate both beneficial and deleterious outcomes (see, for example: Wolf, 1992; Alston, 1994; Leach, 1994; Freeman, 1996; Casas, 1997; Detrick, 1999). There has been considerable debate about the apparent contradiction between the principle of the child's best interests and the principle of providing children with the opportunity to influence outcomes which affect them by taking their views into account. This is of particular interest when discussing children's rights at school. Notions of moral and cultural relativism in relation to the implementation of children's rights have presented further contentious issues for debate. This is also an important issue in relation to children's rights at school. Although moral and cultural issues, as debated in relation to the Convention, are principally concerned with the international context, there are similarities between moral and cultural relativism in a global sense and within national boundaries, as well as within more local boundaries of the school environment. Britain, as a multicultural society, faces moral and cultural differences within schools amongst children and teachers. Of course, it may be argued that these differences are not on the same scale as international differences between nation states. However, it is worth remembering that these differences do exist within many of today's

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[4] The United States signed the Convention in 1995.

British schools. These important issues shall be discussed within the context of the articles of the Convention which are of particular interest in relation to schooling.

The articles of the Convention that are of particular interest in relation to this study are those relating to, in brief, the *best interests of the child* (Article 3); *the child's opinion* (Article 12); *freedom of expression* (Article 13); *freedom of thought, conscience and religion* (Article 14); *protection of privacy* (Article 16); *parental responsibilities* (Article 18); *education* (Article 28); and *aims of education* (Article 29). It is important to comment on each of these articles, as they are all relevant within the sphere of schooling. Due to the apparent conflict between Articles 3 and 12, it is these two articles that shall be considered first.

5.3.1 The child's opinion and the principle of the child's best interests

Article 12: The child's opinion

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Freeman (1996) rightly points out that Article 12, which allows children to participate in decisions that affect them, is the vital element of the Convention. It is here that we can see a germinal recognition of the child as an individual whose views are important. However, the reference to the age and maturity of the child in Article 12 in relation to the child's being able to form his or her own views highlights two important points. Firstly, there is the real disparity in the abilities of children within such a wide age range as birth to eighteen years.[5]

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[5] The definition of a child (Article 1) in the Convention is someone below the age of eighteen years (unless there is a younger age of majority under the law which applies to the child).

Secondly, there is the widely held belief that children are not fully competent. Clearly, it is crucial to examine scrupulously decisions that are taken which affect a child's life. Also, care must be taken to ensure that the child's contribution is understood and interpreted as the child intended. The problem remains, however, that maturity is hard to define and often subjective. As we have seen in Chapter 4, when considering child development, children can sometimes fail to exhibit certain signs of maturation because they have misunderstood the instructions in an experiment. Similarly, a child may be mature enough to form his or her views but might be unable to do so in certain circumstances if adults are unable to communicate effectively with the child. As Casas (1997) points out, when attempting to interpret a child's views, it is often the adults who are not competent enough to understand the child's perspective. This sense of ambiguity within the Convention is further exhibited in the relationship between Article 12 which is concerned with the child's opinion and the contentious Article 3 which is concerned with the child's best interests:-

Article 3: Best interests of the child

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

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

Many criticisms have been levelled against the principle of the child's best interests being considered within the Convention for a number of reasons. Notably, there has been criticism of the indeterminacy or open-ended nature of Article 3 (see, for example: Wolfson, 1992). Two factors must be considered:

who should make the decision about the child's best interests and how can we be certain that a decision is in the child's best interests?

There is a powerful argument that adults who are qualified within the field of law, psychology and social work, as well as parents, are the most appropriate people to make these important decisions for children. This is based on the premise of a child's future needs *not* a child's present needs. This sense of the child in waiting, who has not yet reached full adult status, has a tendency to obliterate the experience of childhood as an essential and valid period in a person's life. As Tom Cockburn (1998, p.107) has commented in his illuminating article on children and citizenship in Britain: "This constant referencing of children to their future potentials and possibilities belittles their present actions." Childhood is usually viewed as a time of rapid development and vacillation which requires certain restrictions to be imposed upon their actions for the child's future good. Freeman (1996, p.42) refers to Gerald Dworkin's notion of 'future-oriented' consent and suggests that in its simplest form the question would be "...can the restrictions be justified in terms that the child would eventually come to appreciate?" Freeman (1996) defends liberal paternalism as an approach which leads to the attainment of independent adulthood. However, he emphasizes that intervention is only justified if it prevents immediate harm or if it encourages the development of the capacities of rational choice that a person needs to reduce the likelihood of experiencing such harm.

A child may think in a different way and value different things from an adult. This does not necessarily make the child's views and decisions inferior to those of an adult. If, however, adults are to be the decision-makers, we now need to consider the second factor mentioned above.

The question was: how can we be certain that a decision is in the child's best interests? This begs the question - even if the decision appears to be the right one for the child's future happiness if the child is viewed as an incomplete person who will 'come to terms' with decisions taken on his or her behalf, is it

possible that this would not be the outcome? The immediate effect of a decision taken by an adult which is considered by the child to be the wrong one at the time that the decision is made may result in the traumatization of the child, with possible long-term consequences for the child's best interests. It is also worth noting that a child who 'comes to terms' with an adult's decision later in life may have accepted that adult's value system. This does not prove that the decision taken was in the child's best interests; it may illustrate that it is possible to become conditioned to accept another person's perspective as being beneficial to oneself. Furthermore, there is an assumption within the best interests argument that any important decisions made by children may have a negative effect upon their future lives. Whether or not the consequences of a child's decision making would be more problematic than that of many adults is certainly debatable.

Related to the question of indeterminacy, Penelope Leach (1994) has highlighted the difficulty of evaluating the processes employed to assess the child's best interests. Two further issues that need to be considered are: what are the options that a decision-maker has when attempting to act in the child's best interests; and on which criteria should an evaluation of these options be based (Alston, 1994)? The Australian lawyer, Philip Alston suggests that the apparent indeterminacy of the child's best interests principle is appeased when applied at a local level of understanding. This leads us to a further contention. Criticism of the principle of the child's best interests has been directed at the potential for states parties to consider cultural factors when implementing the rights of the Convention (see Detrick, 1999). Alston presents the counter argument that a consideration of cultural factors is important in order to be sensitive to different cultural standards. Alston (1994, p.21) acknowledges, however, that some cultural practices are unacceptable and that "...it must be accepted that cultural considerations will have to yield whenever a clear conflict with human rights norms becomes apparent."

Others have criticised the child's best interests principle because of its inherent conflict with Article 12 (for example, Leach, 1994). Even if the child's

views are given due weight in accordance with his or her age and maturity, the principle of the best interests of the child is in direct competition with this attempt to take seriously the child's opinion. Leach (1994, p.208) suggests that the principle of the best interests of the child is sometimes ineffective and often reflects a form of "...benevolent authoritarianism" or "...patronage". However, Joachim Wolf (1992) rightly points out that the 'best interest' principle is concerned with more than the protection of children; requiring further development and legal explanation.

The principle of the best interests of the child is ostensibly appropriate and valuable within the arena of children's rights. However, there are clear difficulties which underlie the apparently laudable sentiments embodied in the principle. It is open to many misuses and should not be assigned priority over the child's opinion. Instead, the child's best interests and the child's opinion must be considered as interrelated factors. Indeed, the first report of the British Government to the Committee on the Rights of the Child was criticized in relation to Article 12 of the Convention for giving insufficient attention to the child's right to express his or her opinion (1995, CRC/C/15/Add.34).

5.3.2 The child's right to freedom of expression and freedom of thought, conscience and religion

Articles 13 and 14 of the Convention are also of interest when considering children's rights and schooling:-

Article 13: Freedom of expression

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

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

   a) for respect of the rights or reputations of others; or

   b) for the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 14: Freedom of thought, conscience and religion

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Article 13 is concerned with the child's *freedom of expression* and Article 14 with the child's *freedom of thought, conscience and religion*. These articles are clearly linked with Article 12 and *the child's opinion*. Once more, there are certain conditions which impinge on these rights. There are those restrictions which are necessary to protect others and these are to be found in the second statement in Article 13 and the second and third statements in Article 14. Freedom of expression is not normally encouraged within schools and there are certainly powerful practical, as well as ideological, reasons for setting limits within the present school system. To name a few: the pressures of a highly structured curriculum; the teachers' rights, as well as their responsibilities *in loco parentis*; and the rights of other pupils to be protected. These factors present considerable problems for the implementation of Article 13. However, despite the need to protect others from the freedom of expression of the individual, the curriculum could, of course, be modified to accommodate this potentially useful right; not only for the benefit of the individual but also to enhance the learning function of the whole school environment. Having the right to freedom of expression implies a degree of responsibility on the part of the right-holder to decide upon the appropriateness of the expression of that right. The individual must decide what is appropriate and when and where it is suitable to exercise that right. Indeed, Freeman (1996) cites evidence confirmed by the Elton Report, Discipline in Schools and OFSTED reports which has suggested that children behave more responsibly at school when they are treated with respect and given more responsibility.

The most relevant aspect of Article 14 in relation to schooling is concerned with religion. The child's right to *freedom of religion* is often restricted considerably by the wishes of parents. The Convention acknowledges the parents rights and duties in this respect and delimits the child's right to this freedom when it is necessary in order to, amongst other things, protect "the fundamental rights and freedoms of others" (United Nations, 1989/1991, p.6). However, in reality, it is often the case that the parents wish their children to follow their own religion for no other reason than their own fundamental belief in their chosen faith.

5.3.3 The child's right to protection of privacy

Article 16, which is concerned with the *protection of privacy* is important for young people at school because of the implication of the mismanagement of a child's school record:-

Article 16: Protection of privacy

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Whilst we may hope that teachers are, at all times, concerned with the child's best interests, there is the possibility that the reputation of children may be damaged through the recording of inaccurate remarks on a child's school record.

5.3.4 Parental responsibilities

Article 18, which is concerned with parental responsibilities, does not refer specifically to education. However, the notion of parental responsibilities is certainly significant in relation to children's rights at school. When reading Article 18, it is evident that the fundamental concern of parents is expected to be the child's best interests. There is also a reference to the development of facilities, services and institutions for the care of children. It may be assumed that the school is one of these institutions:-

Article 18: Parental responsibilities

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interest of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in this Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child care services and facilities for which they are eligible.

This article becomes particularly notable in relation to schooling when referring to the first report by the British government to the United Nations Committee on the Rights of the Child in 1994. The report considers parental responsibilities and duties in relation to the child's views regarding which school to attend and states that, "...as the duty to ensure that child is educated falls to the parents, the right to express a preference for the school at which that education will take place should also fall to the parent." (UK Government, 1994, p.29, para. 3.65). By referring to this statement in the report, the purpose is not to evaluate the principle of allowing parents to choose which school their child attends. It is, instead, an attempt to highlight the powerful restrictions on children's rights which can occur in relation to choice. It also points to the significance of parental responsibilities and the wide implications of the notion of the child's best interests. Although the report alludes to the child's wishes, it is interesting that the relevant statement in the report is constructed and expressed in the negative, i.e., "It is not expected that parents will reach their decision without taking their child's wishes into account..." (1994, p.29, para. 3.65), rather than being a positive statement, encouraging parents *to seek their child's opinion* and if appropriate and feasible to make the decision along with the child. This syntactic manoeuvre has a tendency to dilute the importance and the impact of the statement.

5.3.5 The child's education: rights and the school

Finally, let us consider Articles 28 and 29. It is within these articles of the Convention that the provision of and the uptake of education are considered, as well as matters of discipline within schools and the aims of education. Although these are articles are lengthy, there is little to suggest that they are concerned with children's rights at school:-

Article 28: Education

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

   a) make primary education compulsory and available free to all;

   b) encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

   c) make higher education accessible to all on the basis of capacity by every appropriate means;

   d) make educational and vocational information and guidance available and accessible to all children;

   e) take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

The most striking feature of Article 28 is the insertion of paragraph 2 concerning discipline in schools. This statement seems out of place between the first and third statements which focus upon the provision and dissemination of education throughout the world. The words 'discipline' and 'dignity', when referring to the treatment of children by adults, are often incompatible. Teaching children self-discipline through example might be a

more useful approach. However, the teachers need to develop this skill within themselves before they can effectively exhibit it as a good example for the children to follow. Statement 2 is clearly in need of clarification if school discipline is to progress to a more positive and effective experience for children and their teachers than it often is at present.

Article 29 is concerned with the *aims of education*:-

Article 29: Aims of education

1. States Parties agree that the education of the child shall be directed to:

    a) the development of the child's personality, talents and mental and physical abilities to their fullest potential;

    b) the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

    c) the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

    d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

    e) the development of respect for the natural environment.

2. No part of this article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Most of the statements here-in are laudable. However, statement 1(c) is open to debate. Surely it would be untenable to expect a child automatically to develop respect for anyone or anything mentioned in this statement. There is a powerful argument for the inclusion of a qualifying statement - 'where respect is justified'. A child should not feel obligated to respect, for example, a cruel or uncaring parent or a country's values which the child believes to be inconsistent with his or her own. The notion of tolerance referred to in 1(d) is

more appropriate and would be a useful addition to 1(c). In other words, an alternative statement might suggest that the child should develop respect for parents etc. when 'justified' and should develop 'tolerance' of values etc. of which the child may not necessarily approve.

5.3.6 Summary

Having examined the various articles of the Convention which are most relevant when considering the rights of children at school, it is clear that there is little to support an increase in the child's active decision-making role within the school. The separation of important principles such as the child's opinion (Article 12), freedom of expression (Article 13) and freedom of thought, conscience and religion (Article 14) from the principles which concern education reinforces the acceptability of the status quo in schools. Perhaps greater emphasis should be placed on the relevance of Articles 12 to 14 in relation to education and discipline.

It is notable, however, that Article 29(d) promotes the use of schooling for learning about participation. As Andrew Bainham (1998) points out, the lack of emphasis within education legislation upon children's rights relating, in particular, to their views and participation with regard to schooling is striking. Education legislation tends to be based on the assumption that there is a shared interest between parents and their children (Bainham, 1998).[6]

5.3.7 The shared principles of the Convention and the Lothian Children's Family Charter

The essential principles of the Convention are generally in harmony with those of the Lothian Children's Family Charter. Both the Convention and the Charter are particularly concerned with non-discrimination, the best interests of the child and the child's opinion. Within the Convention, as we have seen, these principles are established in Articles 2, 3 and 12. Within the Charter, the following statement, which embraces these principles, is emphasized:-

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[6] Education legislation is discussed in Chapter 6.

- to take and share responsibility at appropriate times; to participate in decision making about their lives; to be able to have their opinions heard and taken into account and to participate in other ways appropriate to developing adults in a democratic, multicultural society.

(1992, p.3)

The articles of the Convention and the entitlements of the Lothian Children's Family Charter are broadly concerned with participation, protection, provision, responsibility and the pivotal role of the family. However, the Convention provides minimum standards for the treatment of children on an international scale whilst the Charter focuses on procedural rights at a regional level. When considering education, for example, the Convention focuses on the right to an education and the general aims of education, whereas the Charter focuses on how children should be treated at school within the context of the school's being a place of compulsory attendance.[7] Later in this thesis, particularly in Chapters 8, 9 and 10, when discussing the survey of children's views about rights, we examine the relevance of the Charter as a local policy document which focuses on procedural rights - i.e. how young people should be treated at school - when we consider the compatibility of the Charter's principles with the children's views.

5.4 CONCLUSION

It has been acknowledged that, in theory, Charters can play an important role in the advancement of children's rights.

Charters provide a set of principles upon which people can make claims, on the basis of an alleged violation of a moral right, when they consider that policies and laws have failed to meet their needs. Children who are accused of committing a breach of school discipline, for instance, may consult the principles of a Charter of children's rights to support their claim against a school's decision, for example, to exclude that child; or against the

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[7] In keeping with the entitlements of the Charter, the context of the survey questions later in this thesis and the traditional literature relating to rights language, throughout this thesis rights are generally referred to as choice, protection and welfare rights (see Diagram 1 on p.179).

recommendation of a children's hearing. In other words, Charters can provide a means of defending rights in the face of what may be considered to be unjust laws or policies.

However, it is clear that there are some contentious issues surrounding the wording of the UN Convention. In relation to schooling,[8] issues which are particularly noteworthy are: the ambiguous nature of the notion of the best interests of the child; the potential conflict between this and parental responsibilities, which are emphasized in the Convention; and the failure adequately to define the notion of discipline within schools. The implications of these shortcomings of the Convention, at both an international and a national level, are of major concern if the implementation process is to result in any significant improvements in children's lives.

Nevertheless, Article 29.1 (a) of the Convention is noteworthy. A particular interpretation of this statement would be that, in order to develop a child's "personality, talents and mental and physical abilities to their fullest potential" it is necessary to allow that child to participate in some aspects of the decision-making process within the school; specifically those aspects which affect the child. The growing child clearly has a 'developing potential' to learn about participation within society. This potential would be developed most appropriately through direct experience. As Casas (1997, p.285) observes, the Convention provides an opportunity "...to build up a new psychosocial context (attitudinal, representational) for children." However, Casas highlights the importance of effective implementation. Without crucial national and local mechanisms which strive to implement the principles of the Convention, it is unlikely to reach its full potential. This also applies to localized Charters such as the Lothian Children's Family Charter.

In the following chapter, we shall focus on children's schooling and the role of children's rights within this arena. We shall consider the purpose of schooling

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[8] It is acknowledged that some of these issues also affect the child's life outside school.

today; the notion of compulsory education; and finally, current education policy in relation to children's rights at school.

CHAPTER 6

SCHOOLING TODAY - EDUCATION POLICY AND CHILDREN'S RIGHTS

6.1 INTRODUCTION

There have been sweeping changes in education policy over the past twenty years. These changes have emphasized the notion of rights. However, the main emphasis has been upon increased parental rights and responsibilities in relation to schooling. Children's rights have not been a central feature of education legislation. Within a compulsory system of education, it would be reasonable to consider the notion of increased meaningful choice rights for children to be problematic. However, in this chapter it will be argued that compulsory education and children's rights at school are not necessarily conflicting notions. Taking into account the potential impact of the Children (Scotland) Act 1995, which provides children with the right to be consulted about decisions which affect their lives, it is clear that this legislation offers young people the opportunity to seek greater participation within their schools. Within this arena, we shall examine the purpose of schooling today and arguments for and against compulsory education. Following this, we shall consider current education policy in relation to children's rights at school. Here, we shall examine recent changes in legislation and we shall explore the ways in which the notion of children's rights and increased participation for young people at school is being put into practice.

6.2 COMPULSORY EDUCATION AND CHILDREN'S RIGHTS AT SCHOOL

6.2.1 Introduction

In this section, various matters relating to compulsory education are examined. Firstly, the purpose of schooling in society today is considered. This is followed by an assessment of arguments for and against compulsory education.

6.2.2 What is the purpose of schooling in Britain today?

Mass education is now widely believed to be a basic human right (Boyden, 1990). Over the past hundred years, schooling, as a part of a child's education, has gradually developed into an experience parallel to that of the adult in employment. Although the child works shorter hours than the adult in full-time employment, does not receive payment and attends school within a compulsory system of education, the world of the school provides an appropriate environment in which to prepare the young for the adult world of work. At the same time, it liberates parents so that they are able to work apart from their children. The genesis of this separation of the working lives of adults and children was in the nineteenth century, as discussed earlier, when the old kinship ties were severed during the Industrial Revolution.

It is useful to acknowledge John Stuart Mill's observation that education is wider than schooling. This highlights the strong link between schooling and the wider social environment (Garforth, 1979). Mill (1859a/1962) acknowledges that young people can benefit from schooling. However, he is opposed to the sort of schooling which attempts to remove individuality: "...it is the privilege and proper condition of a human being, arrived at the maturity of his faculties, to use and interpret experience in his own way." (Mill, 1859a/1962, p.186).

Clearly, education takes many forms and continues throughout a person's life; schooling is only a part of this wider learning experience. Even when children are still of school age, they are engaged in a wider, more informal learning experience than schooling. They are learning about life in their particular society, through daily interactions with others as well as their environment. Many adults, although they are no longer attending school, continue to develop their education formally, through courses of study at educational institutions. At the same time, like children, all adults continue to experience the more informal education of everyday life. Education is, therefore, a continuous process from birth to death, whereas schooling is generally contained in childhood. Because of the link between schooling and the wider

environment, the school experience generally reflects the dynamics of this environment.

6.2.3 Arguments for and against compulsory education

Various theorists have advanced cogent arguments from both sides of the fence. Two important features of these arguments are the welfare of the child and the development of the child's autonomy. Those who are in favour of compulsory education are generally concerned with the child's present welfare and future autonomy. Conversely, those who are against compulsory education are as concerned with the child's present welfare and autonomy during childhood as they are with the child's future well-being.

Firstly, let us consider some of the arguments that have been advanced in favour of compulsory education.

Wringe (1981), for example, considers compulsory education within the ambit of welfare rights where the emphasis is upon the child as a progressively developing being. Wringe (1981, p.144) asserts that, in order to claim a welfare right successfully, one criterion would be that "...the good claimed should be something without which the individual sustains some relatively serious or permanent harm." Wringe finds some justification in this proposition by comparing, with reservations, the physical neglect of a person with the cognitive deprivation associated with a life devoid of education.

Wringe (1981) is wise to have reservations with regard to this proposition. There are undoubtedly problems associated with physical neglect, for example, arrested development of the body, including mental capacities; long-term health problems; premature death etc. However, to deprive a child of enforced schooling would not necessarily result in a life devoid of education. The removal of compulsion may, in fact, provide an incentive for children to attend school. Juxtaposed with this theory, of course, is the possibility that some parents may remove their children from a school system which lacks a compulsory element. Nevertheless, it would be difficult to prove that a child

who does not attend school on a compulsory basis would remain ignorant for a lifetime. Indeed, many children who attend school within the constraints of a compulsory system are still able to reach the end of their school days with little knowledge or understanding of the basic education provided by the school. These children are clearly cognitively deprived *despite* the compulsory nature of schooling. Attendance at school does not guarantee expansion of the mind. Compulsion is, perhaps, a simple way of ensuring that all children of school age, at least in theory, receive a basic education. It would probably be more useful to consider why children have to be forced to go to school. Is there something wrong with the methods of teaching or the content of the curriculum? As Janet Finch (1984, p.89) aptly points out, the fact that schooling is compulsory suggests that "...its intrinsic value is not immediately apparent to all citizens." These are crucial issues which shall be returned to in the final chapter.

Haydon (1993) has argued that there is some justification for compulsory education as a forum for the promotion of a common language of moral discourse within a pluralist society. Haydon (1993) suggests that such a common moral language would not favour any individual tradition over another and that it would mitigate the increasing tendency towards religious and cultural separatism within schooling. Haydon (1993) asserts that if schooling were not compulsory, there would not be the requisite common schooling to facilitate an understanding of a common moral language.

A further justification for compulsory education is summarized by Archard (1993) as the 'caretaker thesis'. Such a thesis, Archard claims, is defended by liberal political thinking which incorporates specific notions of autonomy and paternalism. Within the framework of this theory, as Archard (1993, p.55) explains, "Children will *only* acquire the rights of self-determination if they are denied them now...Going to school is necessary for maturation into a rational autonomous being." This theory focuses, in particular, upon the individual's need to be autonomous in order to be free from the constraints of compulsory education and concludes that only the adult who has received such an

education acquires autonomy. Furthermore, Gardner (1983, p.112) cites Locke as maintaining that man's freedom is "...'grounded on his having reason'...".[1] Locke (1689a/1960) made this statement in 'Two Treatises of Government' and continued his argument by suggesting that a person is not in fact free if allowed to act without restraint before acquiring reason. However, as with Wringe's justification for compulsory education being that it is a welfare right, there are clearly arguments which may be levelled against such claims.

Holt (1974, p.183), for example, claims that "A person's freedom of learning is part of his freedom of thought, even more basic than his freedom of speech." Holt (1974) justifies his claim by concluding that power is the most corrupting aspect of the school. It is the competitive element inherent in such an education system, which is judged constantly by anxious parents desiring their child to perform better than the other children, that Holt considers to be seriously harmful. If freedom is an essential goal, a system of education which limits free choice and encourages controlled input of learning is, clearly, unable to offer the child the opportunity to attain freedom as an autonomous being.

Nan Berger (1972) offers another interesting oppositional view to compulsory education. She claims that children are denied responsibility in school, as teachers act *in loco parentis* which, along with the compulsory aspect of education, places teachers in a position of authority which dissipates the child's ability to develop a sense of responsibility. Berger (1972, p.169) asserts that "To deny a child responsibility reduces its ability to be self-regulating." The question is - would it be possible to be self-regulating within a compulsory system of schooling? It is certainly possible to be partially self-regulating within a compulsory system. Children can play an active role in the running of their schools through effective pupils' councils and representation on School Boards.[2] It is, however, necessary for teaching staff and other

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[1] Locke's view has previously been discussed in Chapter 1 in relation to rights language.

[2] The School Boards (Scotland) Act 1988 (s4 (2) and (3)) allows a young person of legal capacity to be a co-opted member of a School Board. Pupils' councils and School Boards are discussed further in Section 6.3.

adults who are involved in these procedures to welcome these measures if children are to have their views taken seriously. Unless the children's proposals effectively influence school policy, their representation within the school remains a token gesture.

As well as having representation within schools, children can also benefit from learning about rights as part of the curriculum. Without knowledge about rights, an individual's position as a right holder is weakened. By returning to the theory that children can comprehend complex ideas at a relatively young age, it is feasible to introduce children to the notion of rights and their practical consequences within the school environment through teaching about rights.[3] This would allow them to develop a more sophisticated understanding of their actions. Indeed, a study by Decoene and De Cock (1996) in Belgium in 1993-4 established a link between children's experience of an education programme of children's rights and an increase in support for rights, tolerance and respect for other children's rights and cultural diversity. Similar findings have recently been established by Katherine Covell and R. Brian Howe (1999) in their Canadian study which was based on the research of Decoene and De Cock.[4]

These arguments for and against compulsory schooling focus upon the individual needs of the child. Let us now turn to a theory which introduces the wider concerns of society - the needs of the community rather than the individual. Such a theory considers the effects of individual actions upon wider society.

Plato defended compulsory education by claiming that "...'the child is even more the property of the State than of his parents' (Laws, VII.804d)." (cited in Archard, 1993, p.134). However, Plato is not advocating a specific level of universal compulsory education; concentrating, on the contrary, on a form of

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[3] Teaching about rights is discussed further in Section 6.3.
[4] These studies are examined further in Chapter 7.

compulsory education for the future leaders of the state. Nevertheless, the compulsory element is justified as a necessity for the good of the whole community.

Barrow (1975, p.181) refers to one of the Platonic norms which assumes freedom to be an "...unhelpful concept." Freedom, in this context, is considered to be "...desirable only where and when men have clearly shown themselves able and willing to put the claims of equal happiness before all other claims." Here, the overt emphasis is upon the happiness of the community, rather than the desires of the individual.

A further example of the justification of compulsory education as beneficial to society in general is contained in T. H. Green's claim concerning true freedom. Green (cited in Gardner, 1983, p.112) asserts that true freedom is "...the liberation of the powers of all men equally for contributions to a common good." Let us consider this proposal in conjunction with the claim that children do not possess true freedom, as they are not yet rational autonomous beings. If we accept this assertion, there is some justification for compulsory education if such an education is intended to liberate the powers which, according to Green, contribute to the common good; bringing about true freedom for the individual (Gardner, 1983).

The utilitarian argument in favour of compulsory education is, of course, only concerned with the views of the majority of *adults*. However, if we were to consider children to be an oppressed minority whose views are valid, a considerable 'silenced' minority of children would exist. The democratic application of an education system would, therefore, deny those in the minority the right to a voice or to take action in their own defence. If compulsory education may be justified as the desire of the majority of those whose opinion counts in society - namely adults - there is a large section of the community without a voice but with a direct and crucial interest in the dissemination of education. As Mill (1859b/1962, p.114) asserts, "...it is chimerical to suppose

that whatever has absolute power over men's bodies...will not attempt to shape the education of the young by its model...".

Another interesting point emerges if we consider Holt's claim concerning the corrupting nature of the school along with Berger's (1972) assertion that, at school, children are denied the opportunity to develop a sense of responsibility. What does this tell us about the influential majority who use their political votes to support or challenge standards and practices? If Holt, Berger and others who share their views concerning education are correct, it follows that the adults who form the influential majority of voters will have experienced the same limiting education that they are now advocating for the next generation. This would suggest that these adults - supposedly the product of a flawed education system - are not capable of making fully rational and responsible decisions regarding the education of the next generation. It is interesting that the liberationists, most of whom are the product of the education system that they condemn, do not appear themselves to have been tainted by the corrupting aspect of the school; they are, undoubtedly, radical thinkers. This surely contradicts the notion that all children who pass through the school system become cognitively limited and unable to shoulder responsibility. This suggests that at least some children are able to overcome the alleged restrictions of contemporary schooling. The liberationists' theory does not address a crucial element concerning schooling, i.e. the fact that various social and biological factors contribute to the effect of schooling upon children. Class, gender, race, family and school dynamics, as well as innate traits all play a part in the child's development and experience of schooling.

6.2.4 Summary

The various arguments proposed in favour of compulsory education are concerned mainly with the protection of the child's right to be educated and consequently with the child's present welfare and future autonomy. These are powerful arguments if we consider the possibility of exploitation by adults if children no longer have a right to *compulsory* education. Fears that children would be forced by their parents or guardians to leave school in order to work

for wages outside the home, or unpaid within the home, is a major concern. Also, in a wider sense, compulsory education has been defended as necessary for the good of the whole community. This utilitarian proposal is alluring. However, if children were viewed as an oppressed minority, it would be necessary to ascertain their views regarding compulsory education before the good of the whole community could be established.

Those who argue against compulsory education, on the other hand, suggest that children within such a system are denied responsibility in school. Consequently, the argument continues, children do not develop a sense of responsibility which they will need in their adult lives. It is also argued that children are unable, within this system, to attain freedom as self-determining autonomous beings.

An important question is - would it be possible for children to have meaningful choice rights at school within a compulsory system of education? It is not proposed that a decisive conclusion regarding the merits or demerits of compulsion should be attained. Our main concern is the feasibility of accommodating children's choice rights within a system which is compulsory and is likely to remain so for the foreseeable future.

In the next section, recent changes in education policy are examined in order to assess their impact upon children's rights at school.

6.3 EDUCATION POLICY: RECENT CHANGES AND THE IMPLICATIONS FOR CHILDREN'S RIGHTS AT SCHOOL

6.3.1 Introduction

If there are to be meaningful choice rights for children at school, it is likely that they will have to operate within a compulsory system of education. By examining current education policy, we are able to assess the potential for increased participation by young people in the decision-making process within their schools.

6.3.2 A move towards market principles in education

There has been a radical shift in government policy in relation to education over the past twenty years. The Conservative government introduced measures during the 1980s and the early 1990s which weakened the traditional role of local government and introduced notions of consumerism, choice, value for money, standards and accountability to the education sector (Humes, 1999). Parents were to become the focus of government policy. Education legislation during the 1980s introduced parental rights to choose a school for their children outwith their local catchment area; provisions were made for schools to opt out of local authority control and opportunities for devolved school management were introduced. Although there are shared principles and procedures for education throughout Britain, for example, its compulsory element, the duration of attendance and general aims and expectations, there are also considerable differences in Scotland compared to the rest of the country. It is important to be aware of this distinctiveness in Scottish education policy if we are to understand the experiences of children in relation to their rights at school within the Scottish context of the survey later in this thesis. In the next section, we shall explore these differences and consider them in relation to their relevance for children's rights.

6.3.2.1 Distinctive features of Scottish education policy: what does this mean for children's rights?

In Scotland, most aspects of education are governed by Acts of Parliament which are separate from those in England and Wales. Since the union of 1707, education in Scotland has been organized separately from the rest of the United Kingdom (Clark, 1997). It is important, therefore, to take into account the distinctiveness of Scottish education when considering recent changes in education policy.

Since the 1980s, parental involvement in schooling has increased. Initially, when parental choice legislation was introduced through the Education (Scotland) Act 1981, this act provided stronger rights of choice than the English legislation - the Education Act 1980 (Munn, 1997). Parents were

given the right to choose the school for their children, including a school outwith their local catchment area. However, where the English legislation stressed that parents had to provide a reason for their choice,[5] in Scotland education authorities were bound to comply unless a statutory exception applied.[6] It is clear within the education legislation that children's choice rights are not considered. However, if we examine the principles of the Children (Scotland) Act 1995 in conjunction with the Education (Scotland) Act 1981, we find that the increased choices for parents to select a school for their children are, at least in principle, qualified by the child's right to be heard and to have his or her views taken seriously. Section 6 of the Children (Scotland) Act 1995 states that, when making major decisions, parents should consider their children's views; taking into account the age and maturity of the child when deciding upon the level of importance of the child's views. Section 6 of the act provides that in law the age of twelve is recognized as old enough to express views. However, it is evident that education legislation is concerned with parents' rights and that children's rights are clearly absent.

School Boards, which were introduced by the School Boards (Scotland) Act 1988, have provided further opportunities for increased parental involvement. However, the powers of School Boards over financial issues are limited.[7] Governing bodies in England (the English equivalent of school boards) have statutory responsibilities for employing school staff, for school budgets and for aspects of the curriculum (Munn, 1997). However, in Scotland, School Boards do not share these statutory responsibilities. Instead, there is the right to veto the capitation budget which the head teacher has set and the right to comment about the school budget under arrangements for devolved management (Munn, 1997).[8] Furthermore, in spite of concerns that School Boards might be

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[5] The English legislation was strengthened in the 1988 Education Reform Act.

[6] Examples of statutory exceptions are - the need to employ an additional teacher, or alteration to school buildings, or being seriously detrimental to order and discipline or pupils' well-being; in Scotland there was an additional right of appeal to the sheriff; committees' and sheriffs' statutory duties of appeal were more strictly defined; also, where an appeal is upheld in Scotland, all similar cases must be reviewed by the authority. (see the Education (Scotland) Act 1981 Section (3) (a) - (e) for further details of statutory exceptions).

[7] There is an option for School Boards to request more powers but this has rarely been exercised.

[8] In Scotland, control of the school budget is devolved to the head teacher - not to the School Board - from the local authority (Clark, 1997).

the first stage in schools becoming self-governing, opting-out has not proved to be a popular option in Scotland (Munro, 1999). Again, most children are excluded from participating by being below the age of legal capacity[9] and therefore too young to be co-opted onto School Boards.[10] Furthermore, if co-opted, their participation would not necessarily be representative of their peers as they are chosen by existing members of the School Boards, i.e. adults, rather than other pupils within the schools.

Another distinguishing feature of Scottish education is concerned with the testing of pupils. There has been resistance from local authorities, teaching unions and parents to the establishment of national testing in Scotland (the Conservative government attempted to place national testing in Scotland as it had in England and Wales) (Humes and Bryce, 1999). Although national testing exists in Scotland, it is administered at the teachers' discretion rather than in P4 and P7 as had been envisaged (Clark, 1997). However, children are not consulted about the timing or appropriateness of these tests. Matters relating to the school curriculum, including the testing of pupils, remain the responsibility of adults.

An important feature of Scottish education is that, unlike England and Wales, Scotland has no national curriculum. Instead, reports by working parties of professionals who are closely involved with schools are the basis of the 5-14 Programme.[11] The guidelines for this programme emphasize balance, breadth and continuity in schooling (Clark, 1997). In relation to children's rights, it may be argued that this more flexible approach to the curriculum could provide an arena for greater opportunities for increased choice rights for children. Certainly, the Personal and Social Development programme of the 5-14 curriculum provides an opportunity to explore issues relating to children's rights. Indeed, as we will see in Chapter 8, in Lothian Region, in order to

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[9] The age of legal capacity in Scotland is 16.

[10] See Footnote 2 for details of co-opted membership of School Boards.

[11] An outline of the 5-14 Programme can be found in 'The Structure and Balance of the Curriculum 5-14' (SOED 1993).

avoid marginalization, the concept of children's rights was brought into the heart of the PSD curriculum. However, as Hill and Tisdall (1997) point out, although the 5-14 Programme in Scotland is less prescriptive than the national curriculum south of the border, it does provide guidelines for national standards and appropriate areas of study and these are generally adhered to.

Legislation which focuses specifically on education may not take account of children's rights at school. However, the Children (Scotland) Act 1995 provides a platform for increased participation by young people. This act has attempted to create law by drawing upon the principles of the 1989 United Nations Convention on the Rights of the Child. The emphasis is upon the whole community, with a sense of working in partnership; with responsibilities for children lying not only with professionals in, for example, education and social work, but also with parents. Furthermore, as we have discussed earlier in this chapter, appropriate participation by children is also encouraged.[12]

6.3.2.2 Summary

It is evident that recent education legislation neglects children's rights at school. Instead, through notions of market principles and consumerism, parents' rights have taken centre stage. Children, on the other hand, have "...been perceived as passive recipients of State schooling, not as active consumers with rights of choice and influence" (Hill and Tisdall, 1997, p.120). There are, however, ways in which young people can have increased choice and participation rights within their schools. In the following sections, we shall explore ways of increasing participation for children at school and the role of teaching about rights within the boundaries of current education policy.

6.3.3 Increased participation at school for children

Evidence suggests that a democratic approach in schools results in more effective schools, i.e. schools with positive outcomes such as increased

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[12] For further details, refer to 'Scotland's Children: Proposals for Child Care Policy and Law' - Scottish Office White Paper 1993 (Edinburgh: HMSO).

motivation, a sense of empowerment amongst teachers and pupils and a more relaxed relationship between pupils and their teachers (Trafford, 1997). Furthermore, as Gerison Lansdowne (1995, p.45), as Director of the Children's Rights Development Unit, has stated "Learning to participate in a democratic society is a fundamental objective of education".

The most direct way that children can have an active role in the running of their school is through a pupils' council or through membership of a School Board. However, it is necessary that the adults who are involved are supportive of these young people. Ashworth (1995), for example, in her survey of school councils, found that some head teachers were very unhappy about the possibility of pupil autonomy. However, many head teachers believed that the involvement of children in school management had generated a sense of ownership amongst the children which had led to shared values between staff and pupils (Ashworth, 1995). Despite their potential, however, pupils' councils are quite rare and are often relatively powerless (Hill and Tisdall, 1997). For example, in a recent survey of 2,272 children aged between seven and seventeen years, only 20% thought that their council was effective (Alderson, 1999). Also, Kathleen Marshall and Roseanne Maguire (1998) of the Centre for the Child and Society at Glasgow University have reported that there was a general feeling amongst the 53 young people who participated in their focus group discussions that pupils' councils are largely ineffective.[13] This is because the head teacher or board of studies makes the final decisions about matters discussed by the councils.

At the time that the survey for this thesis was conducted, there were only a few pupils' councils in Lothian and Strathclyde with most being in secondary schools. Actual figures were not available as no record was kept by the Regional Councils. Furthermore, the representatives of each Regional

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[13] This research is concerned with the teaching of values education at school. It examines the relevance of educating teachers, student teachers, children, parents and social workers about the United Nations Convention on the Rights of the Child. It also aims to develop a training resource for teachers. This research has been conducted in three stages:- Stage 1 - 1998; Stage 2 - 1999; Stage 3 - forthcoming.

Council suggested that figures would be unhelpful as new pupils' councils may be introduced at the same rate as others were being disbanded. This begs the question - should pupils' councils be a national statutory requirement? In Austria, for example, the participation rights of children in schools are protected by law and are, therefore, legally binding. School pupils from the age of ten may participate in the organization of school life directly or indirectly through representatives. Children have the opportunity to be represented at class and school level (Kisser, 1996). Austrian children have the opportunity to participate in a meaningful and effective way in their daily experience of schooling.

One notable attempt in a British school to increase pupil participation through the introduction of democratic principles was recently undertaken by head teacher Bernard Trafford (1997) at Wolverhampton Grammar School in England. Having carried out action research within his school during his first five years as head teacher, Trafford (1997) has reported that the process of sharing power with pupils through student council representation and taking young people's views seriously led to a happier, more effective school (Trafford, 1997). However, he also highlights the considerable demands of the democratization process upon school managers, particularly head teachers. Despite the difficulties encountered when instituting such a major change in the power structure of the school, Trafford (1997) found that the outcome was extremely positive.

Clearly, it is possible for pupil representation to be a meaningful and effective opportunity for children to increase their participation at school. However, if all children are to be represented, it is crucial to ensure that all pupils' councils are effective and are not merely a token gesture. Without the introduction of legal requirements for pupils' councils on a national scale and a body to which schools are held accountable for the standard and effectiveness of these councils, the usefulness of such opportunities for participation by children is extremely hard to monitor. Representation through pupils' councils or on school boards is likely to be more effective as part of a comprehensive system

of participation for pupils and teachers as partners, where accountability is regulated by a children's ombudsman or commissioner. Sam Galbraith, the Scottish Minister for Children and Education[14] has recently asked the Scottish parliament to consider the benefits of appointing a children's commissioner (The Scotsman (Education), 24/5/00, p.3).

From an international perspective, Van Bueren (1998) points out that, if the recently created office of the High Commissioner for Human Rights proves to be effective, it may become advisable to create a complementary post for children. Van Bueren (1998, p.412) notes that there are currently no United Nations bodies "...independent of treaty obligations which prevent breaches and protect the wide range of international rights of children". Van Bueren (1998) proposes that a useful way of including children's participation in the implementation of the Convention would be through their inclusion as members of states' delegations who present evidence to the Committee on the Rights of the Child. It is essential to consider these proposals seriously if children are to be effectively represented and their rights are to be valued. As Verhellen (1996, p.14) has pointed out, "Proper monitoring must take into account the experience of *child advocacy*".

There is no doubt that important initiatives for young people in Scotland have been developing recently. For instance, the establishment of a Scottish Youth Parliament in Edinburgh; Glasgow Council's Youth Strategy; and in Fife, a network of groups of young people for consultation purposes which was initiated by Fife Children's Participation Forum and the Scottish Alliance for Children's Rights (Children in Scotland, 2000).[15] Within the Scottish parliament itself, a Cross Party Group has recently been established. One of the group's aims is to draw attention to children's issues within the Scottish parliament (Children in Scotland, 2000). However, Children in Scotland are critical of certain aspects of the Government's attempts to establish an agenda for children. They point out that educational law has not been co-ordinated

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[14] At the time of writing.
[15] At http://www.childreninscotland.org.UK/children.

either with the 3-year children's services plans or with the Children (Scotland) Act 1995. As Hill and Tisdall (1997) point out, educational discourse has tended to focus on parents' rights rather than children's rights.

As well as having Charters for children, a children's ombudsman or commissioner and children's representation, the other crucial factor within a comprehensive system for improving children's lives at school is an acceptance of the value of such a system. For all concerned, this is likely to be most effectively established through teaching about rights and responsibilities; with teacher training being as important as the education of children about this subject.

6.3.4 Learning about rights: pupils and teachers

There is currently considerable interest in teaching about rights in schools as an aspect of values education, as well as educating teachers about children's rights (Osler, 1994; Haydon, 1994, 1997; Osler and Starkey, 1998; Marshall and Maguire, 1998, 1999). Audrey Osler (1994) suggests that teachers could consider the UN Convention's influence upon the design of a human rights school as a way of familiarizing themselves with the Convention. However, teaching about human rights is not a new phenomenon. In 1985, for example, the Council of Europe recommended the teaching of human rights in schools (Rec. No. R (85) 7). The Committee of Ministers of the Council recalled their recommendation on "The role of the secondary school in preparing young people for life" (Rec. No. R (83) 13) and recommended that "...throughout their school career, all young people should learn about human rights as part of their preparation for life in a pluralistic democracy" (Council of Europe, 1996, p.439). However, teaching about children's rights is a new phenomenon.

The following discussion shall focus on the implications of teaching about rights within schools.

Returning to the discussion in Chapter 4 which considered Haydon's (1994; 1997) argument concerning the 'care' orientation and the 'justice' orientation, it

is important to consider the relative importance of each of these orientations when teaching children about rights in school.

If we consider the preference for the care orientation which was found amongst the teachers with whom Haydon (1997) talked, the outcome is not surprising. Again, we must emphasize the importance of context: it is apparent that the care orientation is particularly relevant for teachers. Haydon (1997) suggests that this orientation seems to be more concerned with the individual person and asserts that many teachers are motivated by this, amongst other values. He contrasts this aspect of the care orientation with the more impersonal nature of the justice orientation.

There is clearly the possibility, when considering ways of teaching about rights, that one orientation shall be chosen in preference to the other. It appears, from Haydon's (1997) findings, that it is likely to be the care orientation that is preferred by teachers. It is, therefore, feasible that children may be taught to a greater extent about rights of co-operation and concern for others than rights which are specifically about one's own choices. This highlights one of the difficulties faced when attempting to implement meaningful rights for children when there remains a powerful sense of circumspection regarding teaching children about rights which embrace the 'justice' orientation. Clearly, this is partly due to the fact that there is still concern about the ability of younger children to understand abstract notions such as justice. However, it also appears to be based on an ideological notion that children should be protected from such 'grown-up' ideas as those which are associated with justice. There is an underlying sense that young children should learn about co-operation and caring for others in order to create more co-operative and caring adults. There is certainly no argument with this practice. If one is hoping for a more stable and peaceful world, it is clearly wise to educate children about caring for others and co-operating with fellow citizens. However, as Haydon (1997) has pointed out and further discussion in Chapter 4 has illustrated, it is important to understand both orientations if children are to develop a balanced perspective regarding different types of rights. It is also important so that children are able to learn about the

complexities which are inherent in rights language and which can create problems when attempting to put rights into practice.

As Haydon (1997) rightly claims, there are difficulties with both orientations. The care orientation considers the needs of individuals in different circumstances whereas this is neglected by the justice orientation. However, the care orientation does not guarantee that everyone will be cared for. As Haydon (1997) points out, teachers are unlikely to have equal concern for all their pupils. In defence of the justice approach, Haydon (1997) proposes that it may be necessary to have a sense of moral reasons for things which are independent of a person's feelings. By having a sense of justice or fairness, the teacher can ensure that some pupils are not favoured over others.

There is, however, another important related issue to consider. This concerns the relevance of a Charter of children's rights for the teaching of values in schools.

The types of values being promoted within Charters concerned with children's rights are likely to influence the types of rights that are promoted for children generally and are, therefore, likely to influence the way that values are taught within schools. The care orientation tends to promote rights which are concerned with both local and global community harmony. The justice orientation, conversely, promotes individual rights over community requirements. The child's right to protection and welfare, with its intrinsic quality of care is, therefore, more congenial to many adults than the child's right to make important choices, with its implicit sense of justice. It is likely, therefore, that if children's views are compatible with a Charter which favours the care orientation, the views of these children will be more in keeping with concerns about others than concerns about choice rights.

There is also the question of how the community aspect of the school would be affected if children had choice rights at school and the role of the care and justice orientations within this scenario.

It is concluded that both orientations are important within the school. The care orientation ensures that there is a sense of the needs of the whole community, in this case the community of the school. The justice orientation ensures that individual children within the school receive fair treatment irrespective of community needs.

6.3.5 Summary

It is evident that young people can participate in a number of ways at school. Meaningful choice rights can be exercised directly through involvement in, for example, pupils' councils. However, participation is also about learning and understanding different types of rights and acknowledging that various parties are involved when rights are exercised, i.e. other people also have rights. Teaching about rights is an important aspect of enabling children to participate within their schools. Participation is not only about exercising meaningful choice rights. It is also about co-operation, tolerance and sharing. It is through learning about rights - one's own and those of others - that we are able to appreciate that the most important aspect of having rights is not always exercising those rights but knowing that you have the ability to do so.

6.4 CONCLUSION

In this chapter, we have explored a number of related themes concerned with education policy. By examining education legislation, we have been able to understand the ways in which children's rights can be accommodated within a system which may appear to be hostile to, or at least uninterested in, children's rights. The compulsory element of schooling is highly significant in relation to children's rights and it is clear that there are powerful arguments for and against compulsory education. It would be naïve to suggest that education being either voluntary or compulsory would be right for all children. However, recognition of this dilemma is not an endorsement for compulsory education. It merely highlights the importance of social, environmental and biological factors within this debate.[16] It is these factors which contribute to

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[16] These factors relating to child development are discussed in Chapter 4.

the diverse schooling experience of different children. It is crucial to acknowledge the sociological claim that the school has the ability to advantage middle-class children by perpetuating middle-class values (see, for example: Arnot, 1986; Burman, 1994). Sadly, within the contemporary school system, attempting to make education equally valuable for all children remains a challenge.

It is the compulsory aspect of schooling which may, on the one hand, serve the purposes of those who design and implement educational programmes; facilitating their dissemination within the school system. On the other hand, however, it is this very element of shaping education which can sometimes limit the development of the child into a free, autonomous adult. If indoctrination replaces education, the control inherent in a compulsory system must be, at least potentially, inhibiting. However, it is possible that having meaningful choice rights *within* a system of compulsory school attendance could help to counteract any potentially deleterious effects of such a system. We have noted that education legislation has not attempted to embrace children's rights. However, it is clear that, even within this framework, local authorities and individual schools are attempting to address children's rights issues. This has been evident in the establishment of pupils' councils and the growing interest in values education.

In the next chapter, we shall consider children's experiences at school and their views of their rights.

CHAPTER 7

CHILDREN'S RIGHTS AT SCHOOL: WHAT DO YOUNG PEOPLE THINK?

7.1 INTRODUCTION

As we have seen in previous chapters, the notion of children's rights at school raises many important questions. In particular, we have looked at the central questions concerned with competence to be a right-holder, changing attitudes towards children and recent legislation and policies relating to children.

In this chapter we shall focus on young people's views about children's rights at school which will provide us with the wider context in which to situate our survey findings.

7.2 YOUNG PEOPLE TALKING ABOUT RIGHTS AT SCHOOL

7.2.1 Introduction

It is likely that there is a correlation between the increased valuing of children's views in recent years and young people's improved status as young citizens. So far, we have examined significant changes in attitudes towards children and how these changes can impact upon young people's experiences at school. It has become clear that, until recently, young people's views were not often sought in relation to important matters at school and were rarely taken seriously, particularly in the case of younger children. In fact, only twenty five years ago, when there was a dearth of empirical studies of school pupils' views - and in fact young people's views in general - it was suggested that this relative neglect of the viewpoint of school pupils was due to the low status of the role of the school pupil (see, for example: Calvert, 1975). Calvert highlights an important factor relating to the greater emphasis within educational research upon teachers' views - the teacher has a choice, the pupil does not. It is with this factor in mind that Calvert (1975) provides the analogy of teacher and pupil and doctor and patient. The pupil is expected to

conform to the expectations of the teacher as the patient is expected to conform to the expectations of the doctor. It is evident that today the status of school pupils is altering; becoming more participatory and being viewed as more reflexive rather than merely receptive. In recent years, although there are relatively few published studies of children's perspectives on their rights, research in this field has begun to take young people's views into account (Morrow, 1999). We shall now examine recent research findings which focus on children's views about rights. These findings are relevant in relation to our survey.

7.2.2 What do young people think about children's rights?

In recent years, there has been a growing interest in listening to young people, with a number of interesting and informative studies being conducted which have considered children's views about their rights (see, for example: Alderson, 1993, 1999; Ashworth, 1995; Buist, MacPherson and Asquith (1994); Covell and Howe, 1995, 1999; Decoene and De Cock, 1996; Delval *et al.* 1995;[1] Hart and Zeidner, 1993; Marshall and Maguire, 1998, 1999; Morrow, 1999; Ruck *et al.,* 1998).

Our particular interest is children's views about rights within the context of schooling. It is with this in mind that we have focused on studies which are also concerned with the context of the school. We shall begin by assessing research findings which have explored the extent of children's knowledge about their rights.

Recent British research which has considered children's knowledge and views about their rights has been conducted by Priscilla Alderson (1999). When asked about the UN Convention, Alderson (1999) found that only 5% of 2,272 pupils aged between seven and seventeen years had heard of it "a lot", with 19% saying they had heard of it "a bit". Also, Marshall and Maguire (1998),[2] in their recent Scottish research, found that the majority of children in their study

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[1] This study by J. Delval and others, which is cited by Ochaíta and Espinosa (see bibliography for further details), is:- Los derechos de los niños vistos por los propios niños (Memory of Investigation, 1995).
[2] This research has also been discussed in Chapter 8.

said that they had not been taught about children's rights. When human rights were taught, it was mainly during Personal and Social Development work and in Modern Studies classes. Furthermore, a recent Spanish study by Delval and colleagues (1995), involving children aged between 8 and 18 years, found that none of the children under 12 years of age had heard of individual rights or did not remember hearing about them (cited in Ochaíta and Espinosa, 1997). The evidence suggests that there is some sort of barrier preventing children from acquiring information about their rights. This is an important factor when considering the observations of the Committee on the Rights of the Child in 1995 when reporting on the UK government's first report submitted in 1994. The Committee recommended that the State party should, under the provision of Article 42 of the UN Convention, "...undertake measures to make the provisions and principles of the Convention widely known to adults and children alike." (CRC/C/15/Add.34, Sec. D, No. 26). Measures undertaken by the government have not been very effective to date.

However, this limited knowledge about their actual rights does not mean that young people are unable to conceptualize rights. This is evident in the findings of the various studies of children's views about rights which we shall be examining in this chapter. Related to this, however, is the existence of diversity in children's perspectives about rights which extends beyond variations between individuals and includes those which are concerned with, for example, gender, socio-economic status or country of residence. From the late 1980s to the early 1990s, a cross national research project concerned with children's perspectives of their rights at school and at home - whose first phase involved twelve to fourteen year old participants[3] - was initiated by the International School Psychology Association (ISPA). The co-principal investigators, Stuart Hart and Moshe Zeidner (1993), reported that socio-economic status, sex and country of residence were linked with differences in perspectives about rights. With regard to different responses between males and females, Hart and Zeidner (1993) found that females generally perceived rights as more important and that this pattern was particularly strong in the

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[3] It is this first phase of the research which has been examined in this chapter.

school setting. In relation to cross national comparisons, in four of the five nations being examined, it was found that females were again inclined to perceive rights as more important, although this time within both the home and the school setting. However, in the fifth nation males rated rights as being more important in both the home and the school settings. In relation to socio-economic status, those in the higher groups tended to perceive rights as more important in both the home and the school settings (Hart and Zeidner, 1993). Recent research which has examined young people's judgements of freedom of speech and religion has also found that females are more likely than males to rate rights highly and that males are more likely than females to support authority with regard to freedom of speech (Helwig, 1997).

This suggests that considerable systematic research into social and cultural diversity is needed before we are able to provide all young people with an equal opportunity to understand their rights and to benefit from these rights. The potential benefits and drawbacks of diversity in relation to perspectives of rights should be fully explored in order to provide a balanced approach to education about rights. When diversity is embraced within a climate of interest and shared understanding, for example, within a rights-oriented curriculum, tolerance of the views of others and their right to hold these views may be increased. However, such an education programme is likely to have limited success without the involvement of parents as well as pupils and teachers. By involving parents in a curriculum which is rights-oriented we can ensure that the child's experience of rights issues extends beyond the school to life outside as well.

In Chapter 6, it was noted that research conducted by Decoene and De Cock (1996) in Belgium with children between 3 and 12 years of age produced interesting results. Their findings suggest that there is a link between children's experience of an education programme of children's rights and increased support for rights, tolerance and respect for other children's rights and cultural diversity. Building on this evidence, a Canadian study by Katherine Covell and R. Brian Howe (1999) of children with an average age of

11 years attempted to test what they describe as the apparent "contagion effect" present in the findings of Decoene and De Cock. The "contagion effect" is that children become more aware of and are more likely to support the rights of others when they learn about their own rights. Similarly, Covell and Howe (1999) have found that there was greater support for classmates and teachers, as well as greater acceptance of ethnic minority children, amongst young people exposed to a curriculum embracing education about rights than those who were not exposed to this curriculum. These findings are in harmony with the principles of the UN Convention, in particular with respect to Article 29.1 (d):-

The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

Furthermore, this recent research by Covell and Howe (1999) supports the findings in the evaluation of the Lothian Children's Family Charter by Buist, MacPherson and Asquith (1994) of Glasgow University who also found that pupils were more aware of and more knowledgeable about rights in schools which had given special attention to the Charter or other rights-focused projects.[4]

Let us now consider some notable findings relating to children's views of the types of rights that they consider to be important at school. Hart and Zeidner (1993), for example, found that whilst pupils and teachers consider the full range of rights to be important,[5] they rank particularly highly rights to the fulfilment of basic human needs, i.e. survival and physical, mental and affective nurturance. Hart and Zeidner (1993) point out that Maslow's (1987) hierarchy of needs is well supported by their findings.[6] There may be a number of reasons for this tendency of the young people in this study to

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[4] This study by Buist, MacPherson and Asquith (1994) is discussed in detail in Chapter 8.
[5] See Hart and Zeidner (1993) for full range of rights.
[6] See Chapter 9 for discussion of Maslow's hierarchy of needs.

concentrate mainly on the lower levels of needs. It is likely, for instance, that children *and* adults would prioritize their needs in this manner. The need to survive is clearly essential before one considers any other needs. In addition, young people may have had little experience of needs at the highest levels, i.e., *esteem or ego needs* or *self-actualisation needs* which tend to be associated more with adult status and are consequently delimited by adult authority over children.

An important factor which relates to young people's views about their rights is how they regard themselves as a group - i.e., children as opposed to adults - within the hierarchy of the school. Alderson (1999) found that there was a general sense of mistrust of their teachers amongst the children in her survey, with pupils also expecting their teachers to mistrust them. Only a quarter of the pupils in Alderson's (1999) study thought that their teachers believed what they said and half the pupils said that it varies. Concern with being trusted is also present in a recent study by Virginia Morrow (1999). One aspect of Morrow's study asked young people to write a list of what they thought children's rights ought to be. Morrow found that the children, whose ages ranged from 11 to 16 years, were particularly concerned with being respected and trusted.

An important question is - what influences young people's views about their rights? To date, there is only limited data relating to this question. Earlier we found that research by Decoene and De Cock (1996), as well as related research by Covell and Howe (1999), suggested that there is a link between children's experience of an education programme of children's rights and increased support for the rights of others. Another important study which is of particular interest was recently conducted in Canada by Martin Ruck and his colleagues (1998),[7] who considered young people's knowledge about and understanding of rights. This study suggests that young people's views about rights appear to be influenced by their experiences concerning rights in their

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[7] Reference to Ruck and colleagues (1998) in this chapter has henceforth been shortened to Ruck (1998).

own lives. Furthermore, they propose that the influence of experience is as important as the level of cognitive development. Ruck's (1998) findings contrast with earlier research findings (for example, Melton, 1983; Melton and Limber, 1992), which reported that young people's knowledge about rights suggested an age-related progression from concrete to abstract thinking. Ruck (1998) found that even the oldest participants (sixteen year olds), when asked to define a 'right', responded in a way which was more in line with viewing rights in relation to their own lives rather than in terms of abstract principles. Ruck (1998) presents further evidence to support this theory which relates to the understanding by the participants in their study of whether or not their rights can be revoked. Interestingly, even the oldest participants (sixteen year olds) stated that their rights could be taken away. As these researchers point out, their findings contrast with other research findings by Melton and Limber (1992). This disparity may be attributable to the format of the questions being asked, for example, that a question has been asked in an open-ended format rather than being presented as a hypothetical dilemma in the form of a vignette (Ruck *et al.,* 1998).

These findings by Ruck (1998), along with the data collected from other questions in his study, suggest that children as young as ten hold both concrete and at least rudimentary abstract conceptions in relation to certain aspects of their rights knowledge. For example, when asked the question *'Who has rights?'*, by ten years of age most of the children spoke of the universal nature of rights. Furthermore, approximately a third of the twelve-year-olds in their study described a right in concrete terms but provided abstract justifications for the irrevocability of rights (Ruck *et al.,* 1998).

Finally, we shall consider findings relating to children's views about choice rights and protection rights, as this is a matter of particular relevance for our survey. It has recently been demonstrated in two studies which we have already considered in relation to other findings that choice rights[8] were prominent for participants in comparison with protection or safety rights (Ruck

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[8] Referred to by Ruck and his colleagues (1998) as self-determination rights.

et al., 1998; Melton and Limber, 1992). However, Ruck (1998) found that about a third of their Canadian participants compared to a tenth of the American participants questioned by Melton and Limber (1992) mentioned protection or safety rights. As Ruck (1998) points out, further research into young people's knowledge of rights and the ways in which they think about choice and protection rights is needed.

7.3 CONCLUSION

The research which has been examined in this chapter suggests that young people have limited knowledge about their rights. However, it is evident that this does not prevent them from holding and expressing their views about rights. It has been demonstrated that various factors can influence young people's responses when questioned about rights, for example, the types of questions that they are asked, as well as social and cultural factors.

Although there is clearly a need for further research which considers the child's perspective and children's rights, some of the existing evidence certainly suggests that having a more comprehensive understanding of rights and responsibilities can be beneficial both to pupils and teachers. Exposure to a school curriculum which embraces education about rights appears to increase young people's acceptance of the perspectives of other children as well as adults within their schools.

The notion of participation for children is in its infancy and remains a highly controversial issue. Participation in decision making for children at school remains on the periphery of the school ethos. Even within a milieu which is suspicious of, if not hostile to, the participation of children in the decision-making process, there is potential for children to participate in a more indirect way. By participating in social research which seeks the views of the child, there is an important contribution being made by children themselves to the creation of a modified perspective concerning children. Social research which attempts to understand the child's views concerning rights contributes to our knowledge about child development and children's perceptions.

As a contribution to this expanding field of research and as an attempt to assess the compatibility of the Charter's principles with children's views concerning rights and responsibilities at school, a survey was conducted as part of this thesis. The survey is the focus of Chapters 8 and 9[9] and is concerned with what children think their rights and responsibilities ought to be at school. A comparison was made between children's views in Lothian Region, where a Charter had been instituted and children's views in Strathclyde Region, where no Charter was present. As a localized attempt to implement the main principles of the United Nations Convention on the Rights of the Child, the Lothian Children's Family Charter was chosen to play a pivotal role in the survey.

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[9] The final conclusions relating to the survey are discussed in Chapter 10.

CHAPTER 8

BACKGROUND TO THE SURVEY

8.1 INTRODUCTION

In Section 8.2, we will consider the main factors which led to the development of the Lothian Children's Family Charter, as well as examining the results of a six-month evaluation of the implementation of the Charter. Following this, we will look at Strathclyde Region's strategy at the time of the survey. Finally, the schools which participated in the survey will be described in Section 8.3 and the methods used to conduct the survey are discussed in Section 8.4.

8.2 CHILDREN'S RIGHTS, POLICY MAKING AND EDUCATION

8.2.1 Introduction

At the time of the survey, the Lothian Children's Family Charter addressed the issue of children's entitlements in Lothian in relation to education, health and social care. There was no specific policy in Strathclyde, at that time, relating to children's entitlements. This region, therefore, was chosen as a contrast with Lothian.

8.2.2 Those who provided information on the ethos and policies of each region

Interviews were conducted with members of the Education Department of each region to trace the development of policies concerned with children's entitlements. In Lothian, this was Dr. Russell Forrest, the Principal Officer (Children and Families).[1] In Strathclyde, it was Kathleen Miller, the Primary Adviser (Social Educational Programmes (Primary)).[2] Interviews were also

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[1] Also Executive Secretary of the Youth Strategy Management Group and Development Officer for Youth Strategy.

[2] Although providing information about Strathclyde Regional Council, at the time of the interview, Kathleen Miller was employed by Glasgow City Council.

conducted with three other vital contributors to Lothian's promotion of rights for children. Alan Finlayson, the Adjudicator of the Lothian Children's Family Charter; Lewis Thomson, the Development Officer, Personal and Social Development[3] 5-14 (LCFC), who was responsible for the integration of policies on children's entitlements into schools and Linda McCracken, the Children and Young People's Information, Rights and Complaints Officer in the Social Work Department were also interviewed.

8.2.3 Lothian Region's strategy

8.2.3.1 The development of the Charter

The Lothian Children's Family Charter was launched in June 1992.[4] The genesis of the Charter was in the Lothian Youth Strategy which was pioneered by Elizabeth Maginnis, Chair of the Education Committee in Lothian when the Charter was launched. The Committee responsible for the development of the Charter consisted of five core members: three representatives from the Education Department, one from the Health Board and one from the Social Work Department. The Committee was a sub-group of the Youth Strategy Management Group.

The Charter aimed to set out standards of good practice of child-centredness and to harmonize social work, health and education standards. It was designed with the notion of the 'family' at its core and was directed at both children and adults. Dr. Russell Forrest (1996) remarked that the assumption was that "parents are responsible adults and have *responsibilities to* children, not *possession of* children". Furthermore, Forrest described the Charter as being able, in principle, to alter the experience of children's schooling from one of passive recipients to more active searchers: "with rights to know, with rights to find out and with rights to trust in the adults who are there to help them make that discovery".

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[3] Personal and Social Development shall also be referred to as PSD.

[4] After the reorganization of local government in 1996, the four newly formed district councils that replaced Lothian Region agreed to continue the application of the Charter.

Forrest was responsible for advising the Charter working group of the remit from the Education Committee and assisting educational members of the group, who were, to all intents and purposes, unfamiliar with notions of child-centredness and children's rights.

In Lothian, where there were significant reservations about the concept of children's rights, both within the Education Department and among teachers, the Charter was created and generally accepted as a useful means of promoting entitlements for children. According to Forrest (1996), teachers' unions had concerns about children telling tales on teachers and parents. The Education Department had reservations about the Adjudicator: an independent person, able to measure the quality of provisions and adherence to the Charter. There was also a general reservation about empowering children reflected in the British Government's initial reluctance to sign the 1989 United Nations Convention on the Rights of the Child.[5] Furthermore, there was considerable concern about to what extent specific entitlements could actually be drawn up and departments made accountable for their delivery, particularly where they involved resources.

Although the Charter is not a legally enforceable document, the Children (Scotland) Act 1995 has introduced specific legal requirements for children in relation to care and protection. This amendment to child law has added weight to some of the Charter's principles. However, this has mainly affected the principles concerned with child protection when in care, or during legal proceedings, rather than specific principles concerning schooling.

Forrest explained that the notion of a Charter was considered to reflect the concept of the global village: a concept where the future presents a different experience of citizenship, moving away from traditional state or cultural concepts towards a more global notion of shared culture and values. No other Charter had

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[5] It was not until December 1991 that the British Government finally ratified the Convention.

attempted, so comprehensively, to bring together health, social work and particularly education into one common document.

A complementary activity that coincided with the development of the Charter was the Personal and Social Development programme of the 5-14 curriculum. In order to avoid marginalization, the concept of children's rights was to be brought into the heart of the PSD curriculum. Forrest asserted that keeping the person at the centre of the curriculum and at the centre of the relationship of learning makes *learning* the main object rather than *knowledge*. He further proposed that "the concept of commitment to a learning experience is essentially about rights: rights to self-knowledge ultimately."

The Charter was designed to be concerned with a responsiveness to learning: learning about oneself and about others. The Scottish Consultative Council on the Curriculum produced a document in 1995 entitled 'The Heart of the Matter' which puts Personal and Social Development at the heart of all learning: what it means to be part of a democratic learning community.

Although there was no feasibility study conducted prior to the creation of the Charter, children from a number of schools were asked to provide their views regarding the Charter's fifteen principles, drawn from the 1989 United Nations Convention on the Rights of the Child. These children were asked to define the fifteen principles in their own words or to draw something that would reflect each of the principles.

The appointment of an Adjudicator was an important aspect of the Charter, as this provided, for the first time in Lothian, an independent person to consider the grievances of children and their families, if they felt that their Charter entitlements had been infringed. The Adjudicator for the Charter, Alan Finlayson, took up his post on the day that the Charter was launched. Finlayson (1993) emphasized the

"back-stop", or last resort, nature of the post of Adjudicator whilst acknowledging the absolute need for this post.

Finlayson (1996a) believes that the Charter can make a difference to all aspects of children's lives if the people who dictate policy adopt the principles. The principal positive aspect of the Charter, according to Finlayson, is that, although it is not binding, it is persuasive.

When considering ways of measuring the relative success or failure of the Charter, Finlayson (1993) was emphatic that this could not be judged by the number of referrals to the Adjudicator. He emphasized the need for the relevant Departments[6] and staff members to be committed to the principles and practice of the Charter. He argued, in fact, that a heavy referral rate might indicate a lack of such commitment and that the Charter was failing. It is, therefore, worth noting that during the first year of the Charter, only six referrals were received by the Adjudicator; during the second year, only two referrals were received and in the third year, there were only three referrals. Most of the referrals by 1996[7] were concerned with schooling, for example, exclusion from school, bullying and concern about the inadequate provision of learning support. Referrals were initiated by both children and adults, including parents and other interested parties, for example, a grandmother and a field social worker.

It is, nevertheless, arguable that it would be equally contentious to consider the Charter to be a success based on the low number of referrals to the Adjudicator. Although this may be the result of good practice by the relevant Departments and individual members of staff, there are other possible explanations for these results. It may be a lack of knowledge about the Adjudicator, or fear of formal proceedings, or an inability to articulate a grievance, that has resulted in such a

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[6] Education, Health and Social Work Departments.
[7] Lothian Regional Council ceased to exist after March 1996. The three Reports considered here were submitted by the Adjudicator prior to the 1996 local government reorganization.

low level of referrals. It should also be noted that a referral is only received by the Adjudicator after the complaints procedure of each institution, i.e. schools, the health service or social work services, has been fully exhausted.

There is clearly no way of knowing whether or not the number of referrals to the Adjudicator are indicative of the success or failure of the Charter. In order to reach a clearer understanding of the impact of the Adjudicator's role, it would be necessary to conduct further research that focused specifically on this issue. Finlayson (1993, p.4) does, in fact, acknowledge this dilemma when stating that the low level of referrals might suggest that "...there may be a number of children whose rights have been neither recognised nor articulated". According to Finlayson (1993), there has been a gradual adoption of the Charter's principles within schools. However, he has found that children in care, with whom he has spoken, have considerable knowledge of the Charter and their entitlements. This is understandable when considering the relevance of rights and rules to those who are living away from their families. Furthermore, growing concern in recent years about the welfare of children in care is likely to have influenced the attitudes of those responsible for these young people, for example, social workers and care workers in children's homes. Finlayson reports that social work staff are routinely providing information about the Charter to young people in care.

In contrast, Linda McCracken, the Children and Young People's Information, Rights and Complaints Officer, whose remit focuses mainly on young people in care, found that they are not generally aware of the existence of the Charter. Both Finlayson and McCracken were interviewed in April 1996, yet their experiences regarding knowledge of the Charter by young people in care was clearly contradictory.

Knowledge of the Charter among young people, in general, is sporadic and is highly dependent upon the attitudes of the adults who are in a position to promote this document.

McCracken believes that the Charter needs to be more accessible to young people through the provision of a simplified more user-friendly version. If the Charter is to have a meaningful impact on children's lives, she believes that it is necessary to be proactive: informing young people of their entitlements, rather than providing the Charter and expecting people to read it merely because it exists. McCracken stressed the importance of the quality of the service that is being provided for young people and that it should be meaningful to each individual young person.

Although McCracken believes that the Adjudicator can offer young people the opportunity to seek assistance directly from an independent source, she also acknowledges that the preceding complaints procedure can be lengthy. This, she asserts, may result in some young people and their families deciding it is not worth making a complaint or proceeding with one which they have already undertaken.

In 1993, the post of Development Officer was created within the Education Department. Lewis Thomson, as the new Development Officer, had a key role in further promoting the Charter ideals and entitlements. This would be achieved through the Personal and Social Development elements of the 5-14 curriculum. Thomson was responsible for promoting positive initiatives within the classroom relating to Personal and Social skills. These initiatives included anti-bullying strategies and the promotion of positive behaviour in schools. Thomson was also responsible for demonstrating active ways of listening to children and informing Lothian children of the concept of children's rights and responsible ways for children to safeguard their entitlements (Reid and Chant, 1994).

Since the launch of the Charter, various children's conferences have been organized by Thomson, at which P7 child delegates have represented their primary schools. Nevertheless, the Charter has mainly acted as a catalyst for

existing child-centred approaches - according to Forrest, "a mechanism that allowed focus and a degree of co-ordination to be achieved around a set of issues that otherwise might not have been recognized". Forrest provided the example of PSD initiatives and guidance as previously being regarded as rather marginalized activities that could not be measured, having no achievement targets or learning outcomes.

Forrest emphasized the major shift that has occurred in value systems in recent years that has enabled the Charter to be developed. However, he also highlighted the need to modernize the organization and architecture of our many archaic schools in order to accommodate today's children. With recent developments in technology, for example, the rapid expansion of access to the internet, Forrest adopted the metaphor of children as guidance systems, seeking and matching signals and suggested that current institutions must adapt if they are to function adequately in the future.

Before considering the ethos and policies of the Education Department of Strathclyde Regional Council, it is useful to note the main conclusions of a six-month evaluation of the implementation of the Charter. The findings not only reinforce some of the above comments by practitioners in Lothian Region, they also add further dimensions to the assessment of the Charter.

8.2.3.2 The Report of a six-month evaluation of the implementation of the Charter
A six-month evaluation was conducted by a research team from Glasgow University in 1993 (Buist, MacPherson and Asquith,1994) to assess the implementation of the Charter and to gather information relating to ways further to promote children's rights in Lothian Region.

The evaluation consisted of various samples - the main pupil sample, the special sample, the teacher sample, the social worker sample, the care sample and the health sample. As well as school pupils and teachers, other professionals from

the health service and social work department were also consulted. The first three samples mentioned above (i.e. - the main pupil sample, the special sample and the teacher sample) are the ones which are of interest in relation to the current study, as they constitute the education samples.

The main pupil sample consisted of four schools: two secondary (109 pupils (49%)) and two primary schools (115 pupils (51%)) - a total of 224 pupils. The age range was between six and sixteen with the nine, eleven and fourteen age groups having the most respondents per group in comparison with each of the other groups. In the primary schools the age range was between six and twelve years and in the secondary schools it was between twelve and sixteen years. The special sample consisted of two special schools with nineteen pupils participating.[8] One of the special schools catered mainly for children with emotional and behavioural difficulties and the other catered for those with learning difficulties. Pupils were selected by their head teachers. These were not, therefore, representative samples. The teacher sample consisted of 18 respondents from the various schools in the survey, with a disproportionate number of respondents from each school.

In the main sample, children completed the questionnaires in the classroom; with a simpler version being provided for primary school children in comparison with the questionnaire which was provided for secondary school children. In the special sample it was decided, after discussions with staff in the special schools, that using the questionnaire in interviews was the most appropriate method in view of the children's level of understanding and maturity. Practitioners were interviewed using semi-structured schedules, with the exception of three who received postal questionnaires.

Unlike the present study, which is concerned with a comparison of children's views about rights and responsibilities in schools in two Scottish regions - one

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[8] The age range was not specified for this group.

with and one without a Charter - the 1993 evaluation was concerned with the effectiveness of the Charter in Lothian in its early stages of implementation. In other words, the evaluation was concerned with the initial impact of the Charter in Lothian Region. The questions in the children's questionnaire were concerned mainly with the following:- whether or not the children had received information about the Charter; whether or not they understood the meaning of entitlements and making choices; whether or not they felt that they were listened to, were given the opportunity to make choices and had their rights recognized; whether or not they would like to know more about their rights; and finally, the complaints procedure for children.

Also, unlike the present study, which has concentrated on children's rights in relation to schooling, the evaluation was concerned with the implementation of the Charter in a broader sense; evaluating its impact upon the three sectors involved in the development of the Charter, i.e. education, health and social work departments. In spite of the different aims of the evaluation and the current study, it is worth noting the following points.

The evaluation is important with respect to the current study as it sets out clearly the main positive and negative aspects of the Charter in its early stages of implementation. These findings are generally in keeping with the statements made earlier in this section by the various practitioners interviewed for the current study. For instance, the evaluation supported the view that a simplified version of the Charter should be produced for children. However, it has been concluded that parents also need to be made more aware of the Charter, with a more user-friendly document being available to them. Once more, the problem of delays in the complaints procedure was highlighted, as was the need to maintain awareness of the Charter as an ongoing process. Also, it was felt that not enough attention had been given to the responsibilities of young people.

The initial impact of the Charter upon the schools in the survey is recorded in the Report as having been generally positive. However, as well as the concerns mentioned above, which were in keeping with the statements made by practitioners interviewed for the current study, other concerns were also evident. For example, most respondents were critical of the Charter card and leaflet which had been distributed to the children in Lothian, believing these to be inappropriate and unhelpful. It should be noted, at this point, that the Charter's arrival was rather a surprise for most of the schools, with only five out of the eighteen teachers having heard of the Charter before its launch. It was made clear by the teachers that a crucial factor in the response of the schools to the arrival of the Charter was related to the timing of its introduction and the lack of time available for schools to locate the Charter within the curriculum. Furthermore, the Report found that primary teachers felt particularly threatened by the introduction of the Charter. Six of the eleven primary school teachers thought that the Charter affected their status. Despite the general feeling that the Charter was a positive innovation, none of the teachers thought that it would change anything in their school apart from acting as "...a checklist for existing policies." (Buist, MacPherson and Asquith, 1994, p.19).

On a more positive note, the professionals who were consulted during the evaluation expressed a desire for training on rights and how to deliver a rights-based service. Teachers were particularly concerned about training in how to teach young people about having and exercising rights. They considered this to be a crucial aspect of their role. It has also been found by Marshall and Maguire (1998; 1999), in their ongoing project, that many teachers - particularly primary school teachers - are enthusiastic about further training on children's rights and values education. The development of a training resource for teachers by Marshall and Maguire, as part of this project should, therefore, prove to be a welcome addition to current practices.[9] Overall, the teachers supported the

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[9] The study by Marshall and Maguire is also discussed in Chapter 6 (Section 6.3.3) and Chapter 7 (Section 7.2.2).

Charter but believed that much discussion as well as training would be necessary to advance the Charter within schools.

The majority of the school pupils in the evaluation had heard of the Charter. It was also found that pupils were more aware and more knowledgeable about rights in schools which had given special attention to the Charter or other rights focused projects. Despite the fact that most of the pupils had heard of the Charter, only 31 of the 224 children in the main sample stated their views concerning rights and choices when invited to do so in the final question of the questionnaire. The children's answers were divided into three categories - 'need for rights' 71% (n=22); 'more awareness needed' 19% (n=6); and 'education needed in use of rights' 10% (n=3). However, when examining the examples of comments made in response to this question, there appears to be a degree of overlap between these categories.

Finally, there remains the problem of funding and of resulting limited resources. This, of course, is a crucial factor in the implementation of the Charter and the delivery of related services. This important point was raised in the evaluation. It was suggested by many respondents that without financial support from the education department, certain entitlements could not be delivered. For instance, school repairs, classroom maintenance etc. require adequate financial support in order to provide young people with - as proposed by the Charter - "...an environment which is physically safe in attractive surroundings conducive to learning" (1992, p.8, statement 1).

8.2.4 Strathclyde Region's strategy

At the beginning of this section, it was mentioned that there was no specific policy in Strathclyde relating to children's entitlements at the inception of the Charter. This situation did not alter until after the reorganization of local government in 1996. It is therefore maintained that Strathclyde Region did not develop, at any later stage, a specific policy relating to children's entitlements.

Since 1997, it has been required by law that all local authorities should produce a plan for children's services. This legal requirement was introduced by the Children (Scotland) Act 1995.[10] Glasgow City Council, for example, is now clearly adopting the principles of the Act and the UN Convention on the Rights of the Child in its Children's Services Plan. Nevertheless, at the time of writing, the proposal of a Charter for children has not been mooted.

Kathleen Miller pointed out that, in Strathclyde, although there was no equivalent document to the Lothian Children's Family Charter, various initiatives have been undertaken since 1991 relating to child protection, in the wake of the events in the same year in Orkney which resulted in Lord Clyde's Inquiry in 1992.

As well as individual schools' responses, a child protection team was set up by the Strathclyde Adviser on Guidance, working with the Primary team that dealt with Personal and Social Education. This initiative, aimed at both adults and children, helped schools to realize the importance of child protection and highlighted the notion of children's rights. Nevertheless, this was clearly an initiative which concentrated specifically on protection rights.

8.2.5 Conclusion

In Lothian, there has been a clear statement of commitment to children's entitlements. This statement, in the form of the Charter, has focused on children as active participants rather than passive recipients. In Strathclyde, although individual initiatives have been visible, in contrast to Lothian Region, there never has been a comprehensive policy which promoted the rights of children.

Of course, now that it is a legal requirement for local authorities to have a children's services plan, an increased focus on children's rights is inevitable.

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[10] See Section 19 of the Act.

8.3 THE SCHOOLS WHICH PARTICIPATED IN THE SURVEY

8.3.1 Introduction

In this section, each of the participating schools in the survey, including the school selected for the pilot study, is briefly described.

8.3.2 The pilot study

The school that was selected for the pilot study is situated in a working-class district of a new town outside Edinburgh. This school is a modern, single-storey building. It is quite a large co-educational, non-denominational primary school, with two hundred and eighty pupils in attendance at the time of the survey.

8.3.3 The main study

The six schools that were chosen for the survey were selected because they adhered to certain pre-requisites. The schools represented a broad, cross-section of the school population; incorporating lower, middle and upper socio-economic levels, various sizes of schools and both rural and urban settings. The schools were matched by region for socio-economic level and for rural and urban settings.

The socio-economic level of the schools was determined through consultation with representatives from the Education Department in Lothian Region and social researchers in the Psychology Department of Strathclyde University, who provided the names of various schools at each of the socio-economic levels as potential participants in the survey.

Three schools were selected from each of the two regions. The study was conducted prior to the local government reorganisation in 1996, which removed the regional tier of government, creating new district boundaries.

8.3.3.1 The Lothian schools

8.3.3.1.1 School 'L1' - highest socio-economic level

This school was established approximately two hundred years ago but more recently became re-established in modern premises. It is quite a large co-educational, non-denominational primary school, with three hundred and twenty five pupils in attendance at the time of the survey. The school is situated in a middle-class suburban area of Edinburgh.

8.3.3.1.2 School 'L2' - middle socio-economic level

This school was established during the 1870s. It is a very small co-educational, non-denominational primary school, with only sixty seven pupils in attendance at the time of the survey. It is situated in a rural area outside Edinburgh. The school serves both a working-class and a middle-class community.

8.3.3.1.3 School 'L3' - lowest socio-economic level

This school was established towards the beginning of the twentieth century. It is quite a small co-educational, denominational primary school, with one hundred and eighty five pupils in attendance at the time of the survey. Non-denominational pupils are also welcomed at the school. It is situated in a working-class part of Edinburgh's city centre.

8.3.3.2 The Strathclyde schools

8.3.3.2.1 School 'S1' - highest socio-economic level

This school was established in the early 1960s. It is quite a large co-educational, non-denominational primary school, with three hundred and eighty five pupils in attendance at the time of the survey. It is situated in a middle-class suburb of Glasgow.

8.3.3.2.2 School 'S2' - middle socio-economic level

This school was established during the 1870s. It is quite a large co-educational, non-denominational primary school, with two hundred and ninety six pupils in

attendance at the time of the survey. It is situated in a rural area outside Glasgow. The school serves both a working-class and a middle-class community.

8.3.3.2.3 School 'S3' - lowest socio-economic level

This school was established during the 1950s. It is quite a small co-educational, non-denominational primary school, with one hundred and seventy three pupils in attendance at the time of the survey. It is situated in a working-class housing estate on the outskirts of Glasgow.

8.4 METHODS USED TO CONDUCT THE SURVEY

8.4.1 Introduction

A unity of theories and methods within social science research establishes a sound basis for providing reliable evidence. As Marten Shipman (1981) points out when considering the limitations of social research, it is easy for researchers to conceal flaws in design and results. However, "...the commitment to giving information on the way evidence has been collected is an acknowledgement of the possibility of producing dependable evidence." (Shipman, 1981, p.138). It is inevitable that difficulties relating to methods shall be encountered when conducting social science research. It is often easy to make assumptions about qualitative data whilst it is usually extremely hard to be certain about the true meaning of these data. There is clearly a correlation between these difficulties and the fact that it is human beings who are studied in social research. People can be unpredictable. They can behave in ways which present considerable problems for the researcher. For example, people change their minds after providing their opinion, they misinterpret questions, they lie, they withhold information etc. It is therefore evident that, when studying the social world, if we impose pre-constructed categories on it, we may in effect ensure its distortion (Shipman, 1981). These beliefs lead us to a theoretical framework which moves away from that of the more traditional positivist approach to one which draws upon the schools of social interactionism and phenomenology as being more

suited to the requirements of a qualitative study of children's views at school. In addition to these theoretical approaches, feminist approaches to methodology have provided useful insights for this study.[11]

As we mentioned at the beginning of this introduction, a unity of theories and methods within social science research is an important aspect of the collection of reliable evidence. Consequently, the methods adopted for this study have been selected to complement the theoretical approach.

Two of the most widely used methods for data gathering in social science research are the questionnaire and the interview. These methods have been chosen for the current study. However, they have been adapted to fit with the theoretical approach. Before elaborating on the use of questionnaires and interviews, we shall consider the adopted theoretical approach in greater detail.

8.4.2 Developing a theoretical framework

Whilst accepting, with certain reservations, that in accordance with positivist tradition, social research should be conducted with neutrality and objectivity, this approach neglects crucial aspects of the social world. It is clear that subjectivity is inherent where people interact in any given situation, including social research. This can occur whether the research consists wholly of non-observational techniques, for example, the use of questionnaires, or where it involves participant observation or interviewing. Preconceived ideas and beliefs are a potential hazard for every researcher.

When considering some of the main propositions of a positivist approach to science, Keat and Urry (1982, p.72) point out that this approach is concerned only "...with observable phenomena and consists of the establishment of law-like relations between them through the careful accumulation of factual knowledge." This approach neglects the subjective level of social action. Émile Durkheim's

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[11] These theoretical approaches are discussed in greater detail in Section 8.4.2.

'Suicide' (1897/1952), a sociological study of suicide rates, provides a useful illustration of this limitation of a positivist approach in social research. Durkheim's methodological approach does highlight the importance of social factors when considering suicide rates. However, it is evident that an exclusion of the significance of psychological factors presents individuals as rather mechanical and utterly conditioned, with no will of their own. Durkheim aims to provide external, observable criteria when attempting to identify the presence of social facts (for example, suicide) and their nature.[12] However, when investigating ways in which the coercive power of social facts is imposed upon the individual, he finds that it is internal psychological states which are the most effective constraints rather than constraints enforced by prohibitive laws (Keat and Urry, 1982). Durkheim (1897/1952) finds that the most effective constraint exists when individuals internalize society's moral beliefs and accept the authority of society as a higher moral power than that of the individual. As Keat and Urry (1982, p.84) aptly point out, when referring to Durkheim's methodological approach, "...he wishes to eliminate all references to mental, psychological states, as in his definition of suicide, but is unable to do so."

Such a methodological approach, which neglects the subjective level of social action, is clearly problematic when conducting qualitative research.

There are two crucial elements which are fundamental to the chosen theoretical approach. These elements are a consideration of social action explanations along with a consideration of structural explanations for social life and social change.

The chosen theoretical framework draws mainly upon the tenets of social interactionism and phenomenology as well as Marxist feminism and

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[12] Durkheim proposes that suicide-rates, when taken as a whole, are not merely a collective total made up of independent units. Instead this total is "...itself a new fact *sui generis*, with its own unity, individuality and consequently its own nature - a nature, furthermore, dominantly social." (Durkheim, 1897/1952, p.46).

poststructuralism. This is an attempt to address some of the difficulties inherent in a more traditional positivist approach which has been the target of increasing criticism in recent years.

Within this scenario, both Marx's holistic structural approach and the more individualistic approach of the social action theorists - for example, the symbolic interactionists concern for actors' perceptions and expectations of each other - are central.

The current study has been conducted within a milieu of late capitalism. Within this culture, economic structures are clearly powerful. It is, therefore, important to take into account their influence upon social actors when considering the measurement of data. For example, the role of schooling and of the school within contemporary British society may be viewed as satisfying various needs of the individual, of the community and of the economy. Marx's structural approach is concerned in particular with the needs of the economy. The significance of this approach for our research is that it is important to be aware of the ideological and of the practical impact of powerful economic influences upon the social actors taking part in the research process. Marx's concern with the pre-eminence of economic relations over other aspects of the social structure is evident in his criticism of Jeremy Bentham's utilitarian theory and his notion of the English petty bourgeois as 'the normal man'. Marx (1867/1976, p.759) highlights Bentham's failure to deal with "...human nature as historically modified in each epoch." This is an important observation. When we are conducting social research, we should be aware of the influences of the particular economic structures upon the observed culture. Despite the benefits of acknowledging the influence of economic structures upon other social structures, an important limitation of Marx's theory is that he does not take into account an actor's consciousness and intentions (Bilton et al., 1987). Symbolic interactionism is concerned with these factors.

Within social action theory, symbolic interactionism contributes to the rationale for this study through its consideration of the way that actors gain a social identity through the negotiation of different roles and situations. This approach offers valuable insights when carrying out qualitative research, although it is important to remember its limitations, particularly its neglect of social structures. Max Weber (1978), as a social action theorist, does address the issue of historical social structure as well as belief systems. It is important to point out, however, that Weber fails to provide a clear link between social action and social structures or belief systems and instead remains individualistic. Nevertheless, Weber's use of 'verstehen' or interpretive understanding[13] is useful when carrying out qualitative research which attempts to understand the meaning of action for the actor.

Despite the fact that symbolic interactionism has been less influential in Britain than it has been in America, a considerable amount of qualitative research on education in Britain has been influenced by it (Atkinson, Delamont and Hammersley, 1993). Particularly since the late 1960s, the influence of symbolic interactionism is evident: for example, Hammersley, 1974, 1976, 1977; Hargreaves, 1978, 1979, 1980, 1986; Woods, 1979). Hammersley studied patterns of classroom interaction whilst Hargreaves focused on the coping strategies of teachers and Woods was interested in pupils' adaptations to school.

Social interactionist theory is enhanced by a consideration of phenomenological theory. The combining of aspects of these two theories has been developing in Britain since the 1960s (Shipman, 1981). This approach directs us to a broader understanding of the constraints on social action. Phenomenological theory shares with symbolic interactionism the notion of a shared definition of situations and roles and symbolic communication through language (Bilton et al., 1987). However, whereas symbolic interactionism emphasizes the creative manner in which these societal elements develop, phenomenology views these shared

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[13] The process of attempting to understand the meaning of an action for the actor.

meanings as a set of fragile common-sense assumptions about society and other people. If we combine these two approaches, whilst acknowledging the significance of structuralism, we develop a theory which suggests that dominant social structures influence the thoughts and actions[14] of creative social actors.[15] However, the creativity of social actors is circumscribed by taken-for-granted assumptions about the social world.[16] It is clear that if we are proposing a theory which is concerned with social action, it is important to explore the relevance of language within this scenario.

It is here that we turn to poststructuralism, with its emphasis on language as being fundamental to the analysis of social organization, power, social meanings and individual consciousness. In particular, feminist poststructuralism offers some cogent arguments in relation to social processes and institutions and the role of language and subjectivity in an attempt to understand power relations within society.

In her critique of feminist poststructuralism, Chris Weedon (1987) argues that poststructuralism builds on Saussure's structuralist theory but radically transforms some of its important aspects. The principle that meaning is not reflected by language but is instead produced within language is taken from Saussure. Furthermore, the idea that individual signs acquire their meaning through the language chain and their difference within it from other signs, rather than having intrinsic meaning is cited by Weedon (1987) as an important Saussurean principle. Nevertheless, Weedon (1987) suggests that, in order to be of interest to feminists, it is necessary to consider language as a system which always exists in historically specific discourses.

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[14] In accordance with structuralism.
[15] In accordance with social interactionism.
[16] In accordance with phenomenology.

It is useful here to consider aspects of Marxism in relation to a feminist poststructuralism. Weedon (1987) suggests that what is important for feminism within Marxist theory is the way that ideology and material interests are viewed as linked and the essential role this plays when particular forms of power relations in society are reproduced.

If ideologies associated with dominant social structures are dispersed through language and if particular power relations exist between men and women and between adults and children, it is important for the researcher to be aware of the significance of the choice of language and its uses when creating questions for interviews and questionnaires and when interpreting research data.

To sum up, a useful theoretical approach for analysing mainly qualitative data has been developed for this study which combines the principles of social action theories with those of structural perspectives. Whilst acknowledging the significance of structuralism, we have developed a theory which suggests that dominant social structures influence the thoughts and actions of creative social actors whose creativity is circumscribed by taken-for-granted assumptions about the social world. Our theory also embraces poststructuralism's emphasis on language as being fundamental to the analysis of social organization, power, social meanings and individual consciousness.

If we now consider the practical application of this theoretical approach, we are able to illustrate some of the difficulties which may arise when using questionnaires and conducting interviews for the purposes of social research.

When respondents are being asked questions about their views in relation to their experience at school, it is inevitable that the questions being asked by the researcher will be created within and exist within a particular set of linguistic signs. The particular language used and the structure of the questions will influence the outcome. Furthermore, the researcher's and the respondents'

views exist within a set of expectations about social life. These expectations are dynamic in the sense that people are not acting like machines with a set of fixed responses. However, there are taken-for-granted, shared expectations about social life. For example, young people are often asked what they are going *to be* when they grow up; adults are often asked the question *what do you do*? These questions are invariably conceived as a reference to future or present employment. It is evident that the needs of the economy as a whole have a powerful influence over our expectations of ourselves as individuals who not only play a role of employer or employee but who also often define ourselves in these terms. It is important, therefore, to be aware of these influences when compiling questions for questionnaires and interviews. When respondents are from different socio-economic backgrounds, as they are in the current study, it is necessary to acknowledge that their interpretation of the questions and their expectations may vary accordingly.

It is also useful to consider the possible conflict between the outward appearance of individual actors, for example their actions and statements, which may belie an inner world of unexpressed conflicting thoughts. It is also crucial to consider the importance of meaning within this scenario: what a person says or how a person acts will be interpreted according to the listener's own understanding of the social world and his or her preconceived notions of the meaning of each linguistic sign.

Having considered the broader issues relating to the application of the chosen theoretical approach for this study, it is useful to establish the benefits and problems associated with the chosen methodological approach.

8.4.3 Using questionnaires and conducting interviews

As well as many benefits, there are also a number of potential problems to be addressed when using questionnaires and interviews. Before we consider the techniques applied in the current study to utilize the benefits and minimize the

problems associated with questionnaires and interviews, the most commonly reported benefits and problems shall be discussed.

8.4.3.1 Choosing the methodology

Taking into account the theoretical framework for this study, in order to address the difficulties of conducting research which is on a small scale and where no longitudinal evidence is gathered, it was decided to combine qualitative and quantitative methods. By including a quantitative analysis of the data, it is possible to challenge a common criticism of qualitative analysis, i.e., that qualitative analysis places the emphasis of validity upon the meaning of situations to the participants in the research whilst not always providing accounts which are causally adequate (Finch, 1986). As we shall discover in the following discussion, there are also problems associated with the use of quantitative methods. By combining qualitative and quantitative methods, different types of data are being gathered. It is, therefore, possible to reach an outcome which provides more convincing results (Pollard, 1984). As well as satisfying the needs of methodological validity, the combining of methods also served the purpose of engaging adequately with the young respondents. The study was to be concerned with children's views. It was important to choose a means of gathering data which would engender the most uninfected and genuine responses, reducing artificiality to a minimum. By using questionnaires and follow-up group interviews, it was possible to provide the children with a varied format in order to reduce the likelihood of boredom and the consequent danger of answering the questions at random. For this purpose, as well as for the purpose of gathering both quantitative and qualitative data, there were both 'closed' and 'open' questions within the questionnaires. The 'closed' questions generated the quantitative data and the 'open' questions generated some of the qualitative data. The follow-up group interviews, wherein the respondents answers to the 'closed' questions were discussed, produced further qualitative data. The questionnaires provided the

children with a reference point during the interviews.[17] They also provided the researcher with the opportunity to check whether the children had understood the questions and whether they had altered their views between the completion of the questionnaire and the interview.

8.4.3.2 Using questionnaires and conducting group interviews

Although there is a vast literature concerned with research methods in the social sciences, there is a general consensus in relation to the main benefits and drawbacks associated with the use of questionnaires and interviews. Most of the issues which may arise relate to both the interview and the questionnaire, with a few issues being more specifically encountered when using one or other of these methods.

First, let us consider the more general points which are relevant for both the interview and the questionnaire.

8.4.3.3 The benefits and drawbacks of conducting group interviews and using questionnaires

With each of these two approaches, the researcher is able to gather data on a small or a large scale. The questionnaire is particularly useful for large-scale quantitative studies as it is less time consuming to administer than conducting interviews and the researcher can collect a high volume of statistical evidence. On a smaller scale, the questionnaire can be a useful means of collecting data for further analysis during a follow-up interview and is particularly useful when combining methods, gathering both quantitative and qualitative data. Alternatively, the interview provides the researcher with the opportunity to interact directly with the respondents. When conducted appropriately, the interview can engender more complete and informative data for qualitative analysis than the

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[17] The questionnaires, which the children had previously completed, were handed out at the beginning of the group interviews so that the children could refer to their answers to the closed questions. The questionnaires were collected by the researcher at the end of the interviews.

questionnaire as there is greater scope for open-endedness of questioning and for prolonged interaction. However, the benefits of collecting verbal data through questionnaires and interviews are only sustainable if we are vigilant in our awareness of the potential problems associated with these methods of data gathering. It is noteworthy that most of the literature relating to social science methods is concerned with the problems rather than the benefits. This highlights the vulnerability of all data gathering methods and the need to select techniques on the basis of their having the fewest drawbacks rather than attempting to look for a foolproof method, as this is likely to be an impossible task when conducting research involving human beings.

As P. Miller and C. Cannell (1988, p.458) have highlighted in their paper entitled 'Interviews in Sample Surveys', "Cognitive and motivational difficulties in answering questions are more common and more serious than is generally realized." Difficulties with the interpretation of questions and the salience of motivational factors have, in fact, been discussed by a number of writers (for example, Payne, 1951; Cannell, 1977; Belson, 1981; Schuman and Presser, 1981; Hunt et al., 1982; Sudman and Bradburn, 1982; Miller and Cannell, 1988; Dillon, 1990; Foddy, 1993; Koocher and Keith-Spiegel, 1994; Alreck and Settle, 1995). It has been noted by several writers concerned with response variation to different words in questions that many commonly used words are construed in a number of ways as well as being misunderstood (for example, Belson, 1981; Dillon, 1990; Payne, 1951; Schuman and Presser, 1981; Sudman and Bradburn, 1982). Belson (1981), for example, found that even very common words like 'people' or 'usually' produce various interpretations. There are clearly potential problems when using terms which may have more than one meaning (Alreck and Settle, 1995). This became apparent during the pilot study for the current survey when the meaning of the word 'praised' was construed in its religious context by one child. This highlighted the necessity for clarity of context with regard to any ambiguous terms before the completion of the questionnaire in the survey. Also, the tone of a word can produce interesting results (Dillon, 1990). This is evident

in one American study which tested the effect of the positive or negative tone of a word. It was found in this study that more respondents were in favour of *adding a law*[18] to the Constitution than *changing*[19] the Constitution (Payne, 1951). Clearly, if reliable data are to be gathered, it is important that the respondents understand each word of a question in the same way as the researcher understands it (Foddy, 1993). Another important factor related to interpreting meaning is that different respondents can view the same topic in different ways. This means that the researcher needs to be aware of the fact that answers to 'closed' questions with, for example, 'yes' and 'no' style options, that appear to be the same, may have been provided from different perspectives. So, it is essential that the researcher should ascertain which perspective has been used by a respondent (Foddy, 1993). For example, a small-scale (n=114) follow-up study[20] in New York of a Gallup national poll in 1943 found that the respondents' different perspectives engendered considerable variation in their responses. In both studies the respondents had been asked the question: 'After the war, would you like to see many changes or reforms made in the US or would you rather have the country remain pretty much the way it was before the war?' However, in the small-scale study, the respondents were also asked to describe the types of changes that they would or would not like to see. A similar percentage of respondents in both the national poll and the follow-up study said that they would like things to remain the same. However, in the small-scale study, the probing follow-up questions generated responses from various perspectives. The responses to these questions varied from references to domestic issues such as unemployment, education, social security etc. to diverse issues such as technology, foreign affairs and personal ideals etc. It is evident that answers to 'closed' questions, which are not subjected to further examination, may conceal a variety of perspectives which could potentially shed light on the data. The follow-up interview is one useful way of examining the results of 'closed' questions in

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[18] Positive tone.

[19] Negative tone.

[20] The follow-up study was conducted by the Division of Program Research in the US Agriculture Department.

questionnaires. Related to this problem of responses from different perspectives is the difficulty which may arise depending upon the level of social generality. Whether a question is intended to be personal or impersonal can often be ambiguous, generating different degrees of generality in the respondents' answers. The word 'you', for example, may relate to the individual respondent or may be intended to extend to the wider community (Foddy, 1993). Again, clarity of expression is vital for a positive outcome.

When designing a questionnaire, therefore, it is essential to ensure that the questions are clearly intelligible and are compiled using the simplest most unambiguous language possible (Alreck and Settle, 1995). Questions should be relatively short in order to fit within the attention span of each respondent. The shorter the questions the less likely it is that errors will be made by the respondents and the researcher (Alreck and Settle, 1995). They should also be easily understood (Foddy, 1993). Respondents must be capable of interpreting the question and providing the information required by the researcher under the conditions of the research process (Alreck and Settle, 1995; Foddy, 1993). It is important to allow enough time for the interview process so that the respondents are able to answer fully (Foddy, 1993). Particular care must be taken when interviewing children of primary school age as these respondents are much more likely than secondary school children or adults to have an underdeveloped vocabulary and a shorter attention span (Koocher and Keith-Spiegel, 1994).

In relation to 'closed' questions, it is useful to provide a filter; for example the 'don't know' filter chosen for the current study. The evidence suggests that, when a filter is not provided as an alternative to a 'yes' or 'no' option, many respondents provide substantive answers which are not based on their experience (Foddy, 1993). A number of studies suggest that including or excluding a non-substantive option has changed the distribution of responses by respondents (see, for example: Bishop *et al.* (1980) and Schuman and Presser (1980, 1981)). In their research on people's responses to obscure issues, Schuman and Presser (1980, 1981) concluded that 10 to 20 per cent of respondents who would provide 'don't

know' responses when this option was explicitly provided would give a substantive response when the 'don't know' option was not explicitly provided.

Another important issue is the sequencing of the questions, for instance, the impact of previous questions and answers (Hayes, 2000). Priming, or asking questions which have been preceded by other questions with relevant topics, can increase clarity for the respondent and may lead to more accurate responses. However, the careful sequencing of questions can have a less positive outcome if the wording of the questions is likely to influence the respondent's views. The process of answering questions can influence some respondents to change their attitudes (Foddy, 1993; Gross, 1964). Gross (1964), for example, found that there was a considerable reduction in positive interest in a product-concept when the question which measured support for the product was preceded by questions about the product's perceived disadvantages. It' is, therefore, crucial that the questions are designed and presented in a way which does not influence the respondent's answers.

Other difficulties which are potential pitfalls when gathering data are related to honesty and the reliability of human memory.

With regard to honesty, we need to consider the various reasons for not telling the truth. One problem faced by respondents is a conflict between being honest when answering a question and giving a socially desirable response (Dillon, 1990). If, by being honest to a sensitive question - for example, one about involvement with illegal drugs or sexual behaviour - respondents believe that their answers would be considered to be unusual or socially unacceptable, lying would be a safer option. Not knowing the answer may also lead to conflict for respondents. Lying, by inventing answers to questions of which the respondent has no knowledge, avoids embarrassment (Dillon, 1990). Respondents also have a tendency to agree rather than to disagree, i.e. to answer 'yes'; in other words, they are prone to an 'acquiescent effect' (Foddy, 1993). Respondents

may also decide to answer the questions by making assumptions about the researcher's expectations, i.e. 'demand characteristics'. This is more likely to be an issue during an interview than when administering questionnaires. The interview setting has a particular dynamic whereby the appearance, status and behaviour of the interviewer - 'experimenter effect', in other words - as well as the presence of other respondents in group interviews, may influence the respondent's answers. These factors may encourage or intimidate respondents. It is important, therefore, that the interviewer should maintain a neutral approach regarding appearance, status and behaviour. A friendly, attentive, accepting and non-judgemental attitude is crucial if respondents are to feel confident and at ease, leading to more reliable responses (Dillon, 1990).

Finally, we should consider human memory and its tendency often to be unreliable. This is clearly a problem when factual questions are being asked. This is not particularly relevant in relation to the current study, as most of the questions are concerned with views or attitudes. The few factual questions generally relate to such things as the child's age, the parents' employment, who the child lives with etc. All of the factual questions are about personal information which, in a healthy person is easily retained. However, the Lothian children are asked at the end of the interviews about their knowledge of the Lothian Children's Family Charter. As memory is more significant when a respondent is expected to recall information from an earlier experience or from general knowledge, it is in relation to these questions about the Charter that memory is particularly relevant. As Foddy (1993, p.93) points out, "...forgetting is related to elapsed time, salience and the number of events that compete with the particular event(s) that the respondent is asked to remember."

To sum up, it is evident that there are both benefits and drawbacks from using questionnaire and interview techniques. An awareness of these issues can help us to develop the most appropriate methodological approach for our particular

sample of respondents. This raises the important question of the specific issues which need to be addressed when carrying out research with children.

8.4.4 Questionnaires and interviews - particular difficulties when working with children

Clearly, there are particular ethical issues which should be acknowledged. However, before moving away from the practical application of the chosen methods, there are a number of difficulties which are more likely to arise when working with children. These have been well documented by Gerald Koocher and Patricia Keith-Spiegel (1994) in their study of psychosocial and educational research with children. Koocher and Keith-Spiegel point out that children usually have more limited vocabularies than adults. This may lead to an even greater degree of misunderstanding regarding the questions being asked than it would with adult respondents. Also, the interviewer may misinterpret the child's responses if he or she is inexperienced when communicating with children. Young people will often behave in a more extreme manner than adults which can lead to either more uninhibited behaviour or greater shyness (Koocher and Keith-Spiegel, 1994). Clearly, there are potential problems for collecting reliable data if children become boisterous, anxious or they are shy or embarrassed around strangers. Also, children usually have a shorter attention span than adults (Koocher and Keith-Spiegel, 1994). It is, therefore, important to limit the length of the interview to a reasonable amount of time so that children are able to concentrate on the questions being asked. Furthermore, questionnaires should contain easily interpreted questions within a varied format in order to obviate the problems associated with, for example, boredom, anxiety, short attention span etc. Koocher and Keith-Spiegel (1994) also point out that the performances of children during research may be influenced even more than those of adults by the researcher's physical appearance and personality, as well as the setting in which the data are collected. It is important, if accurate information is to be generated, that the setting is not distracting and is comfortable for the respondents and the interviewer (Alderson, 1995; Sedlack and Stanley, 1992). Also, because it is

generally found that children and adults are differentiated by size, height etc., it is helpful if the interviewer takes an interested but neutral stance (Alderson, 1995). For example, everyone being seated at the same height or on the same type of chair may help to reduce the impact of physical differences between adults and children. Consequently, this may help to diminish the imbalance of power generally present in relationships between children and adults. All of these factors relating to questionnaires and interviews were considered when conducting the current survey.

8.5 ETHICAL CONSIDERATIONS WHEN CONDUCTING RESEARCH WITH CHILDREN

8.5.1 Introduction

There are, of course, important ethical issues to be considered when conducting social research with adults or children. For example, privacy of information, risk of emotional or physical harm to respondents and exploitative research techniques are potentially salient for all research respondents. However, these issues and others require extra scrutiny when working with children in view of their lack of experience, immaturity and particular developmental characteristics. A number of writers have focused on young people in research (see, for example: Alderson (1995); Dockrell (1988); Melton (1992); Raffe *et al.* (1989); Weithorn and Scherer (1994); and Wolfe, (1978). Other writers concerned with ethical issues in social science research who do not focus specifically upon children as research subjects also provide relevant insights into the need for caution when working with adults or children (see, for example: Caplan, 1982; Capron, 1982). Various ethical issues are paramount: consent, confidentiality and harm - both physical and emotional - are all crucial factors which should be explored before a research project is undertaken. Taking each of these factors in turn, it is possible to build an accurate picture of the ethical considerations which should inform the methodological approach and which have provided the ethical framework for the current study.

8.5.2 Consent

According to the Children (Scotland) Act 1995, parents are expected to safeguard and promote the child's health, development and welfare until the child reaches age sixteen (Section 1(1)(a)). Furthermore, parents are also expected to direct and guide the child's upbringing (Section 2(1)(b)). Whether or not a child is considered to be competent to consent to research is generally based on theories of developmental psychology and arguments in philosophy concerning the relative harm or benefit to the participant.[21] Article 13 of the UN Convention on the Rights of the Child 1989 states that the child has the right to freedom of expression. However, the child's opinion (Article 12 of the UN Convention) is given due weight in accordance with the child's age and maturity. According to the Children (Scotland) Act 1995, it is at the age of twelve years that a child is considered to be old enough to be able to express a view and to have it given due weight. However, this does not exclude younger children from being considered mature enough and at the same time it does not mean that all children of twelve years and over shall be found to have the necessary maturity (Cleland, 1995). Currently, consent to conduct social research with children is clearly a matter of negotiation rather than the application of a legal precedent, which is more likely to be considered in the case of medical research with children. There is considerable uncertainly with regard to children's consent to treatment or research (Alderson, 1995). It is wise, therefore, when conducting research with children, to ask for the consent of the parents (or guardians) as well as asking for the child's consent. In the current survey, the children and their parents (or guardians) were asked for their consent.

8.5.3 Confidentiality

Whether or not the research data are considered to be of a sensitive nature, it is wise to maintain the anonymity of all research subjects. This provides a wider scope for the analysis of the data as no-one will feel threatened by being singled out. It is important to remember that those who are participating in the research

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[21] See Chapter 4 for detailed discussion of children's competence.

process are doing so as volunteers (Sedlack and Stanley, 1992). Subjects will be more likely to speak freely in the knowledge that their answers are not going to be used to create a kind of personal 'profile'. It is also helpful to explain the procedures for maintaining confidentiality (Kelman, 1982). The potential for abuse inherent in methods of collection and storage of personal data is an important consideration when conducting research (Raffe, Bundell and Bibby, 1989). Respondents may be concerned about the information they provide and to whom it will be available (Alderson, 1995). There may also be concerns about confidentiality at the point of providing information, for example, the potential loss of confidentiality in a group interview as opposed to an individual interview with the researcher. Participants in research must be made aware of these issues before proceeding with the participatory research process. An American study of nine hundred young people between the ages of five and seventeen years by M. Wolfe (1978) on privacy in childhood has suggested that privacy is important even for primary school children and is of particular relevance for adolescents for whom it represents independence and self-differentiation. Gary Melton (1992) similarly asserts that privacy helps children to maintain self-esteem and develop personal identity. In view of the evidence, it is wise to make clear to all respondents the procedures and the setting for gathering data and the confidential nature of the research. Furthermore, it is crucial that the information provided in confidence by respondents remains confidential (Melton, 1992). These issues were taken into account in the current survey.

When research is being conducted with children, there is an additional layer of interested parties. As well as the children themselves, there are the parents. In addition, when the research is being conducted within schools there are also the head teachers and the class teachers to consider. David Raffe and colleagues (1989) stress the significance of these adult interested parties, or 'gatekeepers' in relation to a research project. As providers of resources who control the researcher's access to sample members, 'gatekeepers' are a very important group to be considered. It is crucial to acknowledge their role in research

involving children. As well as the general issues which may be raised during the process of gaining acceptance by the 'gatekeepers' - head teachers, class teachers, parents etc. - who have a personal relationship with the research subjects, the researcher should be aware of and should be sensitive to these particular relationships. It is worth remembering that, although 'gatekeepers' may provide the necessary conditions for research to be conducted, they may also refuse to provide these conditions or may limit or withdraw them.

8.5.4 Harm

Priscilla Alderson (1995, p.19) lists the possible harms when conducting research with children as "...(intrusion, distress or embarrassment, loss of the standard teaching or care methods, risks of new or untested methods)". In relation to the current study, only the first two 'harms', i.e. intrusion and distress or embarrassment, are relevant. Respondents may experience a sense of intrusion into their private business even where actual physical intrusiveness is minimal. A survey respondent may, for example, have little or no personal contact with the researcher but this may not, in itself, remove a sense of intrusion into personal space and time required to complete the survey questions or other research requirements. It is, therefore, important, when planning and designing survey material to minimize the length of time required for each respondent to complete a given task and to ensure that questions of a private nature are dealt with sensitively. It is here that confidentiality should be particularly emphasized to reassure respondents. Private or sensitive questions, for example, about sex, religion or financial matters - particularly in a group interview - can be problematic. However, if these questions are of a normative rather than a personal nature, the problem is vastly reduced. If it is believed to be necessary to ask personal questions about private matters which may cause distress or embarrassment, it may be wiser to do so in a questionnaire or in a private interview with each respondent speaking to the researcher individually. This would not only reduce the sense of intrusion but would also help to reduce any embarrassment or distress which may occur as a result of sensitive questions being asked. In the

present study, for example, potentially sensitive questions were confined to the questionnaire. For example, questions in the questionnaire about parental employment and the adult with whom respondents lived were not the subject of further discussion during the interviews. It is also essential to present the data clearly and as simply as possible. This is a useful way of minimizing the potential harm of distress or embarrassment which may be experienced when questions are particularly long or ambiguous. It is most important to remember that the matter of privacy for both children and their families deserves considerable attention when deciding whether and how to carry out research which involves them (Melton, 1992).

To sum up, if research data are to provide a useful contribution to the social sciences, the methodology must be meticulously designed and applied. At the same time, the ethical issues relating to respondents, particularly when these respondents are children, are fundamental to good research practice. The researcher must remember that the research which he or she conducts may have a beneficial or a detrimental effect upon respondents depending upon the design and application of the project.

The following section provides a detailed account of the practical application of the methodology when conducting the survey. We begin by looking at the rationale for the survey.

8.6 CONDUCTING THE SURVEY

8.6.1 Introduction

The survey of the schools was conducted in Lothian Region and Strathclyde Region between September and December 1995; the pilot study having been conducted on one day in the previous December of 1994 and two days in February 1995.

In this section we examine the various aspects of the survey. The rationale for the survey is considered before noting the age of the children who participated in the survey and looking at the main focus of the survey. This is followed by a breakdown of the pilot study and the main study.

8.6.2 The rationale for the survey

The study was conducted in order to ascertain children's views in relation to 'rights' at school and to establish whether or not the principles of the Lothian Children's Family Charter were compatible with these views. The children were asked normative questions in the survey in order to develop a general picture of the young people's expressed norms.

Lothian Region was selected as it had developed a Charter that embraced children's rights. Strathclyde Region was selected as a neighbouring region where no such Charter existed. The compatibility of the principles of the Lothian Charter with young people's views was to be observed through a study of children's views regarding their rights at school within the regions of Lothian and Strathclyde.

The Primary Seven class of each school was chosen for the survey, including the class selected for the pilot study. Primary school children were selected for the survey in order to ascertain the impact of the Charter on this younger age group.

8.6.3 The age of the children who participated in the survey

The children who participated in the pilot study were ten or eleven years old, with almost all the children being eleven. The children in the classes chosen for the main study were mostly between ten and twelve years old, with the majority of the children being eleven years old. In one school (L2), the Primary Five and Primary Six children were also interviewed. This resulted in a few children who were nine years old participating in the survey. This was a very small school, making it impractical to interview only the Primary Seven children.

The mean age of the children who participated in the pilot study was eleven years, with a standard deviation of 0.71.

The mean age of all the children in the main survey was eleven years, with a standard deviation of 1.2. When calculated by region, the mean age was also eleven years, with a standard deviation of 1.2. Chart 1 below illustrates the frequency distribution of the children in the main survey, according to age:-[22]

Chart 1

Frequency Distribution of all Children in Survey

Age of Children

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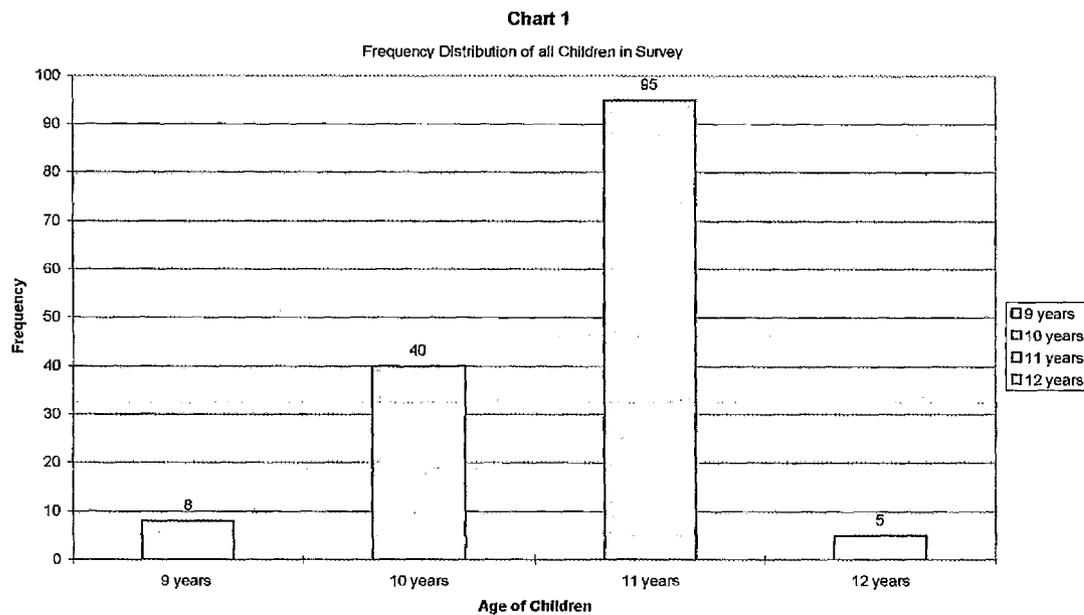
[22] See Table 1 for the distribution of children in the survey according to sex.

8.6.4 The main focus of the survey

Diagram 1. The main focus of the survey questions

FOCUS OF UN CONVENTION

PROTECTION RIGHTS   WELFARE RIGHTS   CHOICE RIGHTS   RESPONSIBILITY

THOUGHTFULNESS ENCOURAGEMENT HEALTH RECREATION CHOICE ACCESS RESPONSIBILITY

FOCUS OF LOTHIAN CHARTER
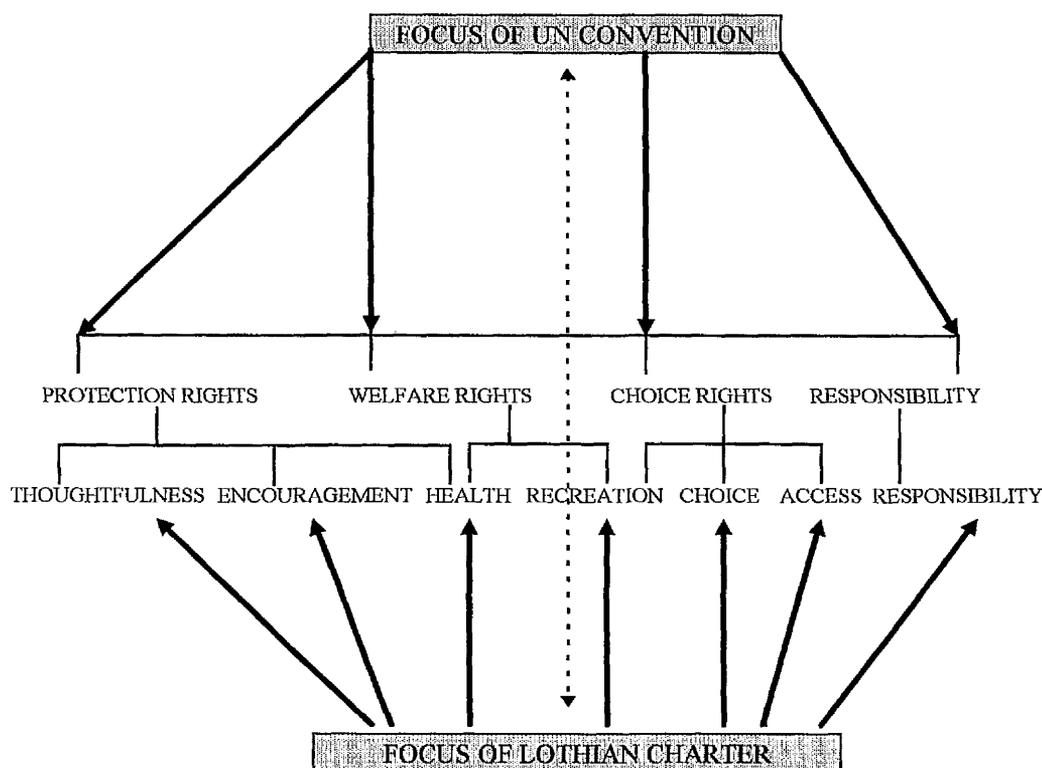
Diagram 1 illustrates the relationship between the United Nations Convention on the Rights of the Child, the Lothian Children's Family Charter and this survey.

As the diagram indicates, four broad categories relating to rights have been identified within the Convention and seven categories of entitlements represent the CHARTER acronym. The four broad categories are protection rights, welfare rights, choice rights and responsibility. The seven categories of entitlements represented by the CHARTER acronym have been placed beneath the four broad categories.

In the diagram, the relationship between these two sets of categories illustrates the focus of the survey questions and the particular aspects of the Charter entitlements that have been addressed. The survey questions could not address all of the many aspects of each entitlement in the Charter, as this would have been impractical: the Charter is concerned with all aspects of children's lives, not only their schooling. As this survey is specifically concerned with schooling, the questions were designed to broach the issues considered to be most appropriate with regard to children's rights at school.

There are, however, many possible permutations relating to these two sets of categories. 'Access', for example, could be considered to fit within the broad category of 'protection', as well as the one of 'choice' illustrated in the diagram. The survey questions, however, only consider 'access' within the context of the broad category of 'choice'. 'Access', within this context, is concerned with the school curriculum and information held on school records.

The chosen arrangement represents the one that is most appropriate for the purposes of the survey.

The questionnaire for the survey was based on the principles characterized by the categories presented in Diagram 1 above. The Lothian Children's Family Charter, upon which the questionnaire questions are based, can be found in Appendix 1. When designing the questionnaire, as well as consulting the relevant literature and both supervisors of this thesis, advice was sought from various experts in the Education Department of Lothian Region and in the Psychology Department of Strathclyde University who had knowledge of questionnaire design for research with children.

8.6.5 The pilot study: methods and observations

8.6.5.1 Introduction

The main findings of the pilot study are discussed before considering the methods for the main study. This provides a useful guide to the observations from the pilot study that led to the refinements introduced in the main study.

Before the pilot study was conducted, permission had been granted by the Education Department in Lothian to approach the head teacher of the school. Having agreed to allow the pilot study to take place at her school, the head teacher sought parental permission for the children to participate in the research. The children were also asked if they were willing to participate.

The pilot study was conducted between December 1994 and February 1995. The questionnaires were completed on 14th December 1994 and the interviews were conducted on 8th and 13th February 1995. Twenty six children participated in the study. The children were all of western European ethnic origin. Eleven boys and fifteen girls completed the questionnaire but three boys were absent when the interviews were conducted. The pilot study was invaluable when testing the questionnaire and interview techniques. Before the questionnaire completion commenced, the children were briefed with the following statements:-

- This is not a test.
- There is no right or wrong answer.
- This is about your opinions - what you think.
- Your views will only be used as examples in my thesis and will not be linked to your name.
- The questionnaires shall be stored in a locked filing cabinet in my office at Glasgow University.
- If there is anything that you do not understand, please ask me for help.
- Please circle any words that you find hard to understand.

8.6.5.2 Questionnaire completion

The whole class had completed the questionnaires after thirty five minutes. Two important issues that arose were concerned with language and question structure.

8.6.5.2.1 Language

The children clearly had difficulty with certain terms used in the Lothian Children's Family Charter, for example, 'access' and 'curriculum'. These terms, when discussed in the questionnaire, would have to be substituted with ones more appropriate to the age of the children. The diversity of children's ability levels and language acquisition should, of course, be taken into account. These factors may be influenced by social background.

8.6.5.2.2 Question structure

The questionnaire for the pilot study included a question that involved placing the main entitlements of the Charter in rank order. This proved to be untenable. The exercise of trying to understand the concepts of choice, health, access, responsibility, thoughtfulness, encouragement and recreation and then attempting to place them in rank order was beyond the capabilities of this group of children.

8.6.5.3 Interviews

Each of the children who completed a questionnaire was also interviewed. No-one was interviewed unless he or she had completed a questionnaire. The interviews were conducted over a period of two days and were tape recorded. An important issue that arose was concerned with the size of the interviews.

8.6.5.3.1 The size of the interview groups

The interviews consisted of pairs and groups of three, four and five children. As there appeared to be little benefit from interviewing only two children at one time, with no noticeable advantages, this would be too time consuming. Groups

consisting of more than three children suffered from poorer concentration because of the increased waiting time before each child could make a comment. The increased length of the interviews was also a factor that affected concentration as the children became tired. With three children, the interview time was dramatically cut and the children had a shorter waiting time before their next comment. They, therefore, found it easier to concentrate. It was concluded that three was the optimum number.

It should be noted that there is a potential difficulty when interviewing children in groups. Each child may be influenced by the responses of the other children in the group.[23] This problem of contamination of ideas was obviated to a great extent by the use of questionnaires prior to the interviews. Each child had already given 'yes', 'no' and 'don't know' responses to the 'closed' questions before being interviewed. This provided the children with a pre-existing response of their own on which to elaborate during the interview. Although this does not eradicate the possibility that the children would contaminate each other's responses, it does provide a focus for the children upon their original responses within the questionnaire. Furthermore, it should be noted that adults are also susceptible to such influences during group interviews. The children in the pilot study and the main survey demonstrated a considerable degree of reliance on their own views during the interviews, with many expressing their disagreement with others in the group.

It was deduced from the length of time required for each interview that the questions would need to be modified; introducing simpler language where required. This, of course, had already been noted when perusing the completed questionnaires, before conducting the interviews. The questionnaire would be streamlined and the interviews would be limited to the optimum number of three children.

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[23] See Section 8.4.3.3.

It should be acknowledged, however, that the interviews would inevitably last longer for the pilot study, as the children were not only discussing their answers during the interviews, they were also providing their opinions regarding the structure and content of the questionnaire.

8.6.6 The main study: methods

8.6.6.1 Introduction

The main study was conducted between September and December 1995. The questionnaire had been thoroughly reviewed in accordance with the findings of the pilot study before being administered for the main study. The interview techniques were also revised and refined before embarking on the main study.

8.6.6.2 Arranging the survey

Before the survey could be conducted, it was necessary to acquire permission from the Education Department of each region to approach a number of Primary Schools. After permission had been granted, the head teachers of each school were contacted. When the head teachers had agreed to allow the children to complete the questionnaires and to be interviewed, arrangements were made to obtain parental permission. Each child was given an outline of the survey along with a consent form to take home to their parents or guardians for approval. Parents had an opportunity to decline by completing the appropriate section of the consent form and the children were asked, on the first day of the survey at each school, if they were still willing to participate. A copy of the consent form is contained in Appendix 2.

8.6.6.3 Conducting the survey - questionnaire completion and interviews

It was necessary to visit each school for three days, on average, in order to conduct the survey. On the first day of a visit to a school, after a brief introductory talk to explain the requirements of the survey to the children, the questionnaire was completed by the whole class as a group. Before the

questionnaire completion commenced, the children were briefed with the following statements:-

- This is not a test.
- There is no right or wrong answer.
- This is about your opinions - what you think.
- Your views will only be used as examples in my thesis and will not be linked to your name.
- The questionnaires shall be stored in a locked filing cabinet in my office at Glasgow University.
- If there is anything that you do not understand, please ask me for help.

The children were also reminded that they were at liberty to refrain from participating. Apart from those who were absent through illness, only two children refrained from taking part. This was due to the requirements of their religion. After the questionnaires were completed, they were collected and retained by the author. Before the interviews were conducted, the children were selected at random for the group interviews. When the children had been selected, their questionnaires were numbered for quick and easy reference. For example, the questionnaires of the three children selected for the first interview were marked from one to three. This procedure was repeated until all the children had been interviewed.

After the completion of the questionnaires, later in the day and on subsequent days, the group interviews were conducted. The interviews were conducted in a relatively quiet area in each school. This was normally either the school library or a small classroom not in use at the time of the interviews. Each of the children who completed a questionnaire for the survey was also interviewed. No-one was interviewed unless he or she had already completed a questionnaire. This two-part research process was not merely a method of 'triangulation', i.e. using one

part to check the validity of the other.[24] The follow-up interviews served as an investigation of only the 'closed' questions contained in the questionnaire.

Each interviewee and the interviewer sat around a table on which a microcassette recorder was placed to record the children's comments. Each interview lasted approximately twenty minutes. Most of the interviews were conducted in groups of three children with the interviewer. Five of the interviews, however, were conducted with only two children and the interviewer. This was due to the absence of some of the children through illness or because of the class number not being divisible by three.

During the interviews, the children were asked to provide reasons for their answers to the 'closed' questions: those that required the children to tick the appropriate box - 'yes', 'no' or 'don't know' - on the questionnaire.[25] Each child was asked to answer in turn. 'Open' questions were also included in the questionnaire. These 'open' questions allowed the children to write down their views.

At the end of each of the Lothian Region interviews, the children were asked an extra question to ascertain their knowledge of the Lothian Children's Family Charter.

It should be noted that, since the launch of the Charter, its principles have been promoted through a series of conferences and the distribution of promotional literature to Lothian schools, resulting in a broad understanding of the principles of the Charter by teaching staff throughout the region. This occurred in 1994 and 1995, prior to conducting the survey.

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[24] See Denzin (1988) in Keeves for detailed description of triangulation.

[25] At the beginning of the interviews, for reference purposes, the children were issued with the questionnaires they had previously completed - see also Footnote 17.

A copy of the Parents' Handbook for each school was obtained from the head teachers. This provided useful background information relating to the ethos of each school and the school rules.

8.6.6.4 Codes to represent the schools

The following codes have been introduced to represent the six schools in the study, in order to maintain anonymity. These codes are - 'L1', 'L2', 'L3', 'S1', 'S2' and 'S3'. The letter 'L' indicates that the school was within Lothian region at the time of the study. The letter 'S' indicates that the school was within Strathclyde region at that time. The codes are numbered from '1' to '3', with '1' representing the school at the highest socio-economic level and '3' representing the school at the lowest socio-economic level.

This is summarized as follows:-

LOTHIAN	'L1' = highest socio-economic level
SCHOOLS	'L2' = middle socio-economic level
	'L3' = lowest socio-economic level

STRATHCLYDE	'S1' = highest socio-economic level
SCHOOLS	'S2' = middle socio-economic level
	'S3' = lowest socio-economic level

8.6.6.5 The number of children in the survey

A total of one hundred and forty eight children were interviewed - seventy four children from each region. Ninety four per cent (n=139) of the children in the survey were of western European ethnic origin. Six per cent (n=9) of the children were of Asian ethnic origin. The high proportion of children of western European ethnic origin amongst those who participated in the survey also reflected the ethnic composition of each of the schools in the survey. Table 1 illustrates the distribution of the children across both regions by school and sex:-

Table 1. The number of boys and girls in the survey

	Lothian Region			Strathclyde Region		
	School 'L1'	School 'L2'	School 'L3'	School 'S1'	School 'S2'	School 'S3'
Boys	13	11	9	13	15	14
Girls	17	13	11	9	12	11
Total	30	24	20	22	27	25

Table 1 illustrates that the male:female ratios are reversed in the two regions. However, the chi-square test (χ^2) was performed on these figures and the result falls below the required level for the χ^2 test of statistical significance[26] (chi-square = 1.7, 1 df, ($p < 0.5$).

8.6.6.6 How the data were analysed

The children's responses were subjected to a content analysis which generated categories that would allow comparisons to be made. The basic technique employed was to search through the data for themes from which analytical categories could be created (see, for example: Glaser and Strauss, 1967; Mason, 1994; Miles and Huberman, 1984; Strauss, 1987). In other words, the categories were not prefigured, as it was important to ensure that they reflected the children's answers, rather than categories being created without yet knowing the diversity of these answers. This was considered to be important because this method reduces the likelihood of categories being created that represent the preconceived notions of the researcher. Although this method is slightly more time consuming, it does provide a comprehensive list of categories that mirrors more precisely the children's answers. If, for example, a child stated that boys and girls should be treated in the same way, therefore they should be able to study the same subjects at secondary school, this comment would be placed in the category of 'equality'. If a child stated that it would be sexist if boys and girls were not allowed to study the same subjects at secondary school, this comment would also be placed in the category of 'equality'. It is clear that both children

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[26] Using the chi-square (χ^2) statistic is described is Section 8.6.6.7.

would be concerned with equality of treatment and equal access to the curriculum in this hypothetical example.

When the main categories are discussed, it is important to note that the category that is highlighted as the main one for each question does not always represent the view of the majority of the children. It is, instead, the one that represents the greatest response from the children compared with all the other categories for that question. It is for this reason that some of the percentages may appear to be relatively low. They do, however, confirm that more children held the view represented by the category cited than those represented by any of the other categories. Any other important factors that account for the relatively low level of some of the percentages are discussed within the text of each question. A list of all the categories for each question can be found in Appendix 3.

A routine sequence of operations is helpful when preparing the data for processing (Silvey, 1975). An appropriate framework for the analysis of the data was, therefore, developed. The first step was to divide the analysis into a number of stages. The first stage was to analyse separately the responses for each school. The answers from the 'closed' questions in the questionnaires were, therefore, enumerated for each school in conjunction with a content analysis of the corresponding respondent's comments during his or her interview. In other words, taking each of the schools in turn, each respondent's questionnaire and interview were checked by reading the answer to the first 'closed' question and listening to the tape recorded explanation for that answer. After recording the 'yes', 'no' or 'don't know' in a table, the reasons provided by the respondent were noted. Each of the 'closed' questions was analysed in this way for all of the respondents. An independent set of tables was created for each school and the responses for each of the 'closed' questions were entered in separate tables within these sets. Through this process, a coding frame was drawn up to manage the open-ended responses engendered by the interviews (Silvey, 1975). The data relating to the first 'closed' question for each respondent was checked

before moving on to the second 'closed' question, when the exercise was repeated and continued to be repeated until each respondent's data had been recorded for all the 'closed' questions. The layout is illustrated in the example set out in Table 2 below.

Table 2. Example of first stage of data analysis of 'closed' questions[27]

Question 4 - Should boys and girls be able to study the same subjects at secondary school or not?

CATEGORY	Yes, no difference	Don't know	Yes, gives girls and boys the same chance for an education	Yes, if they don't it's sexist	Yes, it's fair because they like the same things	Yes, don't know why	No, not sure why
Interview 1	GBB						
Interview 2	G	BB					
Interview 3		BG	B				
Interview 4	B	GB					
Interview 5				GG	G		
Interview 6					GG	G	
Interview 7		B			G		B
Interview 8	G	B		G			

PLEASE NOTE:- G = girl; B = boy in the above table.

The children's comments made during the interviews were recorded along the top of the table. After an initial comment was recorded, subsequent comments of a similar nature were considered to be contributing to the creation of a category of comments. So, if, for example, when answering 'yes' to Question 4 *'Should boys and girls be able to study the same subjects at secondary school or not?'*, the respondent said during the interview that his or her answer was 'yes' because 'it was fair', the next respondent who mentioned fairness would have his or her comment added to this first mention of fairness - thus creating the initial stage of category development. There would now be two 'yes' answers with the reason

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[27] This example has been selected from the results of Question 4 for School L2. This example was chosen because it is representative - containing 'yes', 'no' and 'don't know' responses.

given being about 'fairness'. If, however, a respondent mentioned fairness and something else, for example, boys and girls are the same, this would be placed separately, starting a new category. At the second stage of the data analysis, after creating all of the tables, the initial categories would be reassessed. The contents of categories containing more than one reason for the respondent's answer would be divided and placed into appropriate categories. For instance, if we return to the above example where, at the first stage of the data analysis, a respondent mentioned fairness and that boys and girls are the same, the fairness comment would be added to the fairness category and the other comment would be recorded separately with the potential to be part of the creation of another category. Whilst tabulating the data, an ongoing inspection of the frequencies and a consideration of the contents of the children's comments led to the collapsing of some of the initial categories as the meaning of the data unfolded. This led to a more meaningful understanding of the frequencies obtained (Silvey, 1975).

After completing the analysis of the 'closed' questions and the corresponding interview data, the 'open' questions contained in the questionnaire were analysed. This was achieved by applying a similar method of data analysis. For this stage of the analysis, however, the children's comments could be read from their questionnaires rather than being listened to on a tape recorder. Apart from this and the fact that there were no 'yes', 'no' or 'don't know' answers to incorporate, the analysis involved the same method of creating categories by searching for themes in the data. Again, this required a meticulous recording of the children's comments and their synthesis to create meaningful categories. The categories were all conceptual, i.e. they were concerned with the respondents' views.[28]

The head teachers' questionnaires were also examined using the above method of data analysis. However, space was provided on the questionnaires for the

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[28] The only descriptive categories generated were those associated with the general questions about the respondents, i.e. Questions 1-3 and Questions 26 and 27.

head teachers answers to the 'closed' questions. It was not necessary to interview the head teachers, as the main focus of this study was to consider the children's views of their rights. The six head teachers were selected to provide their views concerning what children's rights ought to be at school for two reasons. Firstly, they were the best representatives of the ethos of their schools. Secondly, they had considerable influence over children's rights within their schools. The purpose of analysing the head teachers' comments was to record to what extent they were in harmony with those of the children and to note any discrepancies between the head teachers' comments and the children's experiences within the schools.

It is evident that the nature of content analysis carried out by one researcher can present problems. As Klaus Krippendorff (1980, p.112) has pointed out in his study of content analysis, there is the possibility that the "...associations *within* content analysis results are an artefact of the recording instrument." This difficulty can be overcome by following two standard procedures. Firstly, the data and the categories created should be considered by other parties. The appropriateness of the categories was determined through consultation with both supervisors of this thesis. Secondly, evidence from other research on the same topic provides independent comparative data for checking the validity of the content analysis (Krippendorff, 1980). This has been achieved by considering other research concerned with children's rights at school (see Chapter 7) and research specifically concerned with the Lothian Children's Family Charter conducted by Maureen Buist, Mairi MacPherson and Stewart Asquith (1994) (see Section 8.2.3.2).

8.6.6.7 Using the chi-square test (χ^2)

When comparisons between regions were made, using percentage of responses in each category, the chi-square (χ^2) statistic was used to determine whether or

not such differences were significant.[29] The rationale for using the chi-square test is well documented (e.g. Miller, 1975; Coolican, 1994). This test establishes the likelihood of any difference between the compared sets of data[30] having occurred by chance. A non-parametric test was deemed appropriate since parametric assumptions about interval scores could not be met.

In this survey, the first step is to calculate the frequencies that would have occurred if the two groups were identical with respect to the proportion of people who answered 'yes' to each question in the questionnaire. These are considered to be the expected frequencies. The second step is to calculate the chi-square value based on the difference between the expected frequencies and the observed frequencies. The third step is to check the relevant statistical tables to determine the probability that a difference as large as, or larger than, that represented by chi-square could have occurred by chance. Finally, for any statistical significance decision, the aim is to reject or retain the null hypothesis. Coolican describes this hypothesis as meaning "nothing's going on" (1994, p.263). If a significant difference is observed between the expected and the observed data, then the null hypothesis can be rejected.

The result for each question was calculated by using the figures that represent the total number of children who answered 'yes' or 'no' in the questionnaire.[31] These results are presented in the form of a 2 x 2 (two by two) contingency table at the beginning of each question.

When calculating the following results using chi-square it is important to remember that, for one degree of freedom (1df), the value of chi-square required

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[29] Where the word 'significant' is mentioned in this chapter, 'statistical significance' is implicit.

[30] In this case, two groups of children.

[31] In the tables which appear near the beginning of the analysis of each of the 'closed' questions (tables 4 to 18), the 'no' total includes 'don't know' answers as well as the answers of those children who, when interviewed, had become uncertain of the response they had provided in the questionnaire. In other words, the data examined provide a comparison between those who said 'yes' and those who did not say 'yes'. The 'no' total is, therefore, entered in the tables as 'no etc.'.

for 5% level of significance (two-tailed) is 3.84. It is this level of significance that is necessary for this test. When using chi-square, the direction of prediction does not alter the requirement to use two-tailed values (Coolican, 1994, p.261). The values calculated in the following tests are, therefore, two-tailed: they represent differences in both directions.

8.6.6.8 The Lothian Children's Family Charter: the entitlements

The Lothian Children's Family Charter was the result of a joint project by Lothian Regional Council's departments of Education and Social Work and by Lothian Health Board.

In order to assess the compatibility of the principles of the Charter with the children's views concerning entitlements at school, the questionnaire was framed around the principles of the Charter that relate to matters of education.

As stated earlier, the statements of entitlements listed in the Charter are not confined to educational matters. They cover a wide range of issues that affect children's lives. Many of the entitlements listed in the Charter are, therefore, the concern of the Health Board and the Social Work Department.

In the introduction to the Lothian Children's Family Charter and in Appendix 2 of the Charter, the CHARTER acronym is referred to as describing entitlements to Choice, Health, Access, Responsibility, Thoughtfulness, Encouragement and Recreation. It should be noted, however, that, within the main text of the Charter, the entitlements embrace wider issues. The seven categories of entitlements listed in the Charter are as follows:-

Choice & Challenge
Health: Safety and Security
Access & Assistance in Understanding
Responsibility, Recognition & Representation

Thoughtfulness, Respect & Consideration

Encouragement, Praise & Appreciation

Recreation & Creative Play

In general, when Charter entitlements are mentioned in Chapter 9, this refers to the concise categories described by the CHARTER acronym, i.e. choice, health, access, responsibility, thoughtfulness, encouragement and recreation. When actually quoting the entitlements to which the questionnaire questions relate, however, for the sake of clarity, these categories are listed unabridged. This occurs at the beginning of each question in Chapter 9, with the exception of those questions which are of a general nature and those which correspond with the wider principles of the Charter without being analogous with any particular statement of entitlement. This helps to clarify the association between the survey questions and the Charter entitlements.

The purpose of this study is to consider the entitlements that relate to education. The survey questions address the main issues with which children are confronted at school. The questions were designed to embrace the Charter notions of choice, health, access, responsibility, thoughtfulness, encouragement and recreation. At the same time, the questions asked the children about these notions within the context of their daily experiences at school.[32] Care was taken to ensure that the questions were not of a leading nature.

Some of the survey questions relate directly to the Charter entitlements. Question 4, for example, enquires about the choice of subjects that should be available to boys and girls at school. This relates to entitlement 2 within the category of 'Choice and Challenge' which proposes that children and young people should be entitled to 'Opportunities to make choices within a flexible curriculum at all levels of schooling' (1992, p.4). This is a particularly relevant entitlement for a number of the survey questions.

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[32]The children's questionnaire is in Appendix 4.

Other survey questions have a more general association with the Charter entitlements, in particular the statements regarding 'thoughtfulness'. The notion of 'thoughtfulness', within the context of the Charter, is concerned more with the treatment of children by adults than vice versa. However, 'thoughtfulness' by children is also mentioned.

A few of the survey questions are closely associated with more than one entitlement in the Charter. In Chapter 9, the relevant Charter entitlements are quoted for each survey question.

Reference should be made to Diagram 1 in Section 8.6.4 for a full explanation of the relationship between the categories of entitlements contained in the Lothian Children's Family Charter and the four broad categories of protection rights, welfare rights, choice rights and responsibility, that have been identified within the United Nations Convention on the Rights of the Child. Where it is stated, for example, that the survey question is concerned with 'health', this refers to one of the categories of entitlements within the Charter. In order to ascertain the broad category of the Convention to which this relates, reference should be made to Diagram 1 mentioned above.

8.6.6.9 The analysis: what has been examined?

The children's views about their entitlements at school have been examined in Chapter 9. The regional responses of the children have been compared, taking into account the presence or the absence of the Charter in each of the two regions. In Chapter 9, Section 9.1.3, the 'closed' questions are examined. This is followed by an examination of the 'open' questions in Section 9.1.4.

Where a statistically significant regional difference has been observed, further investigation has attempted to ascertain whether or not certain other factors have been influential. If a significant regional difference has been observed, individual

schools have been examined in order to see if the significance spread over all three schools in one region or if there were extreme values in only one school. Where one school indicates such a result, this factor has been taken into account with regard to the significance of the overall result for that particular question. Thus, if the children's views are compatible with the principles of the Charter, this compatibility might not have been uniform; perhaps only being notable in one school. Alternatively, it may be that a particular feature of one school has skewed the result, in which case the compatibility might not have been an important factor.

The results of the few general questions in the questionnaire, that do not fit into the categories of 'closed' or 'open' questions, contain background information about the children. They are concerned with the name of the child's school, the age and sex of the child (questions 1-3), the parents or guardians with whom the child lives and their employment status (questions 26 and 27).

The question concerning the name of the child's school has been included for the purposes of arranging the results by school within each region. The question concerning the age of the child has been included in order to calculate the mean age of the children in the survey. This is an important factor when considering the approximate developmental stage of the children. The question concerning the sex of the child has been included in order to interpret the results where gender diversity is observed. The other general questions, concerning the parents or guardians, have been included in order to assess the possible influence of social class upon the results, where this is considered to be relevant.

When selecting the children's comments for inclusion in the analysis of the survey results, it was important to represent the views of all the children. In order to achieve this, it was not necessary to include a remark by each child as, on many occasions, a number of the children provided very similar responses. On these occasions, the remark to be included was selected on the basis of its being the

first occurrence of such a comment unless this would prevent other important criteria from being maintained; in which case the second occurrence of the remark would be selected for inclusion and so on. The other important criteria to be maintained would be as follows. Firstly, it would be necessary that boys' and girls' remarks were being represented with equal weight in order to provide a gender balance. Secondly, it would be necessary that an equal percentage of remarks from each school was being included in order to ensure a balanced representation of the schools in the survey.

Some of the children's remarks are rich in content - that is, highly descriptive and informative - whilst others are not. The selection process has provided a narrative which is broadly representative of the overall remarks provided by the children; sometimes illustrating a generally-held viewpoint and sometimes presenting a view of only one or a few of the children. When more unusual remarks were selected this was because they illustrated cogently an important point in the narrative or because they provided a diverse opinion.

All of the children's remarks are recorded verbatim as the aim of the survey was to consider the children's views and not their knowledge of syntax.

The survey results are examined in the following chapter.

CHAPTER 9

A SURVEY OF YOUNG PEOPLE'S VIEWS ABOUT CHILDREN'S RIGHTS AT SCHOOL

9.1 THE SURVEY RESULTS

9.1.1 Introduction

The survey results are analysed in this chapter. The 'closed' questions are examined in Section 9.1.3 and the 'open' questions are examined in Section 9.1.4. Following this, in Section 9.2 the views of the head teachers are examined. Finally, in Section 9.3, there is a summary of the chapter (the survey conclusions are discussed in Chapter 10).

Before we analyse the findings of the survey in detail, let us consider an important result relating to the children's knowledge of the Lothian Children's Family Charter.

At the end of each interview in Lothian Region, the children were asked an additional question to ascertain their knowledge of the Charter. This was alluded to in Chapter 8, Section 8.6.6.3 ('Conducting the survey - questionnaire completion and interviews'). The results of this question are examined in the following section.

9.1.2 The children's knowledge of the Charter

At the end of each interview in Lothian Region, the children were asked the following question, which was not in the questionnaire:-

"Have you heard of the Lothian Children's Family Charter?"

Four different answers were generated by this question. The following table provides a breakdown of the results:-

Table 3. The children's knowledge of the Charter

%	Number of Children	Children's Response
1%	1	knew that the Charter was about 'rights'
7%	5	remembered being given a leaflet about the Charter
28%	21	had heard of the Charter but didn't know what it was
64%	47	didn't remember being told anything about the Charter

Only slightly more than a third of the children had heard of the Charter and most of these children didn't know what it was. Only one child actually knew that it was about 'rights'.

These results indicate that the majority of the children in Lothian Region who took part in the survey were not aware of the existence of the Charter. This was despite the fact that one of the schools (L1) listed the statements of the Charter, which relate to education, in its Parents' Handbook. It is important to acknowledge these findings when considering the results for the 'closed' and 'open' questions in the following sections.

In comparison with the results of the six-month evaluation of the Charter by Buist, MacPherson and Asquith (1994) of Glasgow University (discussed earlier), there exists a stark contrast in the findings. The evaluation found that 73% of the children in the two primary schools which took part in the survey had heard of the Charter.[1]   These findings are clearly not reflected in the present survey results. There is certainly less awareness about the Charter amongst the pupils who participated in the present study than there was amongst those who participated in the evaluation during the early stages of the Charter's implementation.

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[1] Only the primary school figures from the evaluation have been considered here as these are more comparable with the findings of the present study of primary school children.

9.1.3 The 'closed' questions[2]

9.1.3.1 Introduction

In this section, we shall compare the children's views by region and we shall assess the compatibility of these views with the Lothian Children's Family Charter.

Most of the questions that the children were asked generated responses which were not significantly different when analysed by region. It was only in relation to four of the questions that a significant difference was evident. These questions were concerned with:- what should be worn at school (Question 5); school meals (Question 6); sex education (Question 10); and the importance of playtime (Question 21). Where it has been found that there is no significant difference between the two regions, any reference to statistical evidence may be found in Appendix 8. This minimizes unnecessary repetition when it is evident that most of the children in both regions have given the same response to the question with regard to replying 'yes', 'no' or 'don't know'.

NOTE:- the questions are not examined in sequential order. Firstly, they are grouped in accordance with whether they are 'closed' or 'open' questions. Secondly, within each of these two groups, they are grouped according to subject-matter.

9.1.3.2 The children's views - was there a regional difference?

QUESTION 4   *Should boys and girls be allowed to study the same subjects at secondary school or not?*

This question is concerned with the child's right to make 'choices'. It corresponds to the statement in the Charter which declares that children and young people are entitled to:-

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[2] The meaning of 'closed' and 'open' questions is defined in section 8.6 - 'Conducting the survey'.

'Opportunities to make choices within a flexible curriculum at all levels of schooling' (1992, p.4, statement 2).

(Choice & Challenge)

Table 4. Regional distribution by percentage and number of children

| (Question 4) | LOTHIAN REGION | | STRATHCLYDE REGION | |
	%	Number of Children	%	Number of Children
YES	84%	62	86%	64
NO etc.	16%	12	14%	10

The responses in each of the two regions were very similar. It is evident from Table 4 that most of the children in both regions said 'yes', children should be allowed to study the same subjects at secondary school.[3]

The majority of the children stated that there should be no difference between boys and girls with regard to subject choice. Almost three quarters of these children (71%) mentioned *'equality'* as a reason for their answer. The response at school 'L1' (highest socio-economic level) was particularly high at 83%.

The notion of *'equality'* is reflected in the following comments made by the children when interviewed:-

COMMENT 1 (Lothian - ('L2'))

"Yes, I think we should be allowed because if we're not allowed to do the same subjects it would be sexist to do that and like even in football and things we should still be allowed to do the same."

COMMENT 2 (Lothian - ('L3'))

"Yes, because the traditional things that boys and girls get taught like boys get taught woodwork and girls get taught sewing. I think things are changing now and so if girls want to become carpenters that's fine; the same if boys want to do sewing."

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[3] It should be noted that the 'no etc.' entry in each of the tables numbered 4 to 18 has been described earlier, in section 8.6.6.7, Footnote 31.

COMMENT 3 (Strathclyde - ('S3'))

"I said yes because when we get older we have got to get the same jobs and that and it's not fair on the girls if they don't get the same job."

It is apparent from the children's comments that, in both regions, they have a clear understanding of the term 'equality' and that they are concerned with fairness as an aspect of equality. There is a desire to be provided with equal opportunities through equal access and equal choices in relation to the curriculum, as opposed to a gender-specific curriculum.

Although it is evident that today there are few overt restrictions regarding the choice of school subjects for girls and boys, the residue of gender separatism remains in some areas of the curriculum. The main bone of contention, with regard to equal opportunities at school, lies within the arena of sport. This was clearly an important issue for the children in the survey. The view that girls should be allowed to play the traditionally male sport of football and that boys should be allowed to play the traditionally female sport of netball was ubiquitous.

Returning to our earlier discussion in Chapter 6 concerning the care orientation and the justice orientation, in the above comments by the children we find that the notion of justice is particularly visible. The right of the individual to make a choice is clearly evident.

QUESTION 5   *Should children be able to wear what they like to school or not?*

This question is concerned with making 'choices'. However, it does not correlate with the principle of 'choice' promoted by the Charter, which is specifically concerned with making choices within the curriculum.

Table 5. Regional distribution by percentage and number of children

(Question 5)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
YES	35%	26	68%	50
NO etc.	65%	48	32%	24

It is evident from Table 5 that there is considerable diversity between the regions regarding whether or not children should be able to wear what they like to school. The observed χ^2 is 14.31.[4] This result indicates that there is a significant difference between the two regions ($p < 0.001$). The null hypothesis can therefore be rejected. Believing in some sort of dress code for school pupils is supported by a significantly higher percentage of Lothian children than Strathclyde children in the survey. Most of the Lothian children do not rate choice highly in relation to this question. This is reflected in Table 5 above, with most of the Strathclyde children saying that they should be able to wear what they like to school and only a relatively small proportion of the Lothian children responding in this way.

In Strathclyde, more children mentioned *'comfort'* as a reason for their answer than any of the other reasons given, with forty two per cent of the children who answered 'yes' responding in this way. An example of this response was provided by the following child from one of the Strathclyde schools:-

COMMENT 1 (Strathclyde - ('S1'))
"I think they should wear what they like because boys in the winter are allowed to wear trousers and girls have got to wear skirts and I don't like wearing tights so I've got to go around in ankle socks and my legs are always cold."

This comment is clearly in line with the justice orientation, which promotes individual rights over community requirements.[5] This child is concerned with

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[4] Whenever the observed chi-square falls below the required level of statistical significance (3.84) - see Appendix 8 for details - there is no significant evidence for the prediction that, between the two regions, the Charter's principles are more compatible with one region or the other.

[5] Discussed in Chapter 6.

the comfort of the individual and this concern has taken precedence over any other considerations which might have implications for the wider community.

It was common practice in all the schools in the survey for school uniforms to be worn by some of the children and not by others. The wearing of school uniform was clearly preferred by all of the head teachers. It was not, however, strictly adhered to by all of the children. It was, therefore, important to establish the reason why this pupil felt that girls could not wear trousers. This pupil was asked the following question:-

INTERVIEWER
"So, how is it that some of you wear uniforms and some don't if you have to actually wear a uniform?"

PUPIL
"They ask us to but they can't force you to."

INTERVIEWER
"So you could wear trousers in that case."

PUPIL
"If you wear trousers, you wear them to school and then take them off. If the girls wear trousers to school they have got to go into the cloakroom and take them off before they go into the classroom."

The child's right to choose, with regard to what to wear to school, is being curtailed by the authority possessed by the teaching staff at this school. There may not be a rule that dictates exactly what is to be worn to school but there is, nevertheless, a traditional approach to gender that is enforced through the use of sanctions attached to a quasi-compulsion. The fear of disapproval or even some form of punishment, if the unwritten rule is violated, appears to be an effective deterrent in this case.

This example not only highlights the issue of comfort in relation to choice, it adds another dimension. Although this question is not specifically concerned with gender, traditional attitudes towards boys and girls have been cited in this example in relation to dress codes. It is worth noting, therefore, that choice in relation to certain aspects of schooling is still sometimes gender dependent.

One of the Strathclyde schools ('S3' - lowest socio-economic level), however, was more concerned with 'fairness' than with 'comfort', as the following comments exemplify:-

COMMENT 2 (Strathclyde - ('S3'))
"Yes, because it's you that's wearing it, it's not like the teachers that's wearing it."

and

COMMENT 3 (Strathclyde - ('S3'))
"Yes, you are not allowed to wear football tops."

Although the word 'fairness' is not actually mentioned in the above comments, the notion of 'fairness' clearly underlies the statements. Again, these children have expressed views which are concerned with the individual's right to choose and are, therefore, in line with the justice orientation rather than the care orientation.

In Lothian, as in Strathclyde, of those who answered 'yes', it was found that more children mentioned *'comfort'* as a reason for their answer than any of the other reasons given, with more than a third (35%) of the children who answered 'yes' responding in this way.

In Lothian, however, it must be remembered that only a small proportion of the children did, in fact, answer 'yes' to this question. When the Lothian children who replied 'no' were asked for their reasons, the term *'safety'* was recorded more than any other single reason, with a response of forty two per cent. This, however, was mainly due to a high response from the children of school

'L1' (highest socio-economic level). In the following comment, a child from this school incorporates both the importance of safety and a concern with the school's reputation:-

COMMENT 4 (Lothian - ('L1'))

"I don't think they should because sometimes people go absolutely wild with their clothes and like it would ruin the school's reputation and if like you went on an outing somewhere and a child got lost, you might not be able to find it because it's not wearing a school uniform."

This child's comment is clearly more concerned with wider community issues than with the rights of the individual and is, therefore, more in line with the care orientation than the justice orientation.

The other two schools were more concerned about *'appearance'* ('L2' - middle socio-economic level) and *'school reputation'* ('L3' - lowest socio-economic level). However, *'comfort'* and *'safety'* were the issues raised most frequently by the children throughout both regions.

In summary, although more children in Strathclyde said that *'comfort'* was important and more children in Lothian said that *'safety'* was important, compared with any of the other reasons given, there was considerable deviation from these two categories when all the schools were looked at individually. It was then found that, along with *'comfort'* and *'safety'*, *'fairness'*, *'appearance'* and *'school reputation'* were also noteworthy.

Nevertheless, the main concerns for the Lothian children are safety and dressing in a way that reflects pride in their schools. This second concern is implicit in the children's interest in *'appearance'* and *'school reputation'* mentioned above.

It should be remembered that the principle of 'choice' within the Charter, in relation to schooling, is concerned with choices within the curriculum and does not embrace other choices, for example, what to wear to school. On the other

hand, it is evident that the Charter promotes safety under the principle of 'Health: Safety and Security' and promotes self-worth under the principle of 'Thoughtfulness, Respect and Consideration'.

It is noteworthy that school 'L1', where only a small number of the children believed that they should be able to wear what they like to school (23%), is the only one in the survey which displayed the Charter statements in its Parents' Handbook. This inclusion of the Charter statements in the Handbook is an indication that school 'L1' is attempting to endorse the principles and corresponding statements in the Charter. Chart 2 below illustrates clearly the regional difference and the influence of the 'yes' result at school 'L1' on this overall regional difference. An arrow indicates the outstanding school:-[6]

Chart 2
Question 5 - Results by school

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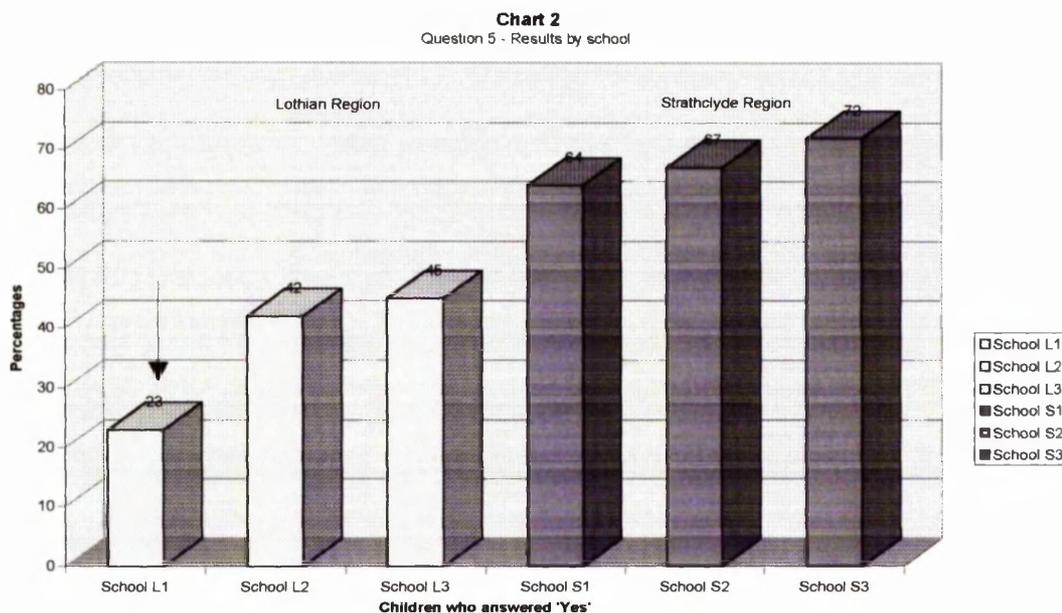
[6] The vertical axis of each chart varies according to the requirements for each question, with the highest percentage on the vertical axis being that which is required to accommodate the highest percentage reached by any of the schools for that particular question.

QUESTION 6   *Do you think that the choice of school meals you have is good enough or not?*

This question is concerned with whether or not there are adequate provisions to enable children to make 'choices'. It is clear that where there is no variety 'choices' cannot be made.

Table 6. Regional distribution by percentage and number of children

(Question 6)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
YES	11%	8	31%	23
NO etc.	89%	66	69%	51

It is evident from Table 6 that more of the Strathclyde children than the Lothian children thought that the choice of school meals they had was good enough. The observed χ^2 is 7.99. This result suggests that there is a significant difference between the two regions ($p < 0.01$). However, this regional difference has been influenced by one school in Strathclyde. School 'S1' (highest socio-economic level) was the only one where the children appeared to be quite pleased with the choice of school meals. At this school, more than half the children were satisfied (59%). A pupil from this school ('S1') expressed the view that the choice of school meals was satisfactory:-

COMMENT 1 (Strathclyde - ('S1'))

"Yes, I do think it's good enough because I think there is something for everybody. Say there's something you don't want, there will always be something else to choose from."

It can be deduced from Table 6 above, however, that, on average, only a small number of the children said 'yes', the choice of school meals was good enough.

Chart 3 below highlights this point and the importance of the 'yes' result at school 'S1'. An arrow indicates the outstanding school:-

Chart 3
Question 6 - Results by school
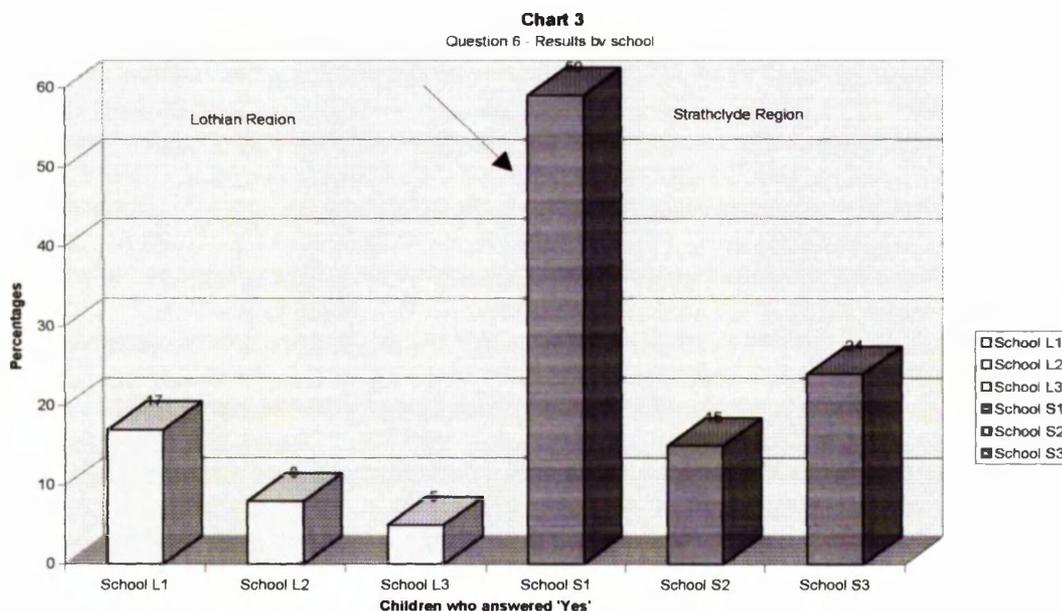
Whether the children answered 'yes' or 'no' to this question, when asked for their reasons, *'variety'* was the reply given more than any of the other reasons. The majority (79%) of those who replied 'no' to this question said that there was not enough *'variety'*.

It should be noted that twenty per cent of all the children across both regions said that they did not take school meals and did not know whether the choices were good enough or not.

The following comment by a pupil from the middle school in Strathclyde ('S2'), alludes to the logistical nightmare of institutionalised catering:-

COMMENT 2 (Strathclyde - ('S2'))
"Tickets get first choice if it's your Mum and Dad aren't working and my Mum doesn't think that's fair. We should all get a hot meal as well."

This statement highlights the importance of fairness as well as choice in relation to school meals. What is considered to be fair by one person is clearly considered to be extremely unfair by another. This child's comment is more concerned with the individual's right to equal treatment than the needs of the wider community where there are fundamental inequalities amongst those

who are receiving school meals. This child's comment is, therefore, more in line with the justice orientation than the care orientation.

As well as the problem of insufficient variety, there is the additional problem of an uneven distribution of choices. Some of the children have greater choices than others because of the queuing system that has been adopted.

The provision of greater variety would not overcome the problem of the limited options available for the distribution of school meals at this school. There is clearly annoyance, in this child's comment, about the lack of choice available for someone who is always near the end of the queue for lunch. There is, however, a more worrying aspect to this logistical problem. The degree of prejudice that is apparent in relation to those children who are receiving free school meals has been fuelled by the same inadequate system that has removed an element of choice for some children in an attempt to provide more choice for others.

The problem of prejudice against those who are in receipt of free school meals can be overcome with relative ease. This is now being addressed through modern technology. A new credit card system is helping to remove the stigma of free school meals. An initiative to provide children with these cards was pioneered by St. Margaret's school in Livingston when it opened in 1993. In an article for the 'Scotland on Sunday' newspaper, the depute head of St. Margaret's school, Karen Chapman, stated that take-up of free meals is 100% (MacLeod, 1997, p.5). Furthermore, the credit card system has been a catalyst for a reduction in theft and bullying, as less cash is entering the schools (MacLeod, 1997, p.5).

The general problem of unfair queuing arrangements can also be overcome with relative ease, through the introduction of a more equitable, rotational system. Through such a system, each class would be provided with the first choice when it was the turn of that class to be at the front of the queue. This

would provide more equal access to the hot meals on the menu and would, it is hoped, reduce the inequity inherent in the present system.

A system like this exists in Lothian at school 'L3' (lowest socio-economic level) and in Strathclyde at school 'S1' (highest socio-economic level). A pupil at school 'S1' expressed the view that, although the choice is good, the prices are too high. This is clearly a factor that could inhibit choice:-

COMMENT 3 (Strathclyde - ('S1'))
"I do think there's a good choice but I don't think the prices are that good and I like some of the things I take but I don't like it if you're last in for lunch and you get the horrid things. There's a wee thing that tells you, a timetable, so you get shots each."

Although this approach, through a rotational system, ostensibly provides the children with a wider choice, it still suffers from other inadequacies normally associated with non-rotational systems. The availability of choice is dependent upon the ability to pay. Some children will, therefore, inevitably have a greater choice of school meals than others. As long as it is necessary to pay for school meals, even where concessions are made for poorer families, there will always be children whose parents are only marginally better off than those who qualify for free school meals. Choices for these children will most certainly be limited. Choice, within this context, is an illusory concept that cannot, realistically, be available on an equal basis to all children. Greater choice for one person or group often results in less choice for another.

It is evident that, for this question, there are four categories of children who share a common experience of reduced choices in relation to school meals. These categories are *'children whose parents are receiving welfare benefits'*, *'children whose parents' earnings are marginally above welfare level'*, *'some of the children whose parents' earnings are considerably above welfare level'* and fourthly, *'older children'*.

Taking each of these categories in turn, it is interesting to observe the effect of organizational factors upon the choices available to the children.

Firstly, *children whose parents are receiving welfare benefits* are a particularly vulnerable group. These children, ostensibly, have a greater choice of school meals, as they are often given priority in the queuing system. It is clear, however, that there are inherent problems here that can, in fact, reduce the choices of these children. The overt irritation, expressed in Comment 2 above, highlights the difficulties faced by children who are receiving free school meals. Many children do not, in fact, claim their free school meals when they are entitled to do so. The stigma attached to being poor and the associated humiliation of this kind of special treatment can be a powerful deterrent to the uptake of free school meals. This inevitably removes certain choices from these children. If they are not taking school meals because of the fear of stigma or humiliation, their freedom of choice has been inhibited. These children are, consequently, unable to comment on the acceptability of the choice of school meals being offered. The concept of choice, in this context, is being viewed on two levels. On the first level, there is the choice of whether or not to take school meals, with parental consent. On the second level, there is the opportunity to make a judgement about the acceptability of the choices being offered.

Secondly, *children whose parents' earnings are marginally above welfare level* may not be able to take school meals, as their parents cannot afford the cost. Although this reason is different from those described in relation to the first category of children, the outcome, with regard to choice, is the same.

Thirdly, *some of the children whose parents' earnings are considerably above welfare level* also have their choices inhibited. This is apparent where the children who are in receipt of free school meals are given priority in the queuing system. The other children are clearly not receiving the same choices. By the time it is their turn to be served, the more popular choices are often finished.

Fourthly, *older children* often find that the younger ones are given priority in the queuing system. Their experience is similar to the children in the above example, with the more popular choices often being finished by the time it is their turn to be served.

Nevertheless, it is notable that the only school that indicated a degree of satisfaction with school meals (S1) was one of the two where a rotational system had been instituted. This innovation clearly can increase the choices that the children have, through a fairer distribution of school meals.

It is also evident, however, that the benefit of these increased choices can be delimited by other factors. Even where a rotational system is present, if there is little variety to begin with, the choices available to the children will certainly be restricted. This was the situation at school 'L3'. A rotational system was present but many of the children were not satisfied with the choice of school meals because of the lack of variety.

A reasonably varied menu, along with a rotational system, exemplified by school 'S1', is clearly the better option.

A rotational system, however, does not overcome the problems of the stigma attached to welfare benefits and the inadequacy of low incomes. School 'S1', it must be remembered, is at the highest socio-economic level. Technological innovations, such as the credit card system mentioned above, can clearly help to reduce the impact of stigma for children whose parents are in receipt of welfare benefits. Evidently, the children for whom there is no existing solution, with regard to choice, are those whose parents are on low incomes but who do not qualify for free school meals. It is these children who are neither helped by the credit card system nor by the rotational system. It is those who are on the margins of poverty who are often the most hidden and neglected group in society. Clearly, these children are an example of this wider problem.

It is evident that, although the chi-square (χ^2) result for this question indicates that there is a significant regional difference, this is largely accounted for by the relatively high degree of satisfaction with school meals at school 'S1' (highest socio-economic level). The higher standard of the provision of school meals at school 'S1' must be acknowledged as a important factor that has influenced this result.

QUESTION 9[7]   *Should children learn things at school which help them to protect themselves from being harmed or is this not the school's job?*

This question is concerned with the child's 'health'. It corresponds to the statement in the Charter which declares that children and young people are entitled to:-

'A school curriculum which should help children to protect themselves, e.g. against bullying or physical/emotional/sexual abuse: awareness of the importance of environmental conservation' (1992, p.6, statement 2).

(Health: Safety and Security)

Table 7. Regional distribution by percentage and number of children

(Question 9)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
YES	76%	56	70%	52
NO etc.	24%	18	30%	22

The responses in each of the two regions were very similar. It is evident from Table 7 that most of the children in both regions said 'yes', school was an appropriate place to learn about protecting themselves from harm.

More children from the higher socio-economic levels said 'yes' to this question than those from the lowest level. This was not because more children at this

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[7] Note: the questions are not examined in sequential order. Firstly, they are grouped in accordance with whether they are 'closed' or 'open' questions. Secondly, they are grouped according to subject-matter (see earlier note - section 9.1.3).

level actually said 'no' when answering this question. It was due to the fact that a number of these children were uncertain when providing their answers.

The threat of bullying, inside or outside the school grounds, or the fear of abduction by a stranger, were two factors that the children considered to be good reasons for knowing how to protect themselves from harm. This is evident in the following remarks by two of the children:-

COMMENT 1 (Lothian - ('L1'))

"Well, I think they should be learning how to defend themselves because a lot of people get bullied because I've seen them getting bullied sometimes at break-time and lunch-time and a lot of other schools at P.E. times get taught how to defend themselves."

COMMENT 2 (Lothian - ('L1'))

"Well, it is the school's job because if they are coming home from school one day and our parents didn't tell - hadn't warned them about things, well like a child molester, then they wouldn't know what to do, like if to go with them or to run away, they wouldn't know, so they would be stuck and they didn't know what to do, so they say - do you want a chocolate bar so you would go with them."

School was considered to be appropriate by many of the children because children have to go to school, ensuring that they are *'being informed'* about these issues. It was also suggested by many of the children that school is more appropriate because of the expert advice that is available, for example, talks given by the police. It was clear that the 'compulsory' element of schooling, along with its 'educational' nature, made the school a suitable place to learn about protection from being harmed. It was mentioned by more than a third (38%) of the children who answered 'yes' to this question that *'being informed'* was a reason for their answer. This is exemplified by the following comment:-

COMMENT 3 (Strathclyde - ('S2'))

"I wrote yes because then if you're harmed you could try and protect yourself and you'd know what to do because you have to go to school and then you'd definitely learn about it whereas if it was just a class at night you might miss it or something."

The above comments by the children suggest that they are concerned about protection rights and the appropriateness of the school to be a provider of information, skills or techniques which will enhance their ability to protect themselves from being harmed.

It is apparent from the children's comments that, although they are aware of the potential threat of bullying within the school, they are also concerned about the dangers that lie outside the school, for example, the possibility of being bullied or molested on the way home.

QUESTION 10   *Should education about sex be taught in school or is this not the school's job?*

This question is concerned with the child's 'health'.[8]

Table 8. Regional distribution by percentage and number of children

	LOTHIAN REGION		STRATHCLYDE REGION	
(Question 10)	%	Number of Children	%	Number of Children
YES	82%	61	57%	42
NO etc.	18%	13	43%	32

It is clear from Table 8 that most of the Lothian children thought that education about sex should be taught in school, whereas only slightly more than half of the Strathclyde children held this view. The observed χ^2 is 10.35. This result indicates that there is a significant difference between the two regions ($p <$ 0.01). The null hypothesis can therefore be rejected. Believing that education about sex should be taught in school is supported by a significantly higher percentage of Lothian children than Strathclyde children in the survey.

[8] See Question 9 for corresponding Charter statement.

When saying 'yes' to this question, *being informed'* was the reply given more often than any of the other reasons, with twenty eight per cent of these children responding in this way. The children thought that they would be more likely to receive accurate information at school. This was because of their belief that teachers know more about educational matters, including education about sex, than their parents. This is exemplified by the following comment:-

COMMENT 1 (Lothian - ('L1'))
Well, I think it should be taught too because it's qualified people that can teach you. They'd give you all the right answers and they'd answer your questions but your parents might not be able to answer them and you might not know that much either."

Following closely behind was the belief that school was appropriate because learning about sex was part of a child's education. The following comment embraces this notion:-

COMMENT 2 (Lothian - ('L1'))
"This education is a part of school education so yes I think it should be taught."

These comments by the children are concerned with the welfare right of receiving an education. However, the right to an education, according to these children, includes the right to receive sex education. Furthermore, it is the school which is considered to be the best provider of such an education.

Some of the children also felt that it was less embarrassing to learn about sex education at school; they believed that their parents may be too embarrassed to talk about this subject:-

COMMENT 3 (Strathclyde - ('S1'))
"I think it should be taught because your parents might be too embarrassed to talk to you about it. In the school, they wouldn't be embarrassed so they just talk to everybody."

The school may be a less embarrassing environment for discussing sex education not only because the teachers might be less embarrassed than parents but also because of the setting and the group dynamics. For example, Pellegrini and Blatchford (2000) report that friends can help to reduce stress and provide a sense of security when experiencing new things. Children may, therefore, find it less embarrassing to learn about sex education at school than at home with their parents because they are in the company of their friends. Furthermore, embarrassment may also be reduced by the emotional distance between pupils and teachers in comparison with children and their parents.

In general, the Lothian children were more at ease when discussing education about sex than the Strathclyde children. The feeling in Lothian was, overwhelmingly, that expert advice is available at school. This belief was also held by many children in Strathclyde. In addition, however, there was greater support than in Lothian for the belief that education about sex is a private family matter. This was particularly striking at school 'S3' (lowest socio-economic level). Chart 4 below highlights this point by observing the 'yes' result for this question. An arrow indicates the outstanding school:-

Chart 4
Question 10 - Results by school
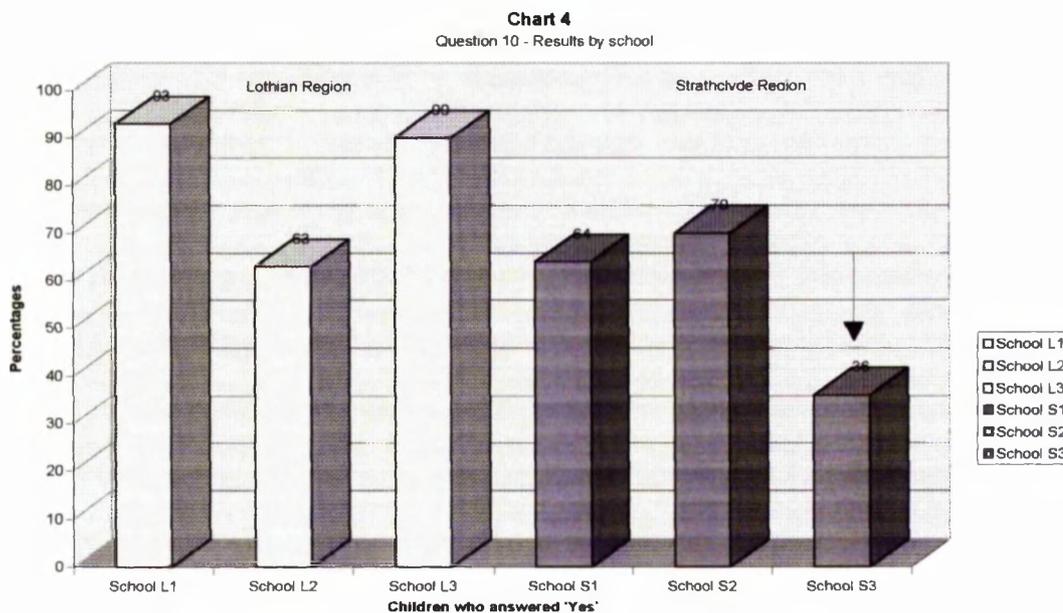
The emphasis in the Charter on providing children with advice about health issues and opportunities to understand these matters, in order to make

choices to protect their health and that of others, is evidently compatible with the views of a wide audience.

QUESTION 11 *Should education about drugs be taught in school or is this not the school's job?*

This question is concerned with the child's 'health'.[9]

Table 9. Regional distribution by percentage and number of children

(Question 11)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
YES	91%	67	86%	64
NO etc.	9%	7	14%	10

The responses in each of the two regions were very similar. It is evident from Table 9 that most of the children in both regions said 'yes', education about drugs should be taught in school.

Two thirds of those answering 'yes' (67%) mentioned *'being informed'* as a reason for their answer. Children from the schools at the highest socio-economic level mentioned this more than the other children. All children need to be aware of the importance of *'being informed'* about the dangers of drugs. This factor should be an integral part of any drugs education programme. As in Question 10, the children thought that they would be more likely to receive accurate information at school. Again, this was because of their belief that teachers know more about educational matters, including education about drugs, than their parents. The following comment, by one of the Lothian pupils, supports this belief:-

COMMENT 1 (Lothian - ('L1'))

"That's because some parents don't know all the drugs that the teachers know and the teachers can get the drug squad in and the police to tell you about the drugs that people sell."

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[9] See Question 9 for corresponding Charter statement.

This view was also expressed by a child in Strathclyde:-

COMMENT 2 (Strathclyde - ('S3'))

"Yes, they should be taught in here. They should get a guy in that knows all about drugs and bring a video in and that like a drugs counsellor."

As we found when discussing the children's comments for Question 10, once again the children are concerned about welfare rights and express the view that it is the school which is the best provider of drugs education.

Also at this school, the children's comments were a stark reminder of the proximity of drugs for many young people:-

COMMENT 3 (Strathclyde - ('S3'))

"I think it's the school's job because well you actually see drugs in the playground lying about. It's the school's job because it's in the playground."

At this particular school, its relevance as a learning place has another dimension: it not only has the potential to offer expert advice about drugs, it also provides an easy target for drug dealers. The playground of this school attracts drug dealers who live locally. The children, therefore, have knowledge of drugs even before they learn about such things within the school.

QUESTION 12   *Should education about HIV/AIDS be taught in school or is this not the school's job?*

This question is concerned with the child's 'health'.[10]

Table10. Regional distribution by percentage and number of children

(Question 12)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
YES	78%	58	64%	47
NO etc.	22%	16	36%	27

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[10] See Question 9 for corresponding Charter statement.

It is clear from Table 10 that most of the children in both regions said 'yes', education about HIV and AIDS should be taught in school.

It was found that *'being informed'* was a reason mentioned by more than half (59%) of those who answered 'yes' to this question. It was clear from their replies that children thought that they would be more likely to receive accurate information at school relating to drugs, rather than anywhere else. The following comment by a Lothian pupil exemplifies this belief:-

COMMENT 1 (Lothian - ('L1'))

"Well, yes, because my Mum, she told me a wee bit about HIV and AIDS but I didn't really get the whole idea until I got it at school, so it's a good thing that we do it in school."

As we have found when considering the children's comments about sex education (Question 10) and education about drugs (Question 11), this child expresses a view which is also about welfare rights. On this occasion, the school is considered to be the best provider of information about HIV and AIDS.

The 'yes' response at this school was extremely high at 93%. It should be remembered that school 'L1' was the only one to include the Charter's principles relating to schooling within its Parents' Handbook.

More than three quarters of the children at school 'L1' (highest socio-economic level) mentioned *'being informed'*. This was a higher figure than at any of the other schools. School 'L1' was the only one to include the Charter's principles relating to schooling within its Parents' Handbook. The Charter highlights the importance of sex education in schools, mentioning specifically, risks of HIV and AIDS (1992, p.5, notes 3/4).

Most of the children were interested in HIV and AIDS because of their concern about the risk to their health. One child, however, highlighted another important aspect of having knowledge about HIV and AIDS. Ignorance about

this subject, as with many other subjects which instil fear in people, can lead to intolerance and bullying. The following comment by a Lothian child highlights this problem and the potential of the school to enlighten the children:-

COMMENT 2 (Lothian - ('L2'))

"Well, it should be because not many people know what it is and somebody might have HIV and they might start making fun of them and they don't even know what it is."

QUESTION 13 *Should children be able to see the information held on school records concerning them or not?*

This question is concerned with 'access'. It corresponds to the statement in the Charter which declares that children and young people are entitled to:-

'Access to information held on record concerning them' (1992, p.8, statement 6).

(Access & Assistance in Understanding)

Table 11. Regional distribution by percentage and number of children

(Question 13)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
YES	59%	44	53%	39
NO etc.	41%	30	47%	35

Slightly more than half of the children in both regions said 'yes', children should be able to see the information held on school records concerning them.

More than half of those who answered 'yes' to this question mentioned *'being informed'* (57%) as a reason for their answer. This reason was also given by many of the children in response to Questions 9 to 12 above. This desire to be informed took various forms. The children were obviously curious about what was being written down about them. The general feeling was that they wanted to know whether or not they were performing well at school and if they needed to improve the standard of their work. Pupils at one of the Lothian schools had this to say:-

COMMENT 1 (Lothian - ('L2'))

"Yes, I think they should be able to see what teachers have wrote down about them and how they're getting on with their work in all their different subjects. Yes, I think it's their business to see what's written about them."

COMMENT 2 (Lothian - ('L2'))

"I put yes because you want to see if you've been bad or what's going on and if you are getting marks and that, so I've put yes."

One of the Strathclyde children contributed a similar view:-

COMMENT 3 (Strathclyde - ('S1'))

"I think you should because if you see it and you are doing badly you start to improve."

The right to have a choice about seeing information held on school records which concerns them is clearly an important aspect of the above comments by the children. Throughout both regions, it was evident that more than half of the children would like to see their school records. It was also found that the children shared a desire to evaluate their performance and to effect changes where necessary, in order to improve their records.

QUESTION 15 *Do you feel that children are given enough responsibility at school or not?*

This question is concerned with 'responsibility'. It corresponds to the statements in the Charter that declare that children and young people are entitled to:-

'Have experience of educational measures and human relationships which affirm a democratic and responsible place in society based on concern for others' (1992, p.10, statement 1)

and

'Be recognised as a child or young adult: appropriate to age, maturity and understanding' (1992, p.10, statement 3).

(Responsibility, Recognition and Representation)

Table 12. Regional distribution by percentage and number of children

(Question 15)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
YES	62%	46	51%	38
NO etc.	38%	28	49%	36

In each of the two regions the responses were very similar. Table 12 indicates that more than half of the children in both regions said 'yes', children were given enough responsibility at school.

When the children who answered 'yes' to this question were asked for their reasons, more than half (55%) mentioned being *'trusted to do things (e.g. to look after younger children, equipment, yourself) and to behave well'*. The following comments illustrate this viewpoint:-

COMMENT 1 (Strathclyde - ('S2'))

"Yes, I think we do get enough responsibility. We get trusted with doing the doors and monitoring classes and that."

COMMENT 2 (Lothian - ('L1'))

"Yes, they do have enough responsibility. Well, they have the responsibility of taking care of themselves first of all and if there is anyone younger than them that has fallen over or something, you can quite easily go and help them and pick them up."

COMMENT 3 (Strathclyde - ('S2'))

"Yes, because the teachers look after you and you look after the little ones."

This Strathclyde child alludes to a hierarchical notion of 'responsibility', where age and experience are important criteria in the apportionment of responsibility.

QUESTION 19   *Should all children be encouraged to work hard at school or is encouragement not needed by all children?*

This question is concerned with the child's right to receive 'encouragement'. It corresponds to the statements in the Charter that declare that children and young people are entitled to:-

'Have their individual qualities recognised and encouraged' (1992, p.14, statement 1)

and

'Support and encouragement to continue attendance and learning at school throughout primary and secondary stages and beyond the statutory leaving age' (1992, p.14, statement 4).

(Encouragement, Praise & Appreciation)

Table 13. Regional distribution by percentage and number of children

(Question 19)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
YES	70%	52	68%	50
NO etc.	30%	22	32%	24

Again, the responses in each of the two regions were very similar. Most of the children in both regions said 'yes', all children should be encouraged to work hard at school.

When asked why they had said 'yes', more children implied that *'motivation'* was the reason than any of the other reasons given, with forty one per cent of these children responding in this way. The terms used by the children, which implied *'motivation'*, included the belief that encouragement meant that people

cared and this would make them work harder. They also thought that, without encouragement, children would lose interest. As well as *'motivation'*, the children felt that being encouraged *'increased self-confidence'* and that all children should be encouraged or it would not be *'fair'*.

The notion of *'motivation'* is illustrated by the following comments by two Lothian children:-

COMMENT 1 (Lothian - ('L2'))

"Well, I think all children should be encouraged, even if people are really, really good and don't need it but they should be because if they don't get encouragement really and the teacher is not saying the same thing to me then we won't bother doing good and we might slip behind and people who don't do work well, they need encouragement to get better."

COMMENT 2 (Lothian - ('L2'))

"I put yes because if you don't encourage them they could just like laze off and talk or be noisy and run about in class and not do their work and just lie back and just ignore their work."

The notion of *'increased self-confidence'* is expressed in the following comment by a child from Strathclyde:-

COMMENT 3 (Strathclyde - ('S2'))

"I wrote all children I thought should be encouraged. It would give them self-confidence and it would help them once they leave school to be able to do different things."

Finally, the idea that it is necessary to encourage all children in order to be *'fair'* is exemplified by the following comment:-

COMMENT 4 (Strathclyde - ('S2'))

"It's not fair if you encourage one person and don't encourage another person."

It is evident from the figures in Table 13 above, as well as from the comments made by the children, that encouragement is not only considered to be an important motivational factor at school, it is also believed that everyone needs encouragement, even when they are working hard. This is considered to be necessary in order to prevent a loss of interest in school work.

QUESTION 20   *Should children be praised when they do something well at school or is praise not needed?*

This question is concerned with the child's right to receive praise as a form of 'encouragement'. It corresponds to the statements in the Charter that declare that children and young people are entitled to:-

'Have their individual qualities recognised and encouraged' (1992, p.14, statement 1)[11]

and

'Praise for any progress made towards achieving a desired goal' (1992, p.14, statement 2).

(Encouragement, Praise & Appreciation)

Table 14. Regional distribution by percentage and number of children

| (Question 20) | LOTHIAN REGION | | STRATHCLYDE REGION | |
	%	Number of Children	%	Number of Children
YES	57%	42	53%	39
NO etc.	43%	32	47%	35

The results for each of the regions are again very similar. It is apparent from Table 14 that slightly more than half of the children in both regions said 'yes', children should be praised when they do something well at school.

When asked why they had said 'yes', as in the previous question (Question 19), more children implied that *'motivation'* was the reason than any of the

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[11] See also Question 19.

other reasons given. Almost half (44%) of those who answered 'yes' responded in this way. The following comment, by a Lothian pupil, typifies this response:-

COMMENT 1 (Lothian - ('L1'))

"My answer to this was yes and just like the other question I answered a few minutes ago, if they got praised for it, it pushes them on and gives them more encouragement."

Notably, *'motivation'* was mentioned by about a third of the children from the highest and middle socio-economic levels but only by one child from the lowest socio-economic level. It was also found that the higher the socio-economic level, the greater the 'yes' response to this question. If praise is to be a useful way of motivating all children to work harder, there is clearly a need to address this apparent social class divide.

Some of the children also felt that being praised increased *'self-confidence'*:-

COMMENT 2 (Strathclyde - ('S3'))

"Yes, because it makes you feel good about yourself and that you've done well."

This response is similar to the feeling of *'increased self-confidence'* expressed by some of the children in reply to the previous question.

One Lothian pupil, however, highlighted a potential problem associated with 'praise':-

COMMENT 3 (Lothian - ('L3'))

"I think children should get praised but I don't think like if everybody always does their best and if someone does messy work and suddenly gets something right that they should get all the praise and the person that always does neat work gets no praise. I don't think that's very fair. I think everyone should get just about the same amount if they do the best they can. If somebody is deliberately not doing the best work and

then he suddenly thinks - oh, I'd better do some good work and then gets praised for it, I don't think it's fair."

This child makes an important point concerning *'motivation'*, that is, children who always work hard may lose their motivation if they feel that their efforts are not being rewarded. If it appears that the reward of 'praise' that they believe they have earned is then received by a child who only occasionally makes an effort, this could lead to a loss of motivation in the first child. The implication is that children need to be praised for good work even when they always work hard.

Another child drew our attention to a particularly negative aspect of being praised:-

COMMENT 4 (Strathclyde - ('S1'))

"I don't think praise is needed because if they said you did everything right then people would make fun of you and everything."

This child is evidently aware of the potential to incite envy in others who may not have been praised for their work. Clearly, the potential to encourage bullying when praising children needs to be addressed by teachers.

QUESTION 21   *Is playtime at school important or not?*

This question is concerned with the child's right to 'recreation'. It corresponds to the statements in the Charter that declare that children and young people are entitled to:-

'Opportunities for safe and stimulating play' (1992, p.16, statement 1)

and

'Opportunities to develop recreational interests' (1992, p.16, statement 2).

(Recreation & Creative Play)

Table 15. Regional distribution by percentage and number of children

| (Question 21) | LOTHIAN REGION | | STRATHCLYDE REGION | |
	%	Number of Children	%	Number of Children
YES	95%	70	77%	57
NO etc.	5%	4	23%	17

Table 15 indicates that most of the children in both regions said 'yes', playtime is important. The observed χ^2 is 7.99. This result indicates that there is a significant difference between the two regions ($p < 0.01$). The null hypothesis can therefore be rejected in relation to this result. Believing that playtime is important is supported by a significantly higher percentage of Lothian children than Strathclyde children in the survey.

Although there is a considerable difference between the responses of the two regions, this is partly accounted for by school 'S3' (lowest socio-economic level) in Strathclyde. Slightly less than two thirds of the children at this school (60%) answered 'yes' to this question. Interestingly, almost a third of the children at this school (28%) did not consider playtime to be important. Although 'work' had not been mentioned in the question, or by the researcher during the interviews, the general feeling was that work was more important than playtime.

This interesting point is illustrated by Chart 5 below which presents the 'yes' result for this question. An arrow indicates the outstanding school:-

Chart 5
Question 21 - Results by school
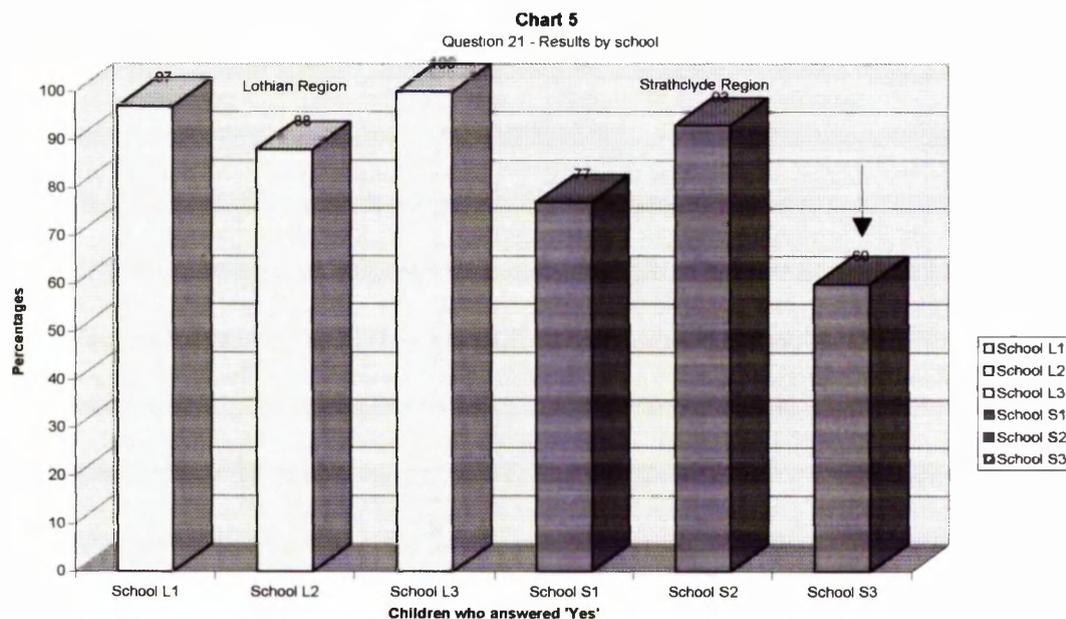
It may be that there is something particular about school 'S3' which has engendered this outcome. Various factors need to be considered when attempting to understand this unusual response.

When examining the results of school 'L3' (lowest socio-economic level), the Lothian school which most resembles school 'S3' in relation to social class, it is apparent that there is a considerable difference in the children's attitudes. This indicates that the lack of interest in playtime displayed by the children at school 'S3' is not merely the result of social class. If the results had been significantly affected by social class, then schools 'L3' and 'S3' would be expected to produce similar results.

Where the children believed that work is more important than playtime, this might have been engendered through an acute awareness of the hardship suffered through unemployment. Almost a quarter (24%) of the children at this school had fathers who were unemployed compared with an average of nine per cent for all the schools in the survey. Forty per cent of the children lived with only one parent; this was double the average for all the schools in the survey. Almost all of those who lived with one parent were living with their mothers.

Taking these findings into account, a possible theory may be proposed. The American psychologist, A. H. Maslow (1987), has divided human needs into a hierarchy of five classes. He suggests that people are inclined to satisfy their needs in a particular order; starting with *physiological or basic needs*, moving through *security or safety needs*, *belonging or affection needs*, *esteem or ego needs* and ending with *self-actualisation needs*. Many of the children at school 'S3' have found that their *physiological or basic needs* have not been fully satisfied, as they have experienced unemployment and poverty in their own and their friends families and the limited facilities in their local community. It is likely, therefore, that the 'higher need' of having playtime at school, which lies between *security or safety needs* and *belonging or affection needs*, is not as important for these children as the need to work.

It must be acknowledged, however, that the rate of unemployment for fathers of children at school 'L3' (lowest socio-economic level) was also relatively high, at fifteen per cent and that thirty per cent of the children lived with only one parent, mainly the mother. It would be expected, therefore, that some of the children at school 'L3' would share the views of the children at school 'S3', regarding the importance of work. The children at school 'L3' clearly do not share these views, with one hundred per cent stating that playtime is important.

It is tempting to suggest that the banning of certain games in the playground, for example football, could be a contributory factor to the children's attitudes towards playtime at school 'S3'. It is clear, however, when examining the playground experience of the children at the other schools in the survey, that these rules applied to most of the schools.

It was notable, however, that, at this particular school (S3), there was no equipment available at playtime. The children had been told that they couldn't have equipment in the playground as it would be vandalized. This lack of opportunities for stimulating play is certainly worth considering as an important

factor in relation to the children's view that playtime is not important. The potential problem of vandalism had been obviated at other schools by locking the equipment inside the school at the end of each school day.

The emphasis in the Charter upon the importance of recreation certainly appears to be compatible with the views of a very wide audience in Lothian. The Charter promotes *'opportunities for safe and stimulating play'* and *'opportunities to develop recreational interests'* (1992, p.16, statements 1 and 2). Also associated with playtime is the Charter's emphasis, under the principle of 'Choice and Challenge', on the importance of learning to make choices based on an understanding of the factors that influence health and disease. All of these principles are compatible with the views of the majority of the Lothian children in the survey. In Strathclyde, alternatively, the attitudes of many of the children, particularly at school 'S3' (lowest socio-economic level) are a clear indication that there is a degree of incompatibility between a number of the children's views and the Charter's principles.

When asked why they had said 'yes', more children thought that playtime was necessary in order *'to rest/have a break'* than any of the other reasons given. Thirty nine per cent of those who said 'yes' responded in this way. A considerable number of the children also felt that fresh air, socializing and exercise were important. These responses are illustrated by the following remarks:-

COMMENT 1 (Lothian - ('L1'))

"I think that playtime is very important. It also makes you work better because you are outside and your brain gets a rest and you feel more refreshed for coming back and doing more work like at the start of the day."

COMMENT 2 (Lothian - ('L2'))

"Well, I put yes it is because we are not really allowed to talk in class - well, we do but we're not - well our teacher says that's what playtime is for and so I think that's important, to like talk."

COMMENT 3 (Strathclyde - ('S1'))

"Yes, because you get fresh air outside, you get to play football and get away from your work and everything and you get to talk to your friends and everything because you don't in the classroom."

An interesting point is that, when socializing was mentioned as an important aspect of playtime, it was not mentioned by any of the children at school 'S3'. Many children clearly do not embrace the notion of playtime as more than a mere break from work, where vital interactions can take place to enhance a child's learning experience. Nevertheless, most of the children appear to be convinced that playtime is a valuable part of their school life. Their responses suggest that it is a complex experience which rests and refreshes not only the body and the mind; it can also provide a setting for important social interaction.

As we have discussed in Chapter 4, Pellegrini and Blatchford (2000) suggest that the ideal setting for opportunities to develop socially competent behaviour is the school playground because adult supervision is generally minimal and this provides an enhanced opportunity for children to interact without adult intervention. In his recent longitudinal study of children's experiences at playtime at the ages of seven, eleven and sixteen years, Blatchford (1998) also suggests that playtime is important for all ages for developing skills associated with friendship relations, social networks and conflict management. However, as Pellegrini and Blatchford (2000) report, further research is necessary which considers the relevance of playtime at school for children's cognitive and social development; at the present time, research evidence is limited and inconclusive.

QUESTION 22   *Should children have a say in what they can do at playtime or in the playground or not?*

This question is concerned with making 'choices'.   However, it does not correspond with the principle of 'choice' promoted by the Charter, which is

specifically concerned with making choices within the curriculum. This question is also concerned with 'responsibility'.[12]

Table 16. Regional distribution by percentage and number of children

(Question 22)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
YES	86%	64	85%	63
NO etc.	14%	10	15%	11

There is clearly almost no difference between the regions in response to this question. Most of the children in both regions said 'yes', they should have a say in what they do at playtime or in the playground.

When saying 'yes' to this question, *to stay in or not'* was the reason given more often than any of the other categories, with forty per cent of these children responding in this way. Clearly, many of the children expressed what they should be able to do rather than why they should have a say. Of those who articulated why they should have a say, *'fairness'* was the reason that yielded the greatest response. This concept is implicit in the following remark by one Strathclyde child for which this question had evoked rather strong feelings:-

COMMENT 1 (Strathclyde - ('S2'))

"I think yes, we should because see last year in Primary Six like, there was this teacher and she wouldn't let you do anything. Say, if you were at the toilet and the bell rang and that door was locked right, you weren't allowed, you've got to go down and wait until the door is opened and all that, she wouldn't even let you breathe, she was that annoying. And you weren't allowed to shout, you weren't allowed to run, you weren't allowed to get a chase off anybody, you weren't allowed to play in the shed, you weren't allowed to play at benches and if you said why, she told me if you are going to say that, you are in, that's what she done."

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[12] See Question 15 for corresponding Charter statements.

This comment exemplifies the experience of many children in relation to 'rights'. It is through this process of learning about the things that they are *not* allowed to do that children often discover the limitations of their rights. A considerable number of the children found that, whilst adults were often reluctant to inform them of their rights, they were usually enthusiastic when informing them of any rules that must be obeyed.

In a similar manner, another Strathclyde child expresses feelings of annoyance:-

COMMENT 2 (Strathclyde - ('S3'))

"Yes, because it's pure freezing and they tell you to go out and you're pure freezing."

Finally, the following Lothian child alludes to one of the possible ramifications of imposing too many restrictions on people:-

COMMENT 3 (Lothian - ('L3'))

"I said yes they should have a say because some of the teachers don't let us do things in the playground like bring balls in but some of the other classes do and they start mucking around after bell time. I think that's because they don't get to have a say if they can do this or not."

This child proposes a link between participation and conformity with school rules - if the children are involved in the decision-making process, it is likely that they will be more willing to abide by the school rules. The assumption appears to be that having a say or being given choice rights at playtime or in the playground will lead to more responsible behaviour.

Sometimes it is impossible to enforce a rule; particularly when some people regard the rule as unfair or inappropriate. It may be better to reach a compromise rather than to induce disobedience, which is likely to encourage anarchic behaviour.

QUESTION 23   *Should children have to do sports at school or not?*

This question is concerned with the child's right to make 'choices'.[13]

Table 17. Regional distribution by percentage and number of children

(Question 23)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
YES	59%	44	43%	32
NO etc.	41%	30	57%	42

Slightly more than half of the Lothian children and slightly less than half of the Strathclyde children said 'yes', children should have to do sports at school.

More than half of those who answered 'yes' to this question mentioned *'fitness'* (59%) as a reason for their answer. This is exemplified in the following remarks by the children:-

COMMENT 1 (Strathclyde - ('S1'))

"I think they should have sports because like it's good exercise for them. I think they should all do it because it's just fun you're doing, I mean everyone will be able to do it and learn to try at it."

COMMENT 2 (Lothian - ('L3'))

"I think you should because if you don't do sports, when you grow up you'll be all unfit and unhealthy."

The following Strathclyde child highlighted another aspect of sports at school - the opportunity for social interaction:-

COMMENT 3 (Strathclyde - ('S1'))

"It gives you a chance to actually have a game all together like with your class. It gives you a chance to join in. We play rugby, netball and the boys play football. It gives us a chance to get up with the girls and the boys - rugby it's boys and girls so we all get a chance to like mix in."

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[13] See Question 4 for corresponding Charter statement

Many of the children who did not reply 'yes' to this question were undecided, rather than definitely against the proposal of compulsory sports at school. Almost a third of the Lothian children (28%) and almost half of the Strathclyde children (49%) were undecided with regard to whether or not sports should be compulsory. Surprisingly, only a small minority of the children actually thought that children should not have to do sports at school.

Although many of the children believed that sport is good for one's health, others were more concerned about the needs of the individual and those who may be unable to cope with the rigours of certain sports. This is apparent in the following comment by a Lothian pupil:-

COMMENT 4 (Lothian - ('L1'))

"No, they shouldn't have to do sports because not all people have got the sporting body and they shouldn't be forced to do it. If they want to do it, they can do it but if they don't want to do it they can just sit out or read or something."

It is being suggested by this child that children should have a right not to do sports at school because it is detrimental to some children's well-being. However, comments 1 and 2 above support the opposing argument that sport is important for health and fitness. This was, evidently, a thought-provoking question for many of the children.

Ultimately, if children's views are to be taken seriously, as Article 12 of the UN Convention proposes, it may be argued that young people should have the right to choose not to participate in sports if this does not negatively contribute to their general well-being and indeed, if the child's best interests are being taken into account, as proposed by Article 3 of the Convention. It is clear that a child's welfare includes both physical and mental well-being and as Article 3.2 of the UN Convention begins 'States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being...' It may be argued, therefore, that a balanced approach which takes into account the child's view, at the same time as considering the child's well-being, would

probably be more beneficial to the child's welfare than more extreme alternatives. For instance, an approach which promotes enforced group physical activity, or an approach which - in an attempt to avoid embarrassment or other negative experiences during sports activities - encourages inactivity, are two more extreme alternatives. Children can, of course, maintain physical fitness by participating in activities outside school hours if this is their preference.

QUESTION 28 *Are children given enough information about their entitlements at school or not?*

This question is concerned with 'rights' in general.

Table 18. Regional distribution by percentage and number of children

(Question 28)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
YES	23%	17	34%	25
NO etc.	77%	57	66%	49

It is evident from Table 18 that only a small proportion of the children in both regions thought that they were given enough information about their entitlements at school. In Lothian, approximately a quarter (23%) and in Strathclyde, approximately a third (34%) of the children responded in this way.

It is important, however, to note that although the level of dissatisfaction was fairly consistent throughout the schools in Lothian the situation was markedly different in Strathclyde. Schools 'S1' (highest socio-economic level) and 'S3' (lowest socio-economic level) produced similar responses. At both schools, about half of the children said that they were satisfied with the amount of information that they were receiving relating to entitlements. In Strathclyde, it was only at school 'S2' (middle socio-economic level) that a very low level of satisfaction was recorded with regard to information about entitlements at school. It is evident, therefore, that although the general consensus, across both regions, was that there was a dearth of information about entitlements at

school, there was a degree of deviation from this consensus when schools were considered individually.

When the children who had answered 'yes' were asked for their reasons, most of them were unable to provide a reason for their answer. Almost all of those who did provide a reason said that they had answered 'yes' because they were *'informed by teachers'* about their entitlements:-

COMMENT 1 (Lothian - ('L1'))

"Well, I think we are given enough information because when it's your first day back at school, after the summer holidays, sometimes you go along to the hall and the head teacher tells you all the new rules; we get new rules every year."

COMMENT 2 (Strathclyde - ('S1'))

"I wrote yes because all of the rules and everything that are important in the school are written up on notices and along the corridor and the rules about like gym and the rules about like if there's a fire are all clear there."

When the children who answered 'no' to this question were also asked for their reasons, the statement *'unclear rules'* was noted more often than any of the other reasons given, with almost half (47%) of the children who answered 'no' responding in this way. This is intimated in the following comments by Lothian children:-

COMMENT 3 (Lothian - ('L2'))

"Well, I said no because well we have to ask, we're not told really, we have to ask if we can do things and well even if they do answer us it's mainly not what we want to do."

COMMENT 4 (Lothian - ('L1'))

"I don't think you're told enough about them because sometimes they make sudden new school rules and if you have to miss a day or something or you just didn't hear them because they forgot to tell your class or something. If you're doing something and someone tells on you and they say, oh you should have listened but you didn't

know at all about like don't go on the pitch today or something. They now need to put a sign up usually but that's better."

The children's comments highlight their desire to be provided with information as part of their welfare right to education.

There are at least three explanations that may be considered in relation to the results for this question.

Firstly, there is the possibility that the schools where many of the children were satisfied with the information they were receiving (S1 and S3) actually provide comprehensive lists or discussions about entitlements at school.

School 'S1' (highest socio-economic level) fits into this category, with the rules being placed on a notice-board. School 'S3', however, does not fit into this category. As there is no clear provision of written or verbal rules at this school, this points to the second explanation.

Social class may be an important factor. If school 'S3' is compared with the similar school in Lothian (L3), this will help to conclude whether or not social class is an issue within this context. As with school 'S3', there is no clear provision of written or verbal rules at school 'L3'. It has been found, however, that the response from school 'L3' was quite different, with only a quarter of the children stating that they receive enough information about their entitlements at school. Therefore, it does not appear to be merely a social class difference that has engendered these results. This leads us to the third explanation.

It is possible that these children have a different perception of entitlements at school. This may be linked to the ethos of this particular school. The children at this school (S3), throughout the interviews for each question, appeared to have a stronger sense of their need to submit to adult authority. This may account for their belief that they have enough information about their entitlements. If the children perceive themselves as essentially being without

many entitlements, it is likely that they will be more easily satisfied with the amount of information they receive.

It is also notable that, at school 'L1', half of the pupils mentioned *'unclear rules'*. This is an interesting response when considering that it was at this school that the Charter principles, relating to schooling, were listed in the Parents' Handbook. As the evidence so far has indicated that most of the children in Lothian were not aware of the existence of the Charter, it may be assumed that the children at school 'L1' were not aware of the list of entitlements therein.

The general impression is that this school has certainly succeeded in informing the children of their responsibilities. This is evident from the results of Question 15, where respondents were asked if they felt that children were given enough responsibility at school or not. Most of the children at school 'L1' were very well informed about the various responsibilities that they and their peers had at school.

However, there is a distinct lack of information regarding entitlements. According to a number of the children in the survey, in particular at school 'L1', the rules are unclear.

In general, the children's interpretation of entitlements here relates to school rules. This is interesting, as many school rules are arbitrary and are certainly not enforceable by law. The school rules to which the children refer are based on a moral code usually defined by adults. The children's entitlements at school, where they do exist, are therefore generally of the moral kind. They do not represent legal rights. Furthermore, when considering the sort of entitlements that children have at school, they are usually hard to define. It is customary for schools to provide lists of rules rather than lists of entitlements. It is, therefore, by a process of elimination that the existence of any entitlements is established. Even then, the exclusion of a particular activity or item from a school's list of rules does not automatically turn the ubiquitous

phrase 'children must not' into 'children have the right to'. As many of the children have claimed, they are often unaware that they are not allowed to do something until they are reprimanded for breaking an unwritten rule.

There are also school rules that could not be considered to be acceptable by a moral standard. These rules do not, therefore, conform to a moral code or relate to a set of moral rights. The following examples illustrate this point.

The widespread school rule concerning what children wear to school, for instance, is often practical but on occasion hard to justify. It is common practice to discourage the wearing of dangerous items of clothing, for example, dangling earrings or flammable clothing such as shell suits. This is clearly a practical rule concerned with the safety of the children.

A less common rule, which prevents children from wearing nail varnish, is rather more arbitrary and would be hard to justify on moral grounds. Although this was not a widespread rule, it does indicate that the school rules are sometimes concerned with wider social issues than the safety of the children. The 'inappropriateness' of nail varnish being worn by children at school is clearly based on individual taste or prejudice. It is certainly not a practical rule concerning the safety of the children.

Therefore, although many school rules can be justified on the basis of concern for the safety of the children, others are removing an element of choice from the children without moral justification.

The ambiguity that surrounds the issue of children's rights, where protection and welfare are emphasized at the expense of choice, is clearly an important factor within this scenario. Perhaps school rules that incorporate choice rights, as well as promoting responsibility and the protection and welfare of each pupil, would be more acceptable to the children and ultimately, more beneficial to the staff.

There are clearly going to be critics of such a formalization of rights at school. Greater emphasis would have to be placed on the wishes of the children. As the school is such an important part of a child's life, it may be argued that their views should not only be heard but should also be influential in the functioning of the school. This is not to suggest that the children should run the school and indeed, the age and maturity of the child must be considered. This should not, however, preclude the possibility of introducing rules that are sensitive to this issue. Different criteria may apply to different age groups; children are already given different responsibilities depending upon their age and maturity and choice rights could be exercised in a similar way.

9.1.3.3 Summary

Before considering the results for the 'open' questions, the main findings for the 'closed' questions are summarized below.

It is clear from the results of the 'closed' questions that a regional difference of statistical significance is only present in relation to Questions 5, 6, 10 and 21. This is illustrated in Table 19 below:-

Table 19. A regional difference of statistical significance

Question Number	Theme of Question	Chi-Square (χ^2)	p
5	school clothes	14.31	< 0.001
6	school meals	7.99	< 0.01
10	sex education	10.35	< 0.01
21	importance of playtime	7.99	< 0.01

The results for Question 10 (*Should education about sex be taught in school or is this not the school's job?*) are relatively clear with regard to a regional difference of statistical significance. Most of the children answered 'yes' to this question. It is evident that the Lothian children stated, overwhelmingly, that expert advice is available at school. This view was also expressed by many of the Strathclyde children but the view that education about sex is a private family matter also gained considerable support.

However, when considering the results for Questions 5, 6 and 21, an important factor should be noted. For each of these questions, one of the schools - a different school for each question - was responsible for a considerable proportion of the 'yes' or 'no' responses in comparison with the other schools in the same region. For instance, when examining Question 5 (*Should children be able to wear what they like to school or not?*), school 'L1' (highest socio-economic level) was responsible for a considerable proportion of the 'no' responses in Lothian, where most of the children stated that children should not be able to wear what they like to school. Nevertheless, the other two schools in Lothian also indicated a clear trend in this direction. In relation to Question 6 and Question 21, however, the overall results have been influenced by the number of responses at particular schools. Most of the children answered 'no' to Question 6 (*Do you think that the choice of school meals you have is good enough or not?*). However, there was a relatively high degree of satisfaction with school meals at school 'S1' (highest socio-economic level). In relation to Question 21 (*Is playtime at school important or not?*), most of the children answered 'yes' to this question. However, there was a considerable proportion of children at school 'S3' (lowest socio-economic level) who believed that playtime is not important.

9.1.4 The 'open' questions

9.1.4.1 Introduction

In this section, we shall again be comparing the children's views by region and assessing the compatibility of these views with the Lothian Children's Family Charter. However, for these questions the comparison will be between comments which fit into a category and those which do not, as there are no 'yes', 'no' and 'don't know' responses to the 'open' questions. A number of the questions generated notable responses: these questions were concerned with:- the things that children should not be able to do at school (Question 7 (Part 2)); what schools should do to stop bullying (Question 17); what schools should do to stop vandalism (Question 18); what it means to have responsibilities (Question 25); and finally, the most important entitlements that children should have at school (Question 29).

NOTE:- The questions are not consistently analysed in numerical order, as they are presented in accordance with similarity of content.

9.1.4.2 The children's views - was there a regional difference?

QUESTION 16 *Why is it important to go to school?*

This question is concerned with the child's right to have 'access' to education. It corresponds to the statement in the Charter which declares that children and young people are entitled to:-

'Continuous access to a broad and balanced curriculum as defined by nationally-accepted guidelines, in an environment which is physically safe in attractive surroundings conducive to learning.' (1992, p.8, statement 1).

(Access & Assistance in Understanding)

The various proportions of the children's answers to this question were divided into the following representative categories:-[14]

'to learn'; 'prepare for work'; 'to meet friends'; 'unclassified' and 'no answer'.

Slightly more than half of the children mentioned *'to learn'* (Lothian: 50%; Strathclyde: 58%) and slightly less than half mentioned *'prepare for work'* (Lothian: 49%; Strathclyde: 41%). A small number of children also mentioned *'to meet friends'* (Lothian: 11%; Strathclyde: 4%). Only 1% of the children in each region provided comments which were unclassifiable.[15]

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[14] The percentages represent the number of occurrences for each category. The views of some of the children are represented by more than one category. This is because these children provided multiple responses, i.e. they mentioned things which relate to more than one of the categories. This applies to all of the questions in this section.

[15] Unclassifiable responses are those which do not share the characteristics of any of the other responses provided for a particular answer.

It is evident from Table 20 that half of the children in Lothian and slightly more than half of the children in Strathclyde stated that it is important to go to school in order *to learn'*.

Table 20. Regional distribution by percentage and number of children

(Question 16)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
To learn	50%	37	58%	43
Not mentioned	50%	37	42%	31

The main response to this question was related to learning or acquiring an education. This is illustrated in the following comment:-

It is important to go to school because...

COMMENT 1 (Strathclyde - ('S2'))
"...you have to learn to read and write."

The other notable response was particularly concerned with the future and work. Table 21 below illustrates this response.

Table 21. Regional distribution by percentage and number of children

(Question 16)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
Prepare for work	49%	36	41%	30
Not mentioned	51%	38	59%	44

It is evident from Table 21 that slightly less than half of the children in both regions stated that it is important to go to school to *'prepare for work'*.

This second response would suggest that the children are not only considering the value of learning and obtaining a good education. They are also aware of the practical application of the skills and knowledge that they may acquire:-

COMMENT 2 (Lothian - ('L1'))

"...so we can get into university and get a good job."

The children's comments highlight their concern with the welfare right of receiving an education.

The categories of *'to learn'* and *'prepare for work'* are distinct, with none of the children mentioning *both* of these as important reasons for going to school. There is, however, nothing extraordinary about these results in relation to social class or gender. With regard to this particular question, it may be argued that there is an implicit consideration of learning in the notion of preparing for work and vice versa. Nevertheless, many of the children did make explicit reference to their future and work. These children are clearly thinking beyond the immediate benefits of receiving an education. The future rewards are also being considered.

It is likely, however, that the children's responses have been influenced by parental definitions of the importance of going to school. Some parents may talk to their children about the value of learning at school, whilst others may specifically mention the importance of schooling to their future and work.

An interesting response from some of the children emphasized the importance of socializing at school. The following remark embodies this notion:-

COMMENT 3 (Strathclyde - ('S2'))

"...you can have good friends."

Although the number of responses referring to socializing was relatively small, it is noteworthy that most of the respondents were girls. Only one boy (1%) responded in this manner, whereas 14% of all the girls mentioned meeting or making friends.

However, when considering the children's attitude towards the importance of playtime (Question 21 - 'Is playtime at school important or not?'), virtually no

difference was found between the views of boys and girls in relation to the importance of socializing at school.

It is worth considering the sociological argument that the difference between the boys' and the girls' responses to this question may have been affected by gendered socialization processes. The girls and the boys may, therefore, have developed different perspectives regarding the appropriateness of socializing at school. It is possible that, whilst both boys and girls consider that schooling, in its wider sense, provides the opportunity to acquire socializing skills along with academic ones, boys are more likely to consider socializing as being restricted to playtime, compared to girls. When they are asked specifically about the importance of playtime, boys do consider socializing to be an important aspect of schooling.

There is, however, another consideration. It is possible that boys are less likely, in certain circumstances, to 'admit' that friendship is important to them, believing that the more acceptable answer would relate to educational achievements. It may be that, whereas boys find it acceptable to consider the merits of friendship at school within the context of designated breaks from work, i.e. playtime, they may consider this to be inappropriate in relation to the wider notion of schooling. Again, being socialized into specific gendered roles is an important factor to consider.

QUESTION 7   *Think of all the things children should have to do at school*
AND
all the things children should not be able to do at school
AND
all the things where children should have a choice at school

This question is comprised of three parts and is concerned with the child's right to make 'choices'.[16]

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[16] See Question 4 for corresponding Charter statement.

PART 1   *Think of all the things children should have to do at school.*

The various proportions of the children's answers to this question were divided into the following representative categories:-

'school work'; 'listen', 'behave well'; 'obey school rules'; 'unclassified' and 'no answer'.

Most of the children mentioned *'school work'* (Lothian: 88%; Strathclyde: 81%). A few of the children also mentioned *'listen'* (Lothian: 14%; Strathclyde: 3%); *'behave well'* (Lothian: 8%; Strathclyde: 1%) and *'obey school rules'* (5% in each region). A number of the children's answers were unclassifiable (Lothian: 15%; Strathclyde: 15%) and some of the children did not provide an answer (Lothian: 1%; Strathclyde: 11%).

When answering this question, there was clearly one issue that was much more prominent than all of the others. *'School work'* was overwhelmingly the most frequently mentioned thing that 'children should have to do at school'. This result was consistent across both regions.

It is evident from Table 22 below that most of the children in both regions stated that children should have to do *'school work'*.

Table 22. Regional distribution by percentage and number of children

(Question 7) Part 1	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
School work	88%	65	81%	60
Not mentioned	12%	9	19%	14

Most of the children's comments relating to behaviour, however, were listed in Part 2 of Question 7 which follows.

PART 2   *Think of all the things children should not be able to do at school.*
The children mentioned several things that they believed to be unacceptable
at school. The various proportions of the children's answers were divided into
the following representative categories:-

*'misbehave'; 'fight'; 'bully'; 'swear'; 'steal'; 'vandalize'; 'wear what they want';
'unclassified' and 'no answer'.*

Clearly, the term *'misbehave'* could refer to a number of types of behaviour.
Within the context of this question, it represents such general comments as
talking in class, being cheeky to teachers, running in the corridors and the car
park etc. Also mentioned above are some other terms which represent forms
of misbehaviour. These have been created as separate categories because
of their more serious nature.

Although about half of the children actually mentioned the term *'misbehave'*
(Lothian: 51%; Strathclyde: 55%), it is clear, from the terms listed above, that
there were also many specific types of misbehaviour mentioned. About a third
of the children mentioned *'fight'* (Lothian: 31%; Strathclyde: 30%). Although
many of the Lothian children also mentioned *'bully'* (Lothian: 30%) and *'swear'*
(Lothian: 30%), there was a much smaller proportion of the Strathclyde
children who responded in this way, with a result of 14% and 7% respectively.
Only a few of the children mentioned *'steal'* (Lothian: 3%; Strathclyde: 0%),
'vandalize' (Lothian: 3%; Strathclyde: 4%) and *'wear what they want'* (Lothian:
3%; Strathclyde: 4%). A number of the children's answers were unclassifiable
(Lothian: 19%; Strathclyde: 12%) and some of the children did not provide an
answer (Lothian: 16%; Strathclyde: 15%).

An overall category of *'behave badly'* has been created to represent all of the
forms of bad behaviour mentioned in the above list, i.e. *'misbehave'; 'fight';
'bully'; 'swear'; 'steal' and 'vandalize'.*

It is evident from Table 23 that most of the children in both regions stated that children should not be able to *'behave badly'* at school.

Table 23. Regional distribution by percentage and number of children

(Question 7) Part 2	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
Behave badly	73%	54	76%	56
Not mentioned	27%	20	24%	18

As mentioned above, bullying is a form of misbehaving. It is, however, a type of misbehaviour that is now being acknowledged as a serious problem in schools. The issue of not being able to *'bully'* at school has, therefore, been registered as an important separate category.

The ramifications of bullying for the victims, the overall school population and wider society are alarming. Victims of bullying may choose to stay away from school through fear and anxiety engendered by their negative experiences. This may lead to low levels of achievement for these children, both academically and socially; being denied the educational and social environments that a school can provide. A school experiencing a high level of bullying will inevitably have a negative effect upon pupils' academic performance and their self-esteem. Even those who are not victims of bullying may be affected by the general sense of danger and unhappiness that can be created when there is a considerable level of bullying. Furthermore, perpetrators of bullying who remain unchecked may continue to bully in adult life, both within their families and in the workplace.

Addressing the problem of bullying at school is an important aspect of the Lothian Children's Family Charter. The children's remarks concerning bullying have, therefore, been analysed as a vital element of general misbehaviour. Table 24 below illustrates the findings in relation to bullying.

Table 24. Regional distribution by percentage and number of children

(Question 7) Part 2	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
Bully	30%	22	14%	10
Not mentioned	70%	52	86%	64

It is evident from Table 24 that a relatively small percentage of the children in both regions stated that children should not be able to '*bully*'. It is, however, clear that there was a notable difference between the two regions with regard to this response. Chart 6 below presents the results relating to bullying:-

Chart 6
Question 7 (Part 2) Results by school
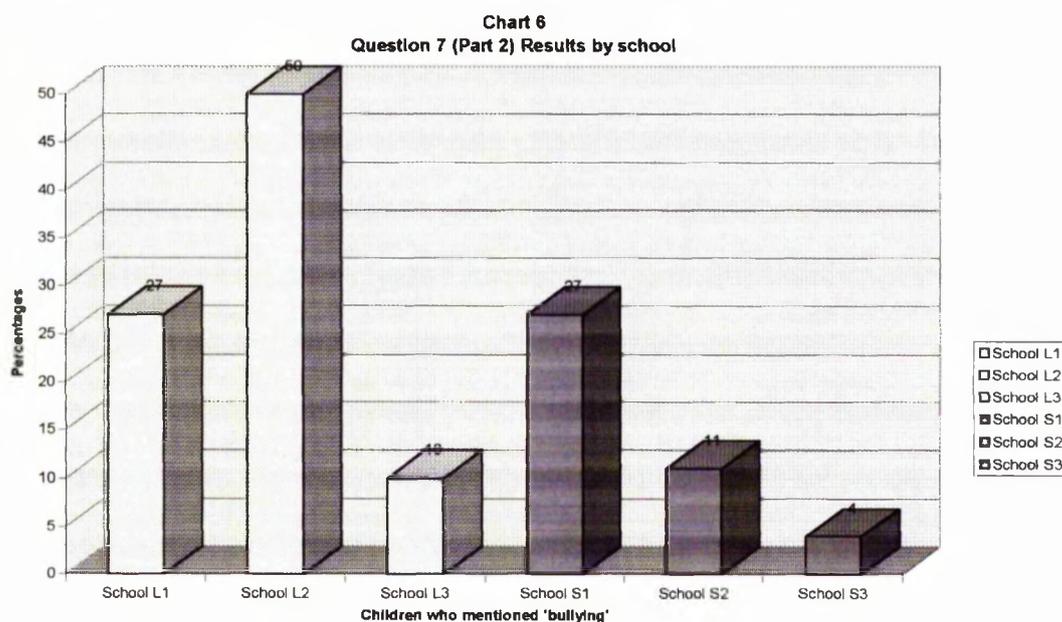
In Lothian, more than a quarter of the children mentioned bullying, whereas the figure in Strathclyde was considerably lower at 14%. This would suggest that the message inherent in the Charter, that bullying is not to be tolerated, is compatible with the views of a higher percentage of the Lothian children than the Strathclyde children. It is worth noting that most of the children in both regions who mentioned bullying were from the highest and middle socio-economic groups. Only 2% of all the children from the lowest socio-economic groups mentioned bullying. It is also evident, when referring to Chart 6 above, that the middle school in Lothian ('L2') has been particularly influential in relation to this result. At this school, it was emphasized in the Parents' Handbook that bullying would not be tolerated. This, however, was also emphasized in the Parents' Handbook of school 'L1'. None of the other

schools mentioned 'bullying' in their Handbooks. Chart 6, however, illustrates that the response from school 'S1' was identical to that of school 'L1'. There is no consistency between the other schools according to social class. Nevertheless, the findings indicate that despite this inconsistency, social class is an important issue in relation to this question, with the lowest socio-economic groups hardly mentioning 'bullying' as something that children should not be able to do at school.

The powerful message that bullying is unacceptable has been promoted not only through the Charter itself but also through the promotional material, for example, leaflets and help cards which were distributed to the Lothian children and various conferences held during and subsequent to the launch of the Charter in 1992.

PART 3   *Think of all the things where children <u>should have a choice at school</u>.*

The children mentioned several things where they believed that there should be a choice at school:-

'school work'; 'what they eat'; 'where they sit'; 'what they wear'; 'work at own pace/decide order of work'; 'talk quietly in class/discuss work with friends'; 'play inside or outside'; 'say what they think'; 'do what they think is right'; 'unclassified' and 'no answer'.

Many of the children mentioned *'school work'* (Lothian: 50%; Strathclyde: 60%). Several mentioned *'what they eat'* (Lothian: 16%; Strathclyde: 14%). Although several of the Lothian children also mentioned *'where they sit'* (Lothian: 11%), none of the Strathclyde children mentioned this. A number of the children also mentioned *'what they wear'* (Lothian: 10%; Strathclyde: 12%). Only a few of the children mentioned *'work at own pace/decide order of work'* (Lothian: 5%; Strathclyde: 4%), *'talk quietly in class/discuss work with friends'* (Lothian: 5%; Strathclyde: 3%), *'play inside or outside'* (Lothian: 5%; Strathclyde 1%), *'say what they think'* (Lothian: 4%; Strathclyde: 0%) and *'do*

what they think is right' (Lothian: 4%; Strathclyde: 0%). A number of the children also made comments which were unclassifiable (Lothian: 26%; Strathclyde: 32%).[17] And some of the children did not provide an answer (Lothian: 19%; Strathclyde: 8%).

It is evident from Table 25 that exactly half of the children in Lothian and slightly more than half of the children in Strathclyde region stated that there should be a choice of *'school work'* for children.

Table 25. Regional distribution by percentage and number of children

(Question 7) Part 3	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
School work	50%	37	60%	44
Not mentioned	50%	37	40%	30

It is clear from this result that the children are more concerned with school work than with anything else. In this respect, the result is similar to that of Part 1 of this question. This time, however, it is with regard to having 'choices' in relation to work rather than 'having' to work. Evidently, although most of the children accept the need to work at school, they would prefer a more flexible curriculum, wherein more choices could be made with regard to which subjects they studied.

More than a quarter of the respondents in each of the two regions (28%) stated that children should be able to choose which of the Expressive Arts to study, with almost a quarter (23%) in Strathclyde specifically mentioning different types of sports and a fifth (20%) in Lothian. These figures were considerably higher than those which were recorded in relation to other elements of the curriculum. This indicates that the children are more interested in being given choices in relation to the Expressive Arts (sports in particular) than any of the other four main elements of the primary school

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[17] Where a relatively high percentage of responses has been recorded as unclassifiable, i.e., for this question and for questions 29 and 30, this is due to the considerable number of responses which did not share the characteristics of any of the other responses provided for these questions. A complete list of the children's responses - including ones which were unclassifiable - appears in Appendix 3.

curriculum, i.e. Language; Mathematics; Environmental Studies; and Religious and Moral Education.

To summarize, it is clear that there is little difference between the two regions with regard to what children should have to do at school and where there should be an element of choice. There is also little difference when considering the general attitude of the respondents towards what children should not be able to do at school. When the various types of unacceptable behaviour are analysed, however, there is a notable difference between the regions with regard to bullying. This sort of behaviour is clearly an area of great concern at school. It is, therefore, crucial that the children, as well as the staff and parents, are well informed and aware of the consequences of bullying. The children also need to know how to deal with this problem, with the help of others if necessary, without fear of this resulting in further bullying.[18]

QUESTION 8   *If there is a problem at school, what should children be able to do about it?*

This question is concerned with the child's right to have 'access' to assistance. It corresponds to the statement in the Charter which declares that children and young people are entitled to:-

'Access to personal guidance and counselling.' (1992, p.8, statement 4).

(Access & Assistance in Understanding)

The children considered the following action appropriate if there was a problem at school:-

'tell a teacher'; 'tell a friend'; 'tell a parent'; 'tell an adult'; 'tell someone'; 'tell someone at school'; 'tell a family member'; 'help'; 'solve the problem yourself'; 'unclassified' and 'no answer'.

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[18] The issue of bullying is alluded to in the next question (Question 8) and is investigated more fully in Question 17.

Most of the children mentioned *'tell a teacher'* (Lothian: 70%; Strathclyde: 65%). A few of the children mentioned *'solve the problem yourself'* (Lothian: 14%; Strathclyde: 10%), *'tell a friend'* (Lothian: 11%; Strathclyde: 5%) and *'tell a parent'* (Lothian: 10%; Strathclyde: 4%). A small number of children also mentioned *'tell an adult'* (Lothian: 4%; Strathclyde: 7%) and *'tell someone'* (Lothian: 7%; Strathclyde: 4%). *'Help'* was also suggested by a few of the children (5% in each region). None of the Lothian children mentioned *'tell someone at school'* and only 3% of the Strathclyde children mentioned this. Only 1% of the Lothian children mentioned *'tell a family member'* and none of the Strathclyde children responded in this way. A number of the children also made comments which were unclassifiable (Lothian: 7%; Strathclyde: 1%). Only two of the children did not provide an answer (Lothian: 1%; Strathclyde: 1%).

It is apparent that these terms can be divided into various subgroups; for example, all comments relating to telling an adult in one group and telling a child in another group, or telling a family member in one group and telling someone else in another. For the purposes of this study, the important divisions are into those who would tell a teacher and those who would tell someone else. These results will help to illustrate the degree of compatibility of the Charter's principles concerning personal guidance and counselling with the trust that children feel able to place in their teachers when encountering a problem at school.

In both regions, the same number of respondents (82%) stated that, if there is a problem at school, children should tell someone, rather than trying to solve the problem themselves. It appears, however, that a considerable number of children are more likely to try to solve a problem without seeking help. If the message inherent in the Lothian Children's Family Charter, concerning the protection of children at school, is successfully to reach every child, this barrier, which prevents some children from seeking help, needs to be removed.

It is evident from Table 26 below that most of the children in both regions stated that children should *tell a teacher* if there is a problem at school.

Table 26. Regional distribution by percentage and number of children

(Question 8)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
Tell a teacher	70%	52	65%	48
Not mentioned	30%	22	35%	26

When a problem at school involves bullying, one of the reasons for the children's reticence may be the fear of retribution from the bullies when reporting the problem to a teacher. Another reason, which has been noted by Andrew Mellor[19] (1990) in his research in Scottish secondary schools, is that children have often found that adults are not interested or may give the wrong advice. Mellor (1990, p.6) has also discovered that, in these schools, there exists "a great taboo against telling". Bullying is an obvious example of the kind of problem which may inhibit a child.

An interesting point, however, has arisen in relation to telling a teacher. The results suggest that the lower the socio-economic level, the less likely the children are to tell a teacher about a problem at school. A very high proportion of the children from the highest socio-economic group said that they would tell a teacher (85%). The response from the middle socio-economic group was considerably lower, at 63%. Finally, only slightly more than half of the children from the lowest socio-economic group (53%) said that they would tell a teacher.

It may be that the greater socio-economic distance between children from a lower social class and their mainly middle-class teachers,[20] compared to children from a higher social class, creates a barrier which prevents many of these children from discussing their problems with their teachers. If the

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[19] Andrew Mellor is a teacher and the government's former Anti-Bullying Development Officer from 1993 to 1995.

[20] This reference to the social class of teachers is based on their professional status.

children feel that they have little in common with their teachers, they are less likely to confide in them when a problem does arise.

The children may have experienced teaching methods which discourage their actively seeking help from their teachers. Mellor (1993) suggests that even teachers who wish to help can provide ambiguous messages or unhelpful advice. Clearly, the teachers need to state their advice in a way that the children can understand. They should aim to promote the message that it is acceptable to report incidents of, for instance, bullying. As Mellor (1993) also suggests, they should ensure that their advice is realistic, that the methods to be employed have been tested and that the children's requests for help should be taken seriously. Otherwise, the problem could be compounded rather than ameliorated by the teachers' intervention.

Of course, children can have various types of problems at school. The issue of bullying is only one of these. Nevertheless, it is one that is difficult to remove without the full co-operation of all concerned.

It is possible, however, to encourage children to report incidents of bullying without directly involving teachers. An initiative that can help to remove the stigma of 'telling tales' is one that enables children to approach a panel, or group of other pupils assigned to deal with bullying problems, to report their experiences. This initiative was introduced at Graeme High School in Falkirk in 1994 by a group of fifth year pupils, in an attempt to reduce the incidence of bullying (Edinburgh Evening News, 1994). The placing of pupils in the role of mediator can build a bridge between the rule makers, i.e. the teachers and the potential rule breakers, i.e. the children. The children can perceive their peers as taking a stand against bullying and no longer need to feel ashamed to report such behaviour.

QUESTION 17 *What do you think schools should do to stop 'bullying'?*

This question is concerned with the child's 'health'.[21]

It was considered that, in order to stop bullying, the following action should be taken:-

'punish the bullies'; 'teach children about bullying'; 'solve problem by talking'; 'improve supervision'; 'encourage victims to report bullying'; 'unclassified' and 'no answer'.

Slightly more than half of the children mentioned *'punish the bullies'* (Lothian: 51%; Strathclyde: 57%). A number of the children also mentioned *'teach children about bullying'* (Lothian: 22%; Strathclyde: 8%) and *'solve problem by talking'* (Lothian: 19%; Strathclyde: 11%). A small number of children also mentioned *'improve supervision'* (Lothian: 4%; Strathclyde: 11%) and *'encourage victims to report bullying'* (Lothian: 1%; Strathclyde: 12%). A few of the children also made comments which were unclassifiable (Lothian: 12%; Strathclyde: 7%) and a few did not provide an answer (Lothian: 12%; Strathclyde: 7%).

It is evident from Table 27 that slightly more than half of the children in both regions stated that schools should *'punish bullies'* in order to stop bullying.

Table 27. Regional distribution by percentage and number of children

(Question 17)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
Punish bullies	51%	38	57%	42
Not mentioned	49%	36	43%	32

There was, however, a moderate response in favour of teaching children about the effects of bullying. This response is displayed in Table 28 below.

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[21] See Question 9 for corresponding Charter statement.

Table 28. Regional distribution by percentage and number of children

(Question 17)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
Teach about effects of bullying	22%	16	8%	6
Not mentioned	78%	58	92%	68

It is evident from Table 28 that a relatively small proportion of the respondents suggested that, in order to stop bullying, children should be taught about its effects. There is, however, a difference between the two regions with a higher percentage of Lothian children responding in this manner.

Chart 7 below presents the results relating to teaching about bullying:-

Chart 7
Question 17 - Results by school
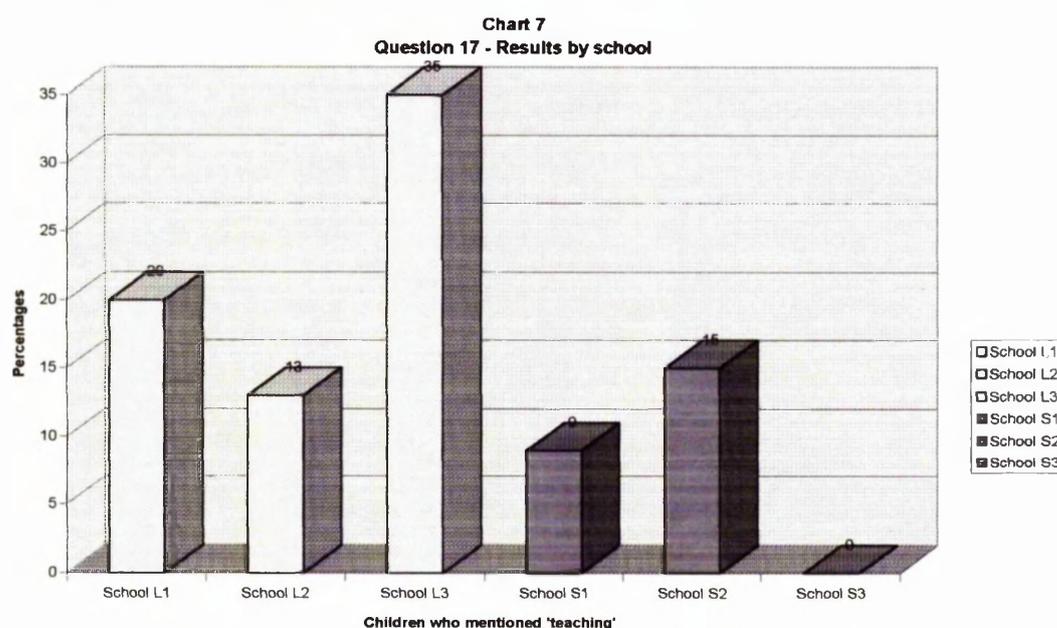
In Lothian, almost a quarter of the children mentioned teaching about the effects of bullying, whereas the figure in Strathclyde was considerably lower at eight per cent. This would suggest that a higher percentage of the Lothian children's views are compatible with the message inherent in the Charter that children need to be well informed about bullying at school. The Charter proposes that children should be informed about what action to take if being bullied, i.e. that there is someone to talk to about their problems (1992, p.9, notes 3/4/5).

The children also considered addressing the problem of bullying through discussion. For instance, talking to the bully and the victim together, thereby forging more positive relationships. Table 29 below illustrates the responses of the children:-

Table 29. Regional distribution by percentage and number of children

(Question 17)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
Talk to bully and victim	19%	14	11%	8
Not mentioned	81%	60	89%	66

It is evident from Table 29 that a relatively small proportion of the respondents suggested that, in order to stop bullying, there should be a discussion involving both the bully and the victim.

Punishment is considered by many of the children to be the best solution to bullying. There is, however, an indication that a number of children believe that it is better to deal with the bullies' problems and the reasons for their behaviour through teaching and talking, as well as protecting the victims of bullying. There is a regional difference in relation to such non-punitive approaches to bullying, with considerably more Lothian children mentioning teaching and talking about bullying than Strathclyde children.

It is important to note, however, that most of the children who mentioned teaching and talking about bullying were girls. Nineteen per cent of the girls and only eleven per cent of the boys mentioned teaching about bullying whilst twenty seven per cent of the girls and only three per cent of the boys mentioned talking about bullying.[22] Most notably, none of the Lothian boys mentioned talking to the bullies, victims etc., whilst approximately a third of the

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[22] This greater interest in 'talking' by the girls is also apparent in Question 16, where 'socializing' was stated more often by girls than by boys. This theme is fully investigated in the concluding chapter (Chapter 10).

Lothian girls did so. Punishing bullies, on the other hand, was mentioned by 63% of the boys compared to 45% of the girls.

This result may appear to suggest that the notion of understanding the behaviour of bullies is of more interest to girls than boys. It may, however, be that boys are less likely to 'admit' that they would like to learn more about the reasons for bullying behaviour. Ironically, boys may feel that it is traditionally more acceptable for them to consider punishment as an appropriate response because they are, in fact, afraid of being bullied themselves if they express an interest in a less harsh approach to the problem, which may be construed by other boys as a 'feminine' viewpoint. Although many of the negative connotations traditionally attributed to being female have now diminished, some underlying notions still persist.

It was evident during the interviews with the children that there is still a tendency in some boys to feel that there should be a dichotomy between some of the things that boys and girls can do.

When answering Question 4, for instance, which was concerned with whether or not boys and girls should be allowed to study the same subjects at secondary school or not, twice as many boys (16%) as girls (8%) were unsure, with three per cent of the boys actually saying no, boys and girls should not be allowed to study the same subjects. Although these figures are relatively low, there is clearly a degree of uncertainty, amongst these children, about equal access to the curriculum. The following remark alludes to another important issue concerning the ramifications of boys' and girls' perceptions of themselves:-

COMMENT 1 (Strathclyde - ('S3'))
"No, I don't think they should. They should do the same but not in the same class."

This boy could not provide an explanation for his comment when asked. Nevertheless, he clearly considers gender differences to be important enough to justify separate study areas.

Whether or not boys are less concerned about teaching and talking about bullying than girls, or whether they are prevented from expressing their views on this subject because of traditional expectations in relation to male responses, is an important question. Establishing the answer to this question, however, is less important than acknowledging the fact that fewer of the boys, for whatever reason, showed an interest in teaching and talking about bullying than the girls. If anti-bullying campaigns in schools are to move forward and adopt new methods which eschew the traditional punitive approach, all of the children - both boys and girls - need to be encouraged to participate in this movement. Evidence suggests that, with regard to dealing with bullying, more girls than boys in this study expressed views which are compatible with certain principles of the Charter. For example, the Charter proposes that "Any form of punishment diminishes dignity to some extent" (1992, p.13, notes 1/5/6(2)). Some of the children have indicated that they do not consider punishment to be the solution. Teaching and talking about bullying can, at least, provide a forum which minimises the element of blame. It introduces a notion of acceptance of the bullies, whilst outlawing their victimizing behaviour. This appears to be a more positive approach in schools, with the potential for long-term solutions. It is apparent that punitive measures have not removed bullying from schools, as bullying is still ubiquitous. According to the research of Andrew Mellor (1990), fifty per cent of Scotland's secondary school pupils suffer bullying at least once or twice during their school years. Mellor (1990; 1993) claims that this behaviour occurs in all schools and that most bullying is verbal or psychological rather than physical. This can, of course, compound the problem, as it is much harder to detect this less visible form of bullying. The message from the Scottish Office is 'zero tolerance' for bullying, with advice having been issued to schools in an attempt to ameliorate the problem (Macfarlane, 1998).

The clinical psychologist, Oliver James (1998) reports that there is evidence to suggest that both bullies and victims of bullying are likely to have low self-esteem. James (1998) suggests that it is a problem within the home environment which mainly influences the self-esteem of these children. However, it may be argued that teachers can, through their own behaviour, reinforce within these children any existing negative feelings which can lead to bullying or being bullied. If teachers bully their pupils, children will learn how to bully by example. It may be necessary to address the issue of bullying by teachers if we are to attempt to reduce the incidence of bullying by children.

QUESTION 18 *What do you think schools should do to stop 'vandalism'?* This question is concerned with the child's right to have 'access' to a safe and attractive environment at school.[23]

In order to stop vandalism, the children made the following suggestions:-

'improve security'; 'punish the vandals'; 'teach children about vandalism'; 'talk to the vandals'; 'unclassified' and 'no answer'.

A considerable number of the children mentioned *'improve security'* (Lothian: 35%; Strathclyde: 54%). Some of the children (mainly from Lothian) mentioned *'punish the vandals'* (Lothian: 22%; Strathclyde: 10%) and *'teach children about vandalism'* (Lothian: 23%; Strathclyde: 1%). A small number of children also mentioned *'talk to the vandals'* (Lothian: 3%; Strathclyde: 3%). A few of the children also made comments which were unclassifiable (Lothian: 7%; Strathclyde: 5%) and quite a few did not provide an answer (Lothian: 18%; Strathclyde: 28%).

It is evident from Table 30 that slightly more than a third of the Lothian children and slightly more than half of the Strathclyde children suggested that, in order to stop vandalism, schools should *'improve security'.*

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[23] See Question 16 for corresponding Charter statement.

Table 30. Regional distribution by percentage and number of children

(Question 18)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
Improve security	35%	26	54%	40
Not mentioned	65%	48	46%	34

Concern about improving security may be linked with the children's views of how secure their own schools appear to be and how effective their security systems have been in preventing vandalism.

Chart 8 below presents the results relating to improving security:-

Chart 8
Question 18 - Results by school
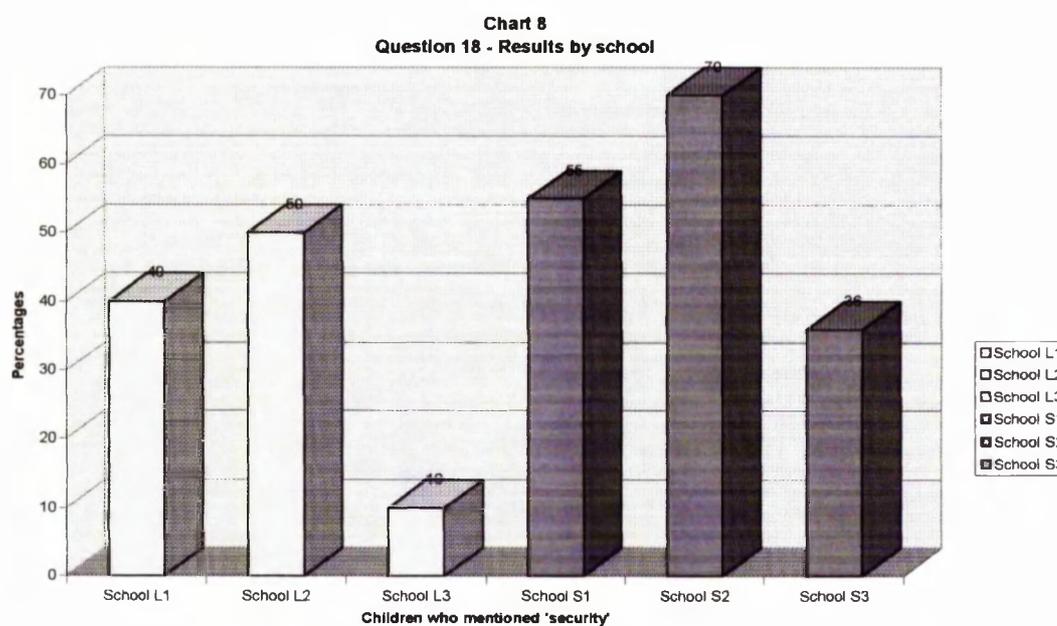
Punishment was also mentioned, on a number of occasions, as the answer to vandalism. This is displayed in Table 31 below:-

Table 31. Regional distribution by percentage and number of children

(Question 18)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
Punish the vandals	22%	16	9%	7
Not mentioned	78%	58	91%	67

It is evident from Table 31 that almost a quarter of the Lothian children and almost a tenth of the Strathclyde children suggested that, in order to stop vandalism, schools should *'punish the vandals'*.

Whereas improved security and the punishment of vandals may reduce the level of vandalism, there are a number of problems associated with these methods.

Firstly, improved security can be expensive, for example, fitting security cameras, fencing and window grills.

Secondly, it is likely to create an atmosphere of suspicion and paradoxically, 'insecurity' in the children. The 'fortress' approach to schooling is likely to make the children more aware of potential danger or damage to their school but this may become exaggerated and out of proportion to the real problem of vandalism that exists. It does not create an attractive environment, conducive to learning.[24]

Thirdly, the punishment of vandals is likely to reinforce negative feelings in the perpetrators. Punishment attributes blame and this is unlikely to encourage the vandals to address the reasons for their behaviour, even when it does prevent this behaviour. Vandals may, therefore, re-offend after a period of time, unless the offending behaviour is altered. Punitive methods often fail to correct negative attitudes.

The Charter promotes awareness of the importance of environmental conservation and the early identification of behavioural difficulties (1992, p.6, statement 2; p.7, Note 1). As an alternative approach, teaching about the effects of vandalism can address at least the first component of this principle of the Charter. By teaching about the effects of vandalism, children can learn about potential damage to their environment. This damage is likely to be

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[24] The Charter statement quoted at the beginning of Question 18 emphasizes the need for an environment which is not only physically safe but also in attractive surroundings.

twofold. Firstly, there is the damage caused by the vandals. Secondly, however, there is also the effect upon the environment when overt security measures are introduced. Protective fencing and security cameras, for example, clearly reduce the visual appeal of the environment. It is necessary to consider the negative effects of vandalism both on the physical environment and on the mental and physical health of the staff and children who have to use this environment on a daily basis. The children may be deprived of, for example, important enhancements to the playground, such as recreational equipment, as a result of vandalism. Existing educational inequality may be increased by persistent acts of vandalism, that affect some schools more than others.

Teaching, as a method, is less costly than increased security and can have a more positive effect than the threat of punishment, on all of the children, including potential vandals. This more inclusive, rather than divisive, approach both increases awareness of the effects of vandalism and promotes positive ways of dealing with this problem. It may not be easy but it is possible to turn a vandal into a protector of school property if the approach is positive and does not attribute blame.

In Lothian, the children showed almost as much interest in stopping vandalism through teaching about its effects and the consequences for the vandals, as well as punishing the vandals, as they did in improving security. Again, it appears that the notion of teaching, in order to reduce the scale of problem behaviour at school, is a popular one in Lothian. This point is illustrated in Table 32 below:-

Table 32. Regional distribution by percentage and number of children

(Question 18)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
Teach about vandalism	23%	17	1%	1
Not mentioned	77%	57	99%	73

It is evident from Table 32 that almost a quarter of the Lothian children and only 1% of the Strathclyde children suggested that, in order to stop vandalism, schools should *teach about vandalism'*.

Chart 9 below presents the results relating to teaching about the effects of vandalism:-

Chart 9
Question 18 - Results by school
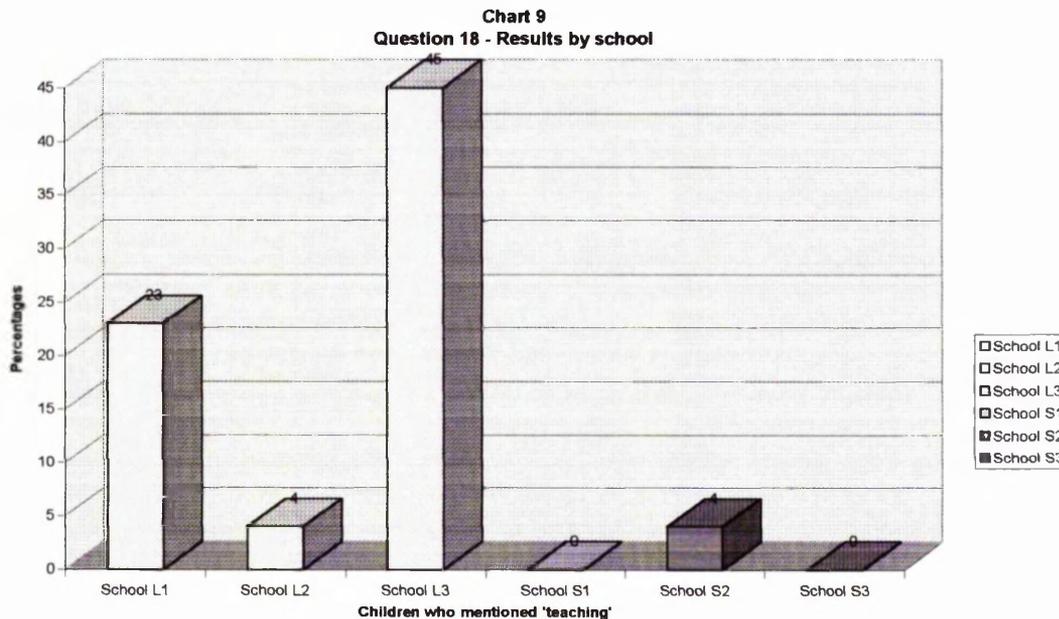
The principle in the Charter, which is quoted at the beginning of this question (Statement 1 on page 8 of the Charter), emphasizes the need for a physically safe environment in attractive surroundings. Teaching about vandalism can help to reinforce the notion of a safe environment. It can provide the opportunity to inform children about the ramifications of such antisocial behaviour. It can also provide the opportunity to improve the safety of the school without creating an unattractive environment through increasing security.

The value of teaching in relation to vandalism is evidently a more popular concept in Lothian than in Strathclyde, particularly in relation to schools 'L1'

and 'L3'. In the Strathclyde schools, there is clearly an approach that favours improved security.[25]

In relation to these two methods for addressing the problem of vandalism, there was a tendency for more boys than girls to favour the security method, with 55% of boys and 34% of girls mentioning 'improve security'. Alternatively, more girls than boys favoured the teaching method, with 18% of girls and only 7% of boys mentioning teaching about vandalism.

This response in favour of teaching about vandalism is similar to the response in favour of teaching about bullying (discussed in Question 17).[26] Again, the boys seem less likely to consider alternatives to the traditional methods for dealing with this kind of antisocial behaviour; preferring greater security, rather than teaching, as a means to eradicate vandalism.

Interestingly, in Strathclyde, where improved security was favoured, it is the school that displayed the most obvious signs of a system of security, i.e. 'S3', which yielded the lowest response in favour of improving security. The message herein appears to be one of two things. It may be that increased security does not work effectively; perhaps redirecting the vandals to other targets, for example, play areas or private property. Rather than removing the problem, this merely redistributes it. Alternatively, the children at this school may be inured to a 'fortress' environment. The thought of improved security does not, therefore, signify, as a 'secure' environment is the norm for these children.

Many of the children who vandalize school property may not have considered the more serious consequences of their actions. They may not be concerned about the financial costs for a school experiencing vandalism. They may, however, not be aware of the danger that serious forms of vandalism can engender. Their actions could endanger their own lives, as well as the lives of

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[25] The results with regard to 'security', illustrated in Chart 8, indicate a markedly lower response from the Lothian children than the Strathclyde children.

[26] In relation to bullying, it may be recalled that 11% of boys and 19% of girls mentioned teaching.

others in the school. It may be that teaching children about vandalism and its effects can help to present the whole picture. If children only consider their actions to be daring and rebellious, punishment, as a solution, may or may not prevent this behaviour from being repeated. It is unlikely, however, to effect a change of attitude in the children who vandalize. The punished child is presented with a blaming approach that is more likely to reinforce any negativity, which provoked the vandalism in the first place, than to correct this behaviour.

There are no simple solutions to the problems addressed in this and the previous question concerning bullying. Teaching about these issues is one way forward. It is likely that some children will not respond immediately to this method. However, where failures do occur, talking to the vandals about their actions may be more effective than punishment. Both vandalism and bullying have the potential to be reduced through the teaching and talking approach. The relatively small number of children who referred to talking to the vandals compared to the number of children who, in response to the previous question, felt that talking to the bullies would be useful, is understandable. Most of the children believed that vandalism to their schools was caused by children from other schools, after school hours. It would be difficult, therefore, for the pupils or the teachers to identify the vandals in order to talk to them.

There are clearly some similarities between the responses evoked in relation to the problem of vandalism at school and the problem of bullying addressed in the previous question (Question 17). The use of punishment and teaching were suggested as deterrents in relation to bullying as well as vandalism. There was, however, no significant regional difference in relation to the proposal to punish bullies and vandals, whereas there was a significant difference with regard to teaching children about bullying and vandalism.

Safety is crucial at school; this is particularly important in primary schools, where many of the children are very young and may not yet be competent when faced with certain dangers, for example, glass from broken windows,

exposed electrical cables etc. It is evident that many of the Lothian children consider it important to teach pupils about the ramifications of vandalism. This would suggest that some of the children are aware of the need to act responsibly and are hopeful that teaching, rather than punishment, will encourage responsible behaviour. Within the section of the Charter concerned with *'Thoughtfulness, Respect and Consideration'*, acting responsibly is promoted (1992, p.13, notes 1/4/5/8).

When comparing these results with those of Question 17, in relation to teaching, it is apparent that this concept is not as popular with the Strathclyde children. In Lothian, however, many of the children favour this more progressive approach, beginning to move away from traditional methods of dealing with antisocial behaviour.

When considered together, these two questions raise an important gender issue. Girls have shown a greater interest than boys in the notion of talking about bullying, as well as teaching about both bullying and vandalism, at school. This would clearly be a drawback when attempting to implement the Charter's principles.

QUESTION 25   *What does having responsibilities mean to you?*
This question is concerned with children's responsibilities in general. It relates to all of the statements in the Charter that are concerned with responsibility (1992, p.10, statements 1-4, 7, 8).

The children suggested that having responsibilities means:-

'you can be trusted to do certain things'; 'you have something or someone to look after'; 'looking after yourself'; 'you have to do certain things'; 'acting in a mature manner'; 'doing things without help'; 'unclassified' and 'no answer'.

A considerable number of the children stated that *'you can be trusted to do certain things'* (Lothian: 35%; Strathclyde: 15%) and *'you have something or*

someone to look after' (Lothian: 15%; Strathclyde: 22%). *'Looking after yourself'* was mentioned by a number of children in Lothian compared to only two children in Strathclyde (Lothian: 19%; Strathclyde: 3%) and *'you have to do certain things'* was only mentioned by one child in Lothian compared to a number of children in Strathclyde (Lothian: 1%; Strathclyde: 12%). A few children also mentioned *'acting in a mature manner'* (Lothian: 4%; Strathclyde: 5%) and *'doing things without help'* (Lothian: 7%; Strathclyde: 1%). Some of the children also made comments which were unclassifiable (Lothian: 4%; Strathclyde: 14%) and quite a few did not provide an answer (Lothian: 19%; Strathclyde: 30%).

Table 33 illustrates the number of children who mentioned *'being trusted'* as the meaning of having responsibilities.

Table 33. Regional distribution by percentage and number of children

(Question 25)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
Being trusted	35%	26	15%	11
Not mentioned	65%	48	85%	63

It is evident from Table 33 that more than a third of the Lothian children and only 15% of the Strathclyde children suggested that having responsibilities means *'being trusted'*.

Chart 10 below presents the results relating to being trusted to do certain things:-

Chart 10
Question 25 - Results by school

Children who mentioned 'being trusted'
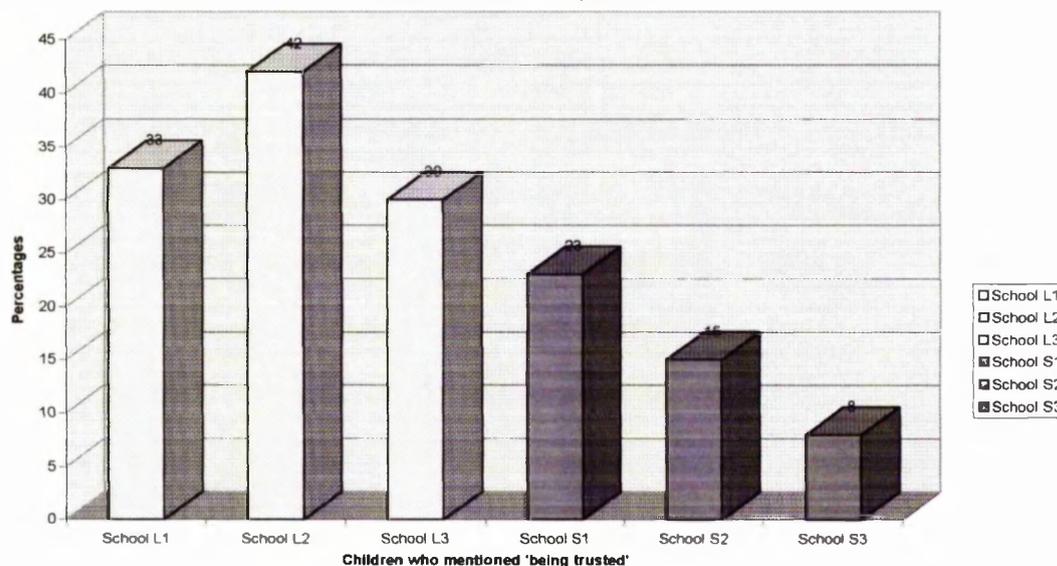
The overall results for this question are interesting. When taking into account the other remarks made by the children, it becomes clear that there is a regional pattern. In Lothian, there is a tendency to suggest that having responsibilities involves greater independence. In Strathclyde, on the contrary, the impression is that having responsibilities increases duties. Here, there is the regional juxtaposition of a sense of freedom and a burdensome sense of obligation.

This becomes clear when examining some of the other suggestions made by the children, along with the notion of *'being trusted'*, discussed above.

In Lothian, more than a third of the children stated that having responsibilities means *'being trusted'* and almost a fifth of the children suggested that it means *'looking after yourself'*.

In Strathclyde, however, considerably fewer children stated that having responsibilities means *'being trusted'* and only 3% of the children mentioned *'looking after yourself'*.

The following comments by the children illustrate these notions of being trusted and looking after yourself:-

Having responsibilities means...

COMMENT 1 (Lothian - ('L2'))

"...you can be trusted."

COMMENT 2 (Lothian - ('L1'))

"...to me, looking after myself."

COMMENT 3 (Lothian - ('L1'))

"...to do things for yourself without any help and taking responsibility for yourself."

Table 34. Regional distribution by percentage and number of children

(Question 25)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
Looking after yourself	19%	14	3%	2
Not mentioned	81%	60	97%	72

It is evident from Table 34 that almost a fifth of the Lothian children suggested that having responsibilities means *'looking after yourself'* compared to only 3% of the Strathclyde children.

It should be noted that more than a third of the children at school 'L1' (37%) mentioned *'looking after yourself'*.[27] This was a substantial proportion of the Lothian figure.

Chart 11 below presents the results relating to looking after yourself:-

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[27] It should be recalled that this was the only school in the survey which listed the Charter statements, relating to education, in its Parents' Handbook.

Chart 11
Question 25 - Results by school
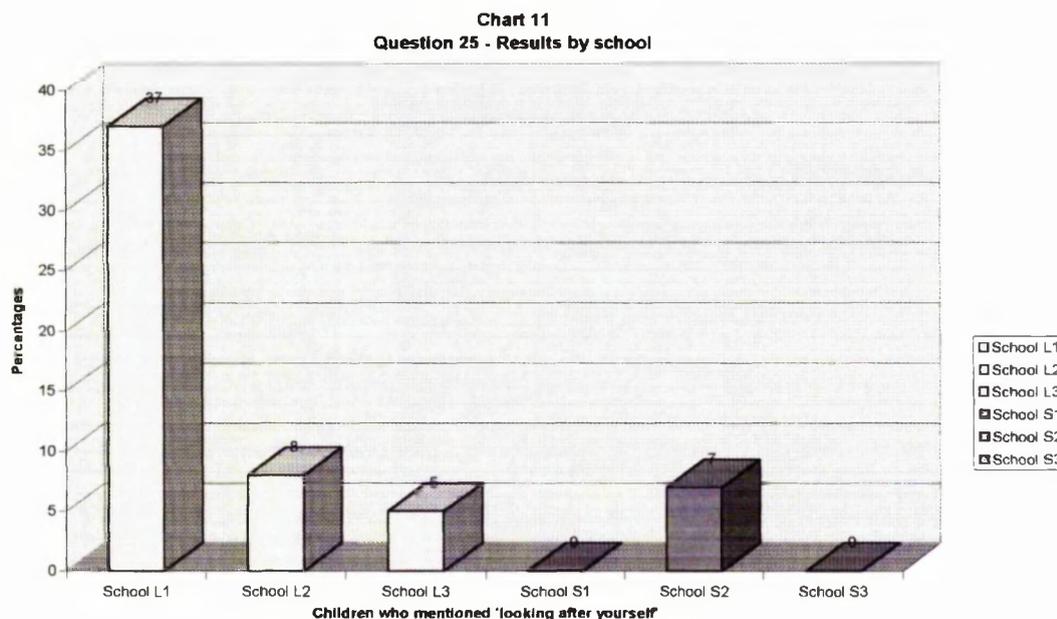
Alternatively, it is evident from Table 35 below that, whereas only 1% of the children in Lothian suggested that having responsibilities means that *'you have to do certain things'*, this was the view of 12% of the children in Strathclyde.

Table 35. Regional distribution by percentage and number of children

| (Question 25) | LOTHIAN REGION | | STRATHCLYDE REGION | |
	%	Number of Children	%	Number of Children
You have to do certain things	1%	1	12%	9
Not mentioned	99%	73	88%	65

The following comment illustrates this notion of having to do certain things at school:-

COMMENT 5 (Strathclyde - ('S1'))

"...having a job to do like tidying your class. You have to keep your class clean. Something like that."

Chart 12 below presents the results relating to having to do certain things at school:-

Chart 12
Question 25 - Results by school

Children who mentioned 'you have to do certain things'
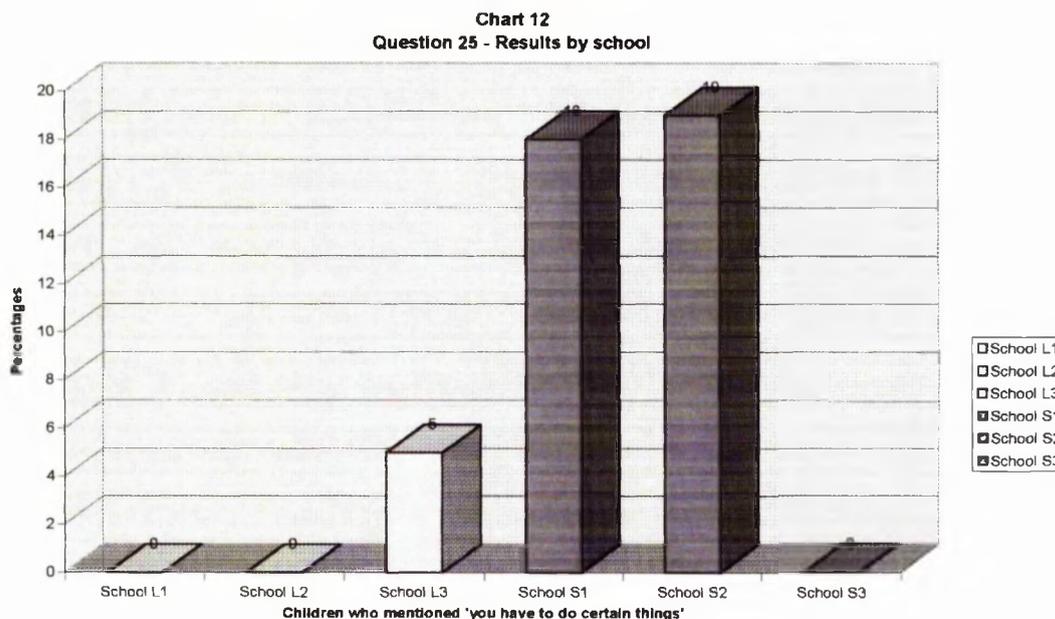
It should be noted, however, that none of the children at school 'S3' (lowest socio-economic level) mentioned having to do certain things. Nevertheless, one child did allude to a sense of having to do something or having a duty. This child provided the following answer:-

COMMENT 4 (Strathclyde - ('S3'))
"...you are in charge and if someone does something wrong you will be blamed."

Furthermore, almost a quarter (24%) of the children at school 'S3' stated that having responsibilities means that *'you have something or someone to look after'*. This suggests that, although none of the children at this school mentioned having to do certain things, a considerable number of them identified having responsibilities with a sense of duty. Only 8% of these children mentioned *'being trusted'* and none of them mentioned *'looking after yourself'*.

Also, almost half of the children (48%) at this school did not provide an answer. It must be assumed that these children could not explain, in writing, the concept of having responsibilities. Evidence would suggest, however, that the majority of the children at this school did have a basic understanding of the concept of having responsibilities. This is apparent from the results of

Question 15, in the previous section (9.1.3). It was found that, when asked 'Do you feel that children are given enough responsibility at school or not?', most of the children provided an appropriate answer. Nevertheless, 20% of the children said that they did not know the answer. The concept of having responsibilities is clearly not a familiar one to many of the children at school 'S3'.

It is also noteworthy that, of the 52% of those who stated that children do get enough responsibilities at school, 44% mentioned looking after younger children. Again, there is the sense of duty, in response to Question 15, that is also prominent, at this school, in response to the current question (Question 25).

The conclusion is that, in agreement with the other Strathclyde schools, there is a tendency at school 'S3' to consider having responsibilities to be connected with having duties.

In Strathclyde, 22% of the children stated that *'you have something or someone to look after'* compared to 15% in Lothian. The following comments illustrate the notion of having something or someone to look after:-

COMMENT 6 (Strathclyde - ('S1'))
"...to look after things and people."

COMMENT 7 (Strathclyde - ('S3'))
"...if you were down watching the infants then it's your responsibility if they get hurt."

This was mentioned by more girls than boys: a quarter of all the girls and only 12% of the boys responded in this way. Also, more girls than boys mentioned *'being trusted'*. This outcome is understandable when considering that, in general, the girls were asked to look after younger children and to act as monitors more often than the boys. An important point, however, is that, although more girls mentioned *'being trusted'* and that *'you have something or someone to look after'*, there was a difference between the two regions.

'*Being trusted*' was mentioned by many more girls in Lothian than in Strathclyde, whilst '*you have something or someone to look after*' produced the opposite result. This suggests that, although girls tended to mention these two concepts more often than boys, a higher percentage of the Lothian girls' views are compatible with the Charter's principles concerning responsibilities than those of the Strathclyde girls. In Lothian, greater emphasis was placed on being trusted to do a variety of things rather than only having to look after others.

It is evident that more of the children in Lothian than in Strathclyde consider that having responsibilities means being trusted and looking after yourself. Alternatively, more of the children in Strathclyde than in Lothian consider that having responsibilities means that you have to do certain things and that you have to look after other people.

The Charter promotes the notion of trust and the taking of responsibility by young people when they are ready. In particular, it is suggested that they should 'Take responsibility for their personal care when ready.' (1992, p.10, statement 4), 'Experience the transfer of rights and responsibilities from parent to child in an appropriately phased fashion.' (1992, p.10, statement 2) and 'Be recognised as a child or young adult: appropriate to age, maturity and understanding.' (1992, p.10, statement 3).

QUESTION 14 *What does* <u>*behaving in a responsible way at school*</u> *mean to you?*

This question is concerned with 'responsibility'.[28]

The notion of 'behaving in a responsible way at school' generated the following categories of responses:-

'*not misbehaving*'; '*helping others*'; '*setting a good example*'; '*respecting others*'; '*you can be trusted*'; '*being mature*'; '*unclassified*' and '*no answer*'.

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[28] See Question 15 for corresponding Charter statements.

Slightly more than half of the children mentioned *'not misbehaving'* (55% in each region). A number of the children also mentioned *'helping others'* (Lothian: 11%; Strathclyde: 12%), *'setting a good example'* (Lothian: 12%; Strathclyde: 4%) and *'respecting others'* (Lothian: 10%; Strathclyde: 1%). A small number of children also mentioned *'you can be trusted'* (Lothian: 3%; Strathclyde: 5%) and *'being mature'* (Lothian: 1%; Strathclyde: 4%). A number of the children also made comments which were unclassifiable (Lothian: 26%; Strathclyde: 19%) and quite a few did not provide an answer (Lothian: 20%; Strathclyde: 14%).

There is clearly no difference between the regions in response to this question with regard to the main category of *'not misbehaving'*.

This question generated a variety of answers that could be categorised as *'not misbehaving'*, for example, not taking drugs, not bullying, not swearing. A number of children also indicated that behaving in a responsible way at school meant helping others, setting a good example, respecting others and feeling that you can be trusted. The following comments address a number of these issues:-

Behaving in a responsible way at school means...

COMMENT 1 (Strathclyde - ('S1'))

"...not to act silly and take drugs. You would have to be kind and polite."

COMMENT 2 (Lothian - ('L2'))

"...being polite to people and able to be trusted."

COMMENT 3 (Lothian - ('L1'))

"...acting as a mature adult. Not losing things - books, jotters etc.."

Most of the children appear to have a general understanding of the principle of behaving responsibly.

The notion of 'respect' has certainly influenced some of the children, mostly in Lothian and at one school in particular: a fifth of the children at school 'L1' mentioned *'respecting others'*. It was in this school's Parents' Handbook that the Charter statements relating to education were listed; only two other children in the survey mentioned this.

Within the category of Thoughtfulness, the Charter embraces the notions of respect and consideration. Within the context of the Charter, the main concern, with regard to these notions, is with attitudes of others towards the child, rather than with the child's being thoughtful or showing respect or consideration for others. However, the Charter does emphasize positive relationships (1992, p.13, notes ALL(1)). This is clearly an allusion to reciprocity.

Helping others was mentioned more often by children from the highest socio-economic level, with almost a quarter from the highest level and only 2% from the lowest level stating that behaving in a responsible way at school means helping others.

QUESTION 24   *What does having rights mean to you?*
This question is concerned with children's rights in general. It relates to all of the statements in the Charter.

The following categories represent the children's answers:-

'having choices'; 'having a say'; 'being able to express your views'; 'that you are considered responsible/you are trusted'; 'unclassified'; 'no answer'.

A considerable number of the children mentioned *'having choices'* (Lothian: 38%; Strathclyde: 49%). Some of the children mentioned *'having a say'* (Lothian: 15%; Strathclyde: 12%) and *'being able to express your views'* (Lothian: 14%; Strathclyde: 7%). A small number of children also mentioned

'that you are considered responsible/you are trusted' (Lothian: 4%; Strathclyde: 3%). Some of the children also made comments which were unclassifiable (Lothian: 11%; Strathclyde: 14%) and quite a few did not provide an answer (Lothian: 24%; Strathclyde: 22%).

It is evident from Table 36 that more than a third of the Lothian children and almost half of the Strathclyde children suggested that having rights means *'having choices'*.

Table 36. Regional distribution by percentage and number of children

(Question 24)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
Having choices	38%	28	49%	36
Not mentioned	62%	46	51%	38

Many of the children in both regions clearly have a basic understanding of the notion of having rights. The following remarks by the children are concerned with choices in relation to rights:-

Having rights means...

COMMENT 1 (Strathclyde - ('S3'))
"...that we should have a choice if we want to do it and we should be able to leave the room if we need to go to the toilet."

COMMENT 2 (Lothian - ('L2'))
"...being able to decide what you want to do."

COMMENT 3 (Lothian - ('L1'))
"...we have a choice."

One child recognizes the limitations associated with rights:-

COMMENT4 (Lothian - ('L1'))
"...that I can do what I want but not going crazy."

As well as mentioning choices, some of the children also stated that having rights means *'having a say'*, i.e. actually having some control over procedures:-

COMMENT 5 (Lothian - ('L1'))

"...having a say in what goes on at the school and having the power to change it."

COMMENT 6 (Strathclyde - ('S2'))

"...to have a say in what goes on to do with the school."

COMMENT 7 (Strathclyde - ('S1'))

"...being able to have a say on what happens around us."

There were also a number of children who stated that having rights means *'being able to express your views'*:-

COMMENT 8 (Lothian - ('L1'))

"...to be able to express your feelings with courage."

COMMENT 9 (Strathclyde - ('S3'))

"...that you have rights to say what you think."

These comments by the children are concerned with different types of participation, that is, they range from making individual choices at school and expressing an opinion to actually participating in the running of the school.

A few of the children also mentioned *'being trusted or considered responsible'*, for example, in the following comment:-

COMMENT 10 (Strathclyde - ('S3'))

"...to have your own responsibility."

This response is interesting as it associates rights with responsibilities. However, only four per cent of the children's responses made this connection. Indeed, Ruck and his colleagues (1998) have reported, in their study of young people's knowledge about rights, that the older children (the fourteen-year-olds and sixteen-year-olds) emphasized the importance of having rights as a way of teaching about responsibility more than the younger children. In their study, only twelve per cent of ten-year-olds and ten per cent of twelve-year-olds mentioned responsibility in relation to rights.[29]

The following remark alludes to defending or preserving your rights by standing up for yourself:-

COMMENT 11 (Lothian - ('L1'))

"...that you can say and do things that you think are right. They also mean that you've got to stand up for yourself."

The Charter proposes that children and young people should experience an increase of rights and responsibilities according to their age, maturity and understanding (1992, p.10, statements 2-4). It is also emphasized in the Charter that children should feel valued (1992, p.12, statement 5).

One child emphasized the sense of autonomy and the feeling of increased self-worth that can be associated with the acquisition of rights:-

COMMENT 12 (Strathclyde - ('S2'))

"Having rights means being more independent and makes you feel important."

It is noteworthy that the children's answers in relation to rights appear to be rational; avoiding statements that would suggest anarchic attitudes towards rights. The children have not proposed, contrary to the concerns of many adults (including some of the teachers involved in this research project), that

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[29] This study, which involved one hundred and sixty nine young people aged between eight and sixteen years, has also been discussed in Chapter 7.

having rights means they would take over the school or disregard the needs of others. In contrast, it is clear from some of the remarks that the children wish to emphasize their understanding of the limitations to having rights and the acceptability of this in their view (see Comments 4 and 10 above).

It is evident that a much greater proportion of the children in both regions interpret having rights as being related to choices and associated concepts, rather than protection. More girls than boys stated that having rights means having choices, with more than half of all the girls and only slightly more than a third of all the boys mentioning choices. This apparent gender difference is, however, also related to social class. The largest percentage of the girls who mentioned choices in relation to having rights were from the highest social class, with 77% of the girls at school 'L1' and 89% of the girls at school 'S1' responding in this way. These differences between boys and girls and between social classes are not vast. However, there is a tendency for girls in this study from the highest socio-economic level to mention, more frequently than the other children, choices in relation to having rights.

Most of the children appear to have a basic understanding of what it means to have rights. The variety of answers, however, highlights the complexities that underlie the notion of rights.

In order to establish whether or not the children would like to have these rights at school, it is necessary to consider the results of Question 29. This is where the children were asked to consider the most important rights that children should have at school.

QUESTION 29   *What do you consider to be the most important entitlements that children should have at school?*

This question is concerned with children's rights in general. It relates to all of the statements in the Charter.

The most important entitlements that children should have at school were considered to be:-

'school work'; 'playtime'; 'being able to say what you think'; 'choices'; 'having a say'; 'unclassified' and 'no answer'.

A considerable number of the children mentioned *'school work'* (Lothian: 32%; Strathclyde: 64%).[30] As well as being included in the category of *'school work', 'sport'* is also considered as a substantive issue. This is because a notable number of children specifically mentioned *'sport'*, at the same time as, or instead of referring to school work, in general terms; particularly in Strathclyde (Lothian: 7%; Strathclyde: 28%). This is also an important distinction, in relation to school work, as a number of the children were upset about the lack of adequate sports facilities within their schools.[31] A tenth of the children in each region mentioned *'playtime'* (10% in each region). A few of the children also mentioned *'being able to say what you think'* (Lothian: 12%; Strathclyde: 4%) and *'choices'* (Lothian: 8%; Strathclyde: 1%). Only a few of the children mentioned *'having a say'* (Lothian: 1%; Strathclyde: 3%) whilst a considerable number of the children's answers were unclassifiable (Lothian: 37%; Strathclyde: 16%) and quite a few did not provide an answer (Lothian: 28%; Strathclyde: 24%).

Table 37. Regional distribution by percentage and number of children

(Question 29)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
School work	32%	24	64%	47
Not mentioned	68%	50	36%	27

It is evident from Table 37 that almost a third of the Lothian children and almost two thirds of the Strathclyde children suggested that one of the most important entitlements that children should have at school should be *'school work'*.

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[30] This category represents all types of school work, including sport, art music, religious studies etc
[31] Note Comment 3 of Question 31 which exemplifies this view.

Chart 13 below presents the results relating to school work as an important entitlement that children should have at school:-

Chart 13
Question 29 - Results by school
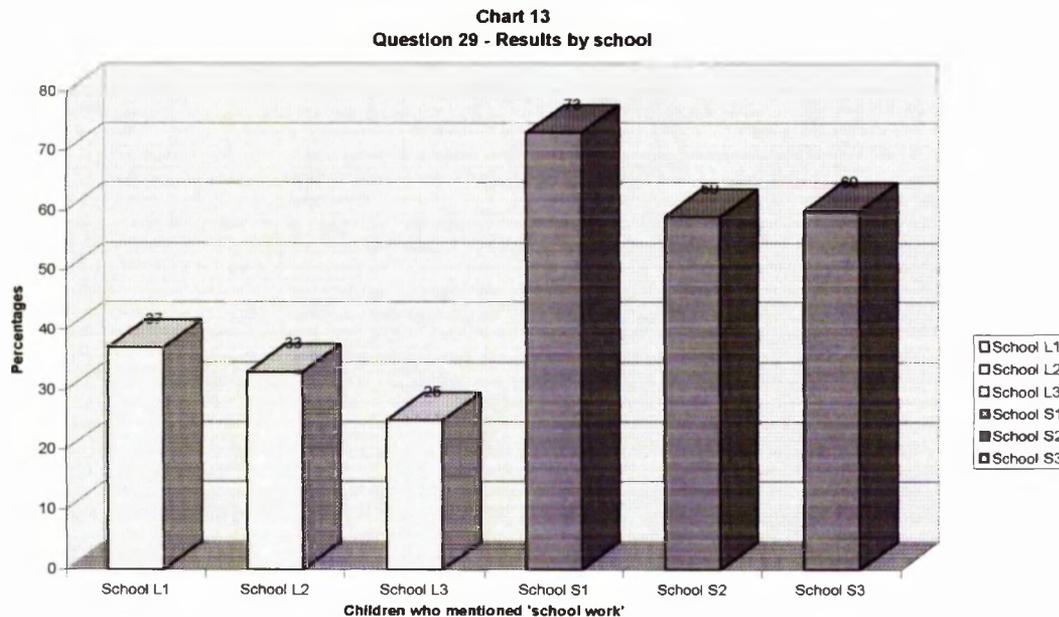
As an aspect of school work, an important concern for Strathclyde children was *'sport'*.

More than a quarter of the Strathclyde children stated that sport is one of the most important entitlements that children should have at school, compared to only a small proportion of the Lothian children. Most of the Strathclyde children concerned, however, were from schools 'S2' (middle socio-economic level) and 'S3' (lowest socio-economic level). This is an important point, as it was at these schools that the lack of playground equipment and the strict rules concerning games in the playground were particularly evident. There was no similarity between the regions with regard to social class. In Lothian, there were relatively few mentions of sport, at any of the schools, within this context. This appears to be an issue of different levels of provision at two of the Strathclyde schools, rather than an issue of social class.

Surprisingly, only around a tenth of the children in each region stated that playtime was one of the most important entitlements that children should have

at school. This is not consistent with the results for Question 21, which asked the children if playtime is important or not. It was found that a very high proportion of the children said yes, it is important. It must be deduced from this that either, many of the children do not consider playtime to be an 'entitlement' or, although they consider it to be important, they consider other things to be of greater importance.

Only a relatively small proportion of the children mentioned the entitlements of *being able to say what you think* and having *'choices'*, with more Lothian children mentioning these notions than Strathclyde children.

This is an intriguing result. The emphasis in Strathclyde is upon school work as the most important entitlement that children should have at school. Alternatively, in Lothian, although many of the children also mentioned school work, an investigation of the unclassified answers reveals some interesting factors.

In Lothian, not only are there more than twice as many unclassified answers as there are in Strathclyde, the content of these answers is also quite different.

Whilst in Strathclyde the children mentioned a few general issues such as *breaks, more varied school dinners* and *being a monitor*, in Lothian there was a more diverse response. Some general issues were also being addressed in Lothian, for example, *eating, talking* and *socializing*. However, some of the entitlements that the children mentioned relate directly to the Charter, for example, *safety and health, not bullying, to do what you think stretches you to the limits, responsibility* and *to be able to complain about things.*

This would suggest that, not only do fewer of the Lothian children than the Strathclyde children consider school work to be the most important entitlement that children should have at school, it is also clear that many more of the Lothian children mentioned other types of rights; not only those contained in the unclassified category referred to above but also the categories of *being*

able to say what you think' and having *'choices'*. In Lothian, the children have been much more inclined to consider the wider aspects of schooling, which suggests that these children have a different conception of the most important rights that children should have at school. When answering this question, the Strathclyde children demonstrate quite a narrow view of important rights at school which focuses on school work, the most fundamental aspect of schooling.

This result does not dispute the fact that the Strathclyde children are as concerned with the notion of having rights as the Lothian children. This is evident from the results of Question 24, where more of the Strathclyde children than the Lothian children actually stated that having rights means having choices. When considering the entitlements that they believe to be the most important, however, there is a different focus between the two regions. In Strathclyde there is an emphasis on school work, whereas in Lothian there is a more conceptual approach. The Lothian children are more concerned with the right to 'do' something, for example, *to stretch yourself, to complain* or *to help*, rather than the right to 'have' something, for example *'school work'*.

To return to Maslow's hierarchy of needs, discussed in the previous section (9.1.3), these results are interesting. In Strathclyde, in general, the children are mainly concerned with Maslow's (1987) second level of needs, i.e. *security or safety needs*. This is evident through their emphasis upon the importance of *'school work'*. This is analogous with Maslow's interpretation of *security or safety needs* as including provision for the future. The Strathclyde children are also concerned with satisfying their *physiological or basic needs*, for example, *more varied school dinners*; as well as their *belonging or affection needs*, for example, *'playtime'*; and their *esteem or ego needs*, for example, *being a monitor* and having *'choices'*.

In Lothian, the children are also concerned with Maslow's second level of needs, i.e. *security or safety needs*. Again, this is evident through their references to *'school work'*. In Lothian, however, *safety and health*, as well as

not bullying are also mentioned. These are more directly connected with Maslow's notion of *security or safety needs* than *'school work'*. The Lothian children are also concerned with satisfying their *physiological or basic needs*, for example, *eating*; as well as their *belonging or affection needs*, for example, socializing; and their *esteem or ego needs*, for example, having *responsibility*.

It is at the highest level on Maslow's hierarchy, i.e. *self-actualisation needs*, that the two regions diverge. In Strathclyde, there is no reference to this level, whereas there is in Lothian region; in particular, *to do what you think stretches you to the limits*.

In summary, the Lothian children's responses were less concentrated than the Strathclyde children's at the lower end of Maslow's hierarchy of needs. There was a tendency for more of the Lothian children to be concerned with higher needs. It is evident that, between the two regions, there is a different general conception of the most important entitlements that children should have at school.

Furthermore, the results of this question reinforce the theme discussed earlier, in relation to Question 25, regarding the diverse notions of 'independence' and 'having to do things' with regard to having responsibilities.

To recapitulate, in Lothian there is a tendency to suggest that having responsibilities involves greater independence. In Strathclyde, on the contrary, the impression is that having responsibilities increases duties.

This theme of 'independence' versus 'duty' is also present here. The Lothian children are more inclined to value, most highly, entitlements that are not directly related to school work; ones that represent a more independent state of being. After all, although school work is an entitlement for children, it is not normally one that they can eschew. Those who have identified *'school work'* as the most important entitlement, therefore, have shown little indication that they appreciate the wider elements of schooling and the possibilities therein

for the advancement of children's rights. Implicit in the choice of *'school work'* is the recurring sense of duty mentioned above. On this occasion, a duty to gain knowledge and conform to educational norms.

Once more, there is a regional diversity in relation to the children's general sense of their rights, with the Lothian children, in general, having a stronger sense of the potential for a wide variety of rights at school than the Strathclyde children.

It has already been mentioned, in connection with Question 24, that a much greater proportion of the children in both regions have interpreted having rights as being related to choices and associated concepts, rather than protection. It is now evident, from the results of Question 29, that the Lothian children tend to embrace protection rights more than the children in Strathclyde. This is evident where the Lothian children have referred to *safety and health* and *not bullying*.

QUESTION 30   *If you could, how would you go about making changes in your school?*

This question is concerned with children's rights in general. It does not relate to any particular Charter statement.

The children suggested the following ways of making changes in their schools:-

'improve playtime/playground'; 'improve conditions/facilities'; 'improve school meals'; 'eradicate bullying'; 'eradicate vandalism'; 'no changes'; "more free time'; 'greater choice'; 'say what you think'; 'more opportunities to have a say'; 'unclassified' and 'no answer'.

A number of the children mentioned *'improve playtime/playground'* (Lothian: 30%; Strathclyde: 27%) and *'improve conditions/facilities'* (Lothian: 24%; Strathclyde: 27%). About a tenth of the children in each region mentioned

'improve school meals' (Lothian: 11%; Strathclyde: 10%). A few of the children also mentioned *'eradicate bullying'* (Lothian: 5%; Strathclyde: 3%) and *'eradicate vandalism'* (Lothian: 3%; Strathclyde: 4%), whilst some felt that *'no changes'* were necessary (Lothian: 3%; Strathclyde: 5%). Only a few of the Lothian children mentioned *'more free time'* (Lothian: 3%) and *'greater choice'* (Lothian: 3%), whereas none of the Strathclyde children mentioned either of these changes. *'Say what you think'* and *'more opportunities to have a say'* were each only mentioned once in Lothian (1% for each category) and not at all in Strathclyde. A considerable number of the children's answers were unclassifiable (Lothian: 28%; Strathclyde: 32%) and quite a few did not provide an answer (Lothian: 20%; Strathclyde: 18%).

Table 38. Regional distribution by percentage and number of children

(Question 30)	LOTHIAN REGION		STRATHCLYDE REGION	
	%	Number of Children	%	Number of Children
Improve playtime	30%	22	27%	20
Not mentioned	70%	52	73%	54

It is evident from Table 38 that only a relatively small proportion of the children stated that, if they could, they would *'improve playtime'*. Nevertheless, more children mentioned this as a way of changing their schools than any of the other suggestions.

As one of the main principles of the Charter relates to *'Recreation and Creative Play'*, this is obviously an area that requires further attention. The Charter states that children and young people are entitled to:-

'Opportunities for safe and stimulating play' (1992, p.16, statement 1).

It is clear, however, that many of the children in both regions are dissatisfied with the conditions at playtime and would like to see many improvements; particularly in relation to providing more equipment in the playgrounds and providing separate areas for different types of games. These following comments highlight the children's dissatisfaction with playtime:-

COMMENT 1 (Strathclyde - ('S3'))

"Get a climbing frame in the school to stop football and for people to play on."

COMMENT 2 (Strathclyde - ('S3'))

"Making the boys let the girls play hop scotch and let us play with our things."

COMMENT 3 (Strathclyde - ('S2'))

"A bigger playground. Have grass."

It is apparent that schools need to be concerned about the safety of children in their care. If, however, this concern for safety places too many restrictions on the children, it can become counter productive.

A safe environment is important; this does not necessarily mean, however, that games should be forbidden if there is a slight element of danger involved. It is clear that learning how to cope with potential risks can be a useful skill. It may be that less anxiety about the safety of games and greater concern with stimulating play and enjoyment would be more beneficial to the children.

Apart from the children's concern with playtime, the other main concern was to *'improve conditions/facilities'* in general. About a quarter of the children in each region responded in this manner. Furthermore, around a tenth of the children in each region wanted to improve the school meals.

Some of the inadequacies of the conditions or facilities in schools are related to antiquated equipment etc. However, other inadequacies, for example, crumbling buildings and exposure to danger in the school or playground are clearly of great concern. The Charter emphasizes the need for a 'physically safe' environment at school (1992, p.8, statement 1). Also, the National Audit Office made the following statement in 1991:-[32]

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[32] This statement from 'Repairs and Maintenance of School Buildings' by the National Audit Office (1991) is cited in the 'Education' section of The Scottish Agenda for Children (1994) - p.21 (the 'Education' section is a 26 page extract from the main document) - see Cleland, A. in bibliography.

"Her Majesty's inspectorate has commented in its reports over the last decade on the adverse effects on the quality of education caused by buildings which are unsuitable for current educational demands, and badly maintained accommodation."

The ramifications of poor conditions or facilities in schools extend beyond the inconvenience of these inadequacies. There are also serious issues of safety and educational standards to be considered.

These results highlight the similarity between the regions with regard to the aspects of schooling that the children consider to be unsatisfactory.

QUESTION 31   *Is there anything else you would like to tell me about children's entitlements at school?*

This question is concerned with children's rights in general. It relates to all of the statements in the Charter.

As this question asked the children for additional comments, there was a diverse collection of answers. The main issues raised were concerned with the following:-

'right to choose'; 'different allocation of time per subject'; 'improve conditions/facilities'; 'treat children better'; 'longer playtime'; 'provision of special education'; 'more responsibilities'; 'children should have a say'; 'say what you think'; 'personal details should be private'; 'not enough entitlements'; 'unclassified' and 'no answer'.

The majority of the children did not provide an answer (Lothian: 76%; Strathclyde: 72%).

A small number of the children mentioned one or more of the following:-

The *'right to choose'* (Lothian: 7%; Strathclyde: 10%):-

COMMENT 1 (Strathclyde - ('S3'))

"To learn what they want to learn about and to get asked what they want for school meals and to wear what they want unless if it's football tops."

A *'different allocation of time per subject'* (Lothian: 5%; Strathclyde: 7%):-

COMMENT 2 (Strathclyde - ('S3'))

"More reading and gym, less maths."

To *'improve facilities'* (Lothian: 3%; Strathclyde: 8%):-

COMMENT 3 (Strathclyde - ('S3'))

"More things at the gym like a springboard. Because we went to a gymnastics competition last week at **********. When we were practising we had to go to ******* school in ********* to use their springboard".

and

To *'treat children better'* (Lothian: 5%; Strathclyde: 0%):-

COMMENT 4 (Lothian - ('L1'))

"Children should not be told off because they are bad at things but be encouraged."

COMMENT 5 (Lothian - ('L1'))

"That they should not be treated badly by their teachers."

Comments 4 and 5 are concerned with relations between children and their teachers. If such relations are to be positive and constructive, school discipline needs to be interpreted by *children*, as well as by adults, to be appropriate and fair.[33]

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[33] Recommendation 27 (p.21) of the 'Education' section of the Scottish Agenda for Children suggests that, in all educational establishments, punishment and treatment involving physical or mental violence should be prohibited. Also, principles of respect for the personal and physical integrity of children should be included in teacher training. Furthermore, Article 28(2) of the UN Convention on the Rights of the Child states that school discipline should be administered "...in a manner consistent with the child's human dignity and in conformity with the present Convention" (1989).

Only one or two of the children mentioned each of the other additional comments noted above. Among these remarks, one child made the following pertinent point most succinctly:-

COMMENT 6 (Strathclyde - ('S1'))
"We do not have enough."

A small number of the children's answers were unclassifiable (Lothian: 3%; Strathclyde: 5%).

9.1.4.3 Summary

Before considering the head teachers' views, the main findings for the 'open' questions are summarized below. The survey conclusions are discussed in Chapter 10.

It is clear from the results of the 'open' questions that the most notable regional differences are present in relation to Questions 7, 17, 18 (for 2 categories), 25 (for 3 categories) and 29. This is illustrated in Table 39 below:-

Table 39. Most notable regional differences

Question Number	Theme of Question
7 (Part 2)	should not be able to do
17	to stop bullying
18(1)	to stop vandalism
18(2)	" "
25(1)	having responsibilities
25(2)	" "
25(3)	" "
29	most important entitlements

We shall now consider the head teachers' views about children's rights at school. These views were expressed in the questionnaires completed by the head teachers of the six primary schools which participated in the survey.

9.2 THE HEAD TEACHERS' VIEWS

9.2.1 Introduction

The head teachers of the six schools were asked to complete a questionnaire to ascertain their views regarding rights, responsibilities and schooling, as well as the relevance of a Charter. The questions followed the same format as those in the children's questionnaire, with a few additional questions about the Charter.[34]

9.2.2 The head teachers' general views of the Charter

When asked specifically about the Charter, all of the Lothian head teachers thought that it was a good idea. In Strathclyde there was a degree of uncertainty. Two of the head teachers stated that they were unsure. The third said yes, it was a good idea but suggested that there is some difficulty in communicating with children.

When acknowledging the head teachers' comments in their questionnaires and their remarks during informal discussions, the overall impression was that, in Lothian, the Charter was considered to be a positive and useful set of principles. In Strathclyde, where there was no Charter, it was interesting that, although two of the head teachers were unsure, there was a positive response at school 'S2'; though not stated unreservedly. Only the head teachers in Lothian could comment on the Charter in relation to awareness about children's entitlements at school.

At school 'L3', the head teacher believed that the Charter had increased the children's and the parents' awareness of children's entitlements at school. In relation to the children's awareness, reading and discussing the Charter with parents was mentioned as an important factor. Parental awareness was considered to be dependent upon parental interest in their children's entitlements at school. 'Don't know' was the response from the other two schools in Lothian.

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[34] The head teachers' questionnaire is in Appendix 5.

However, with regard to increased teachers' awareness, only school 'L1' provided a 'don't know' response. The other two head teachers in Lothian both believed that the Charter had increased awareness of the children's entitlements at school. Furthermore, they both mentioned the important role of discussion in relation to this increased awareness.

9.2.3 When the head teachers' views did not reflect their actions

When commenting on the other questions, the head teachers were mainly in agreement and their responses were, on the whole, in harmony with the principles of the Charter. Evidence suggests, however, that the views recorded in the head teachers' questionnaires did not always reflect their approach to the everyday running of their schools. For example, all of the head teachers agreed that all children should be allowed to study the same subjects at secondary school. The rationale for asking this question was explained to the head teachers, as it was to the children, before they answered their questionnaires. It was explained that 'secondary' school was specified, as the primary school curriculum is normally followed uniformly by all of the pupils. The head teachers' overall response was that both sexes should be treated equally. Although their remarks were made in relation to secondary school, it was clear that this view concerning equality was being expressed as a general principle. It became evident, however, that this opinion was conditional for some of the head teachers; being true only in relation to academic subjects. For example, the girls at one of the Strathclyde schools ('S1') were not allowed to play football.

In relation to playtime activities, a similar inconsistency was evident between the views expressed by the head teachers and the experiences of the children. All of the head teachers stated that children should have a say in what they can do at playtime. However, considerable restrictions were placed upon playtime activities.

At one of the Lothian schools ('L2'), the children were not allowed to play games in the playground that were considered to be dangerous, for example

'British Bulldog'. Similarly, at one of the Strathclyde schools ('S2'), the children were not allowed to play with a ball in the playground, as this activity was also considered to be hazardous. A plastic bottle could not be used as a substitute for a football, as this was also viewed as unsafe and would be removed by members of staff.

The children at school 'S3' did not have any equipment in their playground. Although the reason for this was the threat of vandalism, by following the example of other schools in the survey, it would have been possible to lock the equipment indoors after school hours.

Children experiencing these conditions at playtime are likely to suffer more from boredom than children who are provided with equipment and an imaginative environment. The likelihood of increased bullying under such conditions is one very important factor. Mellor's (1990) study of bullying in secondary schools cited the playground as the most likely place for bullying to occur. Another important factor is the impact, upon a child's well-being, of the lack of a stimulating environment at playtime. Many theorists have linked play with child development (Piaget, 1962, 1968; Vygotsky, 1967; Bruner *et al.*, 1976; Sylva *et al.*, 1980; Meadows, 1986). Although the evidence that play affects development in children is not conclusive, Meadows has pointed out that, as a source of pleasure, it is likely that it does contribute to a child's well-being. In addition, the Charter proposes that play, particularly for children aged under eight, is *"...a vital means of learning, experimenting, socialising and exploring at many different levels"* (1992, p.17, notes ALL(1)).

All of the head teachers agreed that children should have a say in what they can do at playtime. However, it is evident from the above examples that this is not always the reality.

9.2.4 The head teachers' views of children's needs and preferences

As well as some contradictions between the head teachers' statements and their actions, some interesting views about children's needs and preferences were also manifest.

Only one of the head teachers stated unreservedly that children should be taught about HIV and AIDS at school; this was at school 'L1'. However, no reason was provided. At three of the schools (one in Lothian and two in Strathclyde), it was emphasized that primary school children should only be made aware of the 'danger' of HIV and AIDS. The more specific details of contracting HIV or developing AIDS were considered by these head teachers to be inappropriate for this age group: the drugs and sexual elements should not be taught until secondary school. Nevertheless, the children were bewildered by the lack of useful information at school. Many of them complained during the interviews that they were not allowed to help those who hurt themselves. Some of them also mentioned that children might have cut themselves and that they would like to help. However, none of the children indicated that they were aware of the dangers of wounds or contact with blood. Their general interpretation of the situation was that their teachers were treating them like babies and that they were not considered competent enough to help someone with an injury or to accompany someone to the sick room.

With regard to school records, like the children, some of the head teachers had reservations. One in Lothian and two in Strathclyde stated that everything in school records should be available to the children. However, one head teacher in each region felt that some of the more personal information, for example, inter-agency reports, would be inappropriate. The most interesting response was from school 'L1'. Taking into account the general acceptance of the principles of the Charter by the head teacher of this school, it was surprising to note his response: "*No, even I can't see the medical stuff!*" This factor alone should not preclude the children from seeing information held on their school records; after all, the information is about the child, not the head

teacher. Furthermore, the Charter states categorically that children and young people are entitled to *"Access to information held on record concerning them"* (1992, p.8, statement 6).

Another interesting result was in relation to bullying. Although all of the head teachers were concerned with the importance of discussion and awareness rather than the punishment of bullies, slightly more than half of the children had mentioned punishment as an appropriate strategy. It was in Lothian, however, that the greatest response from the children was recorded regarding talking to the bullies and teaching about bullying. Furthermore, it is notable that it was only in the school Handbooks of schools 'L1' and 'L2' that anti-bullying strategies were mentioned. There was no mention of bullying in any of the other Handbooks.

In relation to vandalism, the head teachers once more emphasized discussion and awareness as crucial coping strategies. Many of the children, on the other hand, were more concerned with improving security. Again, however, the Lothian children responded more in favour of teaching about vandalism than those from Strathclyde.

In relation to both bullying and vandalism, a considerable number of the children placed the emphasis upon the immediate resolution of these problems, i.e. punishment and improved security. The head teachers, alternatively, were concentrating more on long-term and preventative solutions, i.e. teaching and discussion. Nevertheless, a number of the children, particularly from Lothian, also mentioned teaching and discussion.

When considering praise, there was no doubt in the minds of the head teachers that this was a positive way to motivate children. There was, however, a much more diverse response from the children, with a number of them stating that children should not be praised when they do something well at school. These children's answers were insightful and appeared to be more

sensitive to the wider social implications of praise than those of the head teachers.

Nine per cent of the children expressed the view that it may be embarrassing to be praised, or that it may make others jealous or upset. This is certainly a serious point that should be considered by any teacher interested in ways of combating bullying. Children who are receiving regular praise may be treated unkindly by envious peers. There is also, paradoxically, the possible detrimental effect upon the educational attainments of these children who are receiving praise. If these children are aware of the envy of others and are fearful of their actions, or are actually being bullied, they may find that it is easier to conform to the expectations of their classmates than to those of their teachers. In other words, it is easier to cope with being unsuccessful than it is to cope with being unpopular with your peers.

In relation to what it means to have rights, the head teachers spoke of (among other things) being in control of one's life, being listened to, being taken seriously, fairness and freedom. However, there was a striking absence of comments regarding protection, welfare or responsibility.

A few of the children, on the other hand, did mention protection rights. They referred to having rights as meaning protection from bullies. It is notable that the three children who mentioned this were all from school 'L1'. This school's Handbook discussed, at length, the unacceptable nature of bullying. A few children at schools 'L3' and 'S3' mentioned responsibility in relation to rights.

Interestingly, when asked about the most important entitlements that children have at school, five of the six head teachers mentioned safety, among other things. It appears that when considering rights as an abstract concept, the head teachers' responses were decidedly concerned with autonomy and being taken seriously. However, when considering children's rights, in particular, they were more concerned with protecting children. It may be argued that this is a crucial right that children should have both at school and elsewhere.

However, the emphasis upon safety by the head teachers may also be a sign of the times. · In recent years, the great increase in the uncovering of child abuse cases,[35] as well as bullying in schools and the fear of HIV and AIDS have all contributed to the widespread concern that has permeated organisations that are responsible for the welfare of children. None of the head teachers mentioned choice rights for children when answering this question.

Clearly, it is important to promote the concept of protection and welfare rights, as well as the role of responsibility in relation to rights, in order to provide the children with a broader understanding of rights issues at school. It is likely that the children would receive a distorted message concerning rights if the emphasis were placed only upon choice rights. This would neglect the crucial role that responsibility plays in transforming rights from being concerned purely with self-interest to an experience of mutuality and consideration for others. Furthermore, it would not take into account the role of protection rights in preserving an individual's choice rights. If everyone had the same choice rights, without protection rights, it would merely be a matter of who attempted to act upon their choice rights first. Protection rights are crucial in order to preserve choice rights. Welfare rights are certainly necessary for every individual in order to maintain a reasonable standard of health and education and to function as part of wider society. Without welfare rights, children would not have an automatic right to attend school.

Finally, in relation to information about entitlements at school, it was found that half of the head teachers believed that children are not given enough. One of the three who disagreed with this view added that the children probably feel that they don't receive enough information. Again, this head teacher from school 'L1' displayed a degree of ambivalence towards the Charter.

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[35] Since the 1980s, major inquiries into child abuse, e.g. in Cleveland and Orkney, have raised public awareness and increased concern. In 1999, the publication of 'the Edinburgh Inquiry into Abuse and Neglect of Children in Care' entitled 'Edinburgh's Children' has again fuelled people's fears.

9.3 SUMMARY

This chapter has been concerned with a survey of young people's views about what children's rights ought to be at school. Firstly, we have examined the results of the children's questionnaires and interviews and secondly we have considered the teachers' views; in particular the head teachers' views as expressed in their questionnaires.

In the final chapter, the survey results are further examined and the overall conclusions of the thesis are discussed. The implications of the survey findings are considered within the wider context of the various themes which have been discussed throughout the thesis.

CHAPTER 10

CONCLUSION

10.1 INTRODUCTION

In this final chapter, we shall summarize our survey results and discuss our conclusions as well as considering the wider implications of our findings within the context of the themes which have influenced the narrative of the thesis. Throughout this discussion, we shall remain focused on our initial objective which has been:-

to consider, in two separate Scottish regions - one with a children's Charter and one without a children's Charter - children's perceptions of their rights at school within the context of sets of rights devised by educationalists and to assess whether or not the children's views are compatible with the principles of the Lothian Children's Family Charter.

10.2 THE SURVEY CONCLUSIONS

10.2.1 Introduction

The survey results - summarized tabularly in Chapter 9 (Table 19 'A regional difference of statistical significance' on page 245; and Table 39 'Most notable regional differences' on page 297) - are further examined here; taking into account the role of gender and social class. They have been placed under the four main headings displayed in Diagram 1 on page 179 (protection, welfare, choice and responsibility), as well as a fifth heading: 'general', which incorporates questions that are not concerned with these specific aspects of children's rights.[1] The questions have been ascribed to these groupings, in a broad sense, in order to address the main concerns of the current children's rights discourse.

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[1] When referring to these various types of rights, generalizations about the children's views may not be presumed. Any claims being made are with regard to the subject of the questions being discussed and only within that context.

10.2.2 Regional differences

10.2.2.1 Protection rights

QUESTION 10   *Should education about sex be taught in school or is this not the school's job?*

QUESTION 17   *What do you think schools should do to stop 'bullying'?*

QUESTION 18   *What do you think schools should do to stop 'vandalism'?*

In relation to protection rights, where there was a regional difference, the children in Lothian Region tended to display a sense of faith in the school system as a forum for discussion and for change.

These children, to a greater extent than those from Strathclyde, viewed the school as an appropriate place to learn about sex education, with expert advice being available. Although there was a general sense in both regions that sex education was an important aspect of a child's development, there was a tendency for many of the Strathclyde children to consider the family as the most appropriate place to learn about sex education.

Slightly more than half of the children in both regions stated that schools should *'punish bullies'* in order to stop bullying. Nevertheless, a number of children believed that alternative strategies would be more effective. In particular, teaching children about the effects of bullying and talking to the bully and the victim were frequently mentioned, especially in Lothian. In relation to vandalism, again, using the method of teaching to remove unacceptable behaviour from schools - as an alternative to punishment - proved to be particularly popular with the children in Lothian. Nevertheless, punishment was also mentioned by a number of children. However, more children mentioned improving security than anything else when considering the most effective way of dealing with vandalism.

Again, in Lothian there was a greater tendency to embrace methods which place faith in the school as a forum for discussion, i.e. teaching and talking about such issues as bullying and vandalism.

The overall impression is that, where there was a regional difference in relation to questions concerned with protection rights, a higher percentage of the Lothian children than the Strathclyde children expressed views about schooling which were in harmony with the corresponding general principles of the Charter: health, thoughtfulness and encouragement (see Diagram 1 on page 179).

As well as being about protection rights, these questions are also concerned with various aspects of the school's role as a provider of an education programme.

In Lothian, with regard to sex education, bullying and vandalism, the children tend to have a greater sense of the school as a place where protection implies a degree of mutuality and inclusiveness; with the sharing of knowledge and the desire to change the behaviour of those who are disruptive being paramount considerations for many of the children.

In Strathclyde, alternatively, there is exhibited a degree of mistrust of the school system as a forum for change and there is a tendency to remain loyal to traditional notions of schooling, where the teachers should be authority figures with the power to punish when deemed necessary.

10.2.2.2 Welfare rights

QUESTION 21   *Is playtime at school important or not?*

This question addresses the issue of whether or not the provision of playtime by schools is considered by children to be of value.

One of the most interesting factors here was that, in Strathclyde, a number of the children stated that playtime is not important. It has been concluded that the reason for this outcome may be that the children have experienced problems at playtime. The likelihood of bullying in the playground is an important possibility. This study was not intended to establish levels of bullying in primary schools. However, it is evident from the results of this

question, as well as some of the others, that the issue of bullying is a salient factor.

Another notable point was that none of the children at school 'S3' (lowest socio-economic level) mentioned 'socializing' as an important aspect of playtime. As the majority of those who believed that playtime is not important were children at school 'S3', there may be a correlation between this apparent lack of interest in playtime and the absence of comments regarding socializing at playtime. The experience of the children at school 'S3', in relation to playtime, is of a limited nature. It is merely a break from work with no stimulating resources to counteract any boredom and contingent bullying and it appears that the children have internalised this as a normal playtime experience.

10.2.2.3 Choice rights

QUESTION 5   *Should children be able to wear what they like to school or not?*

QUESTION 6   *Do you think that the choice of school meals you have is good enough or not?*

QUESTION 7

(PART 2)   *Think of all the things children should not be able to do at school*

When considering choice rights in relation to dressing for school, the regional divide was considerable. The safety factor was paramount in Lothian, where the majority of the respondents stated that children should not be able to wear what they like to school. Wearing a school uniform was viewed by some as a useful way of identifying truants as well as children on school trips. It was also considered by some to be a social leveller which, consequently, deters bullies. In Strathclyde, the desire to have freedom of choice led the majority of children to defend the right to choose what they wear to school. The Charter message which promotes safety is strikingly present in the Lothian children's responses.

The children's response to the adequacy of choice of school meals was clearly critical of the standards in the majority of cases. The regional difference was influenced by the result at school 'S1' (highest socio-economic level) where a high degree of satisfaction with the choice of school meals was evident. It is, therefore, fair to conclude that most of the children in the survey were receiving a service which was considered to be unacceptable.

Interestingly, it was only in Lothian that the children's comments about school meals actually elaborated on the notion of choice. In Strathclyde, the children provided explanations which either referred to other factors, such as quality or quantity, or they merely restated their view that the choice of school meals was or was not good enough. In Lothian, however, many of the children actually provided further explanations, for example, the choice of school meals was not good enough because there were only two choices; or they did not like some things and had to choose one. This indicates that, although the majority of the children in both regions were dissatisfied with the choice of school meals available to them, in Lothian some of the children exhibited a greater understanding of the meaning of making choices in relation to school meals.

When replying to the final question in this sequence (Question 7 (part 2) - *Think of all the things children should not be able to do at school*), the children mentioned various types of behaviour that they believed to be unacceptable at school. Apart from using the term misbehave, the other main types of behaviour mentioned were to bully, fight and swear. There was a notable difference between the regions in relation to the children's remarks concerning bullying at school, with a higher percentage of the Lothian children mentioning this as something that children should not be able to do at school than the Strathclyde children. Safety appears to be an important factor, particularly for the Lothian children (when examining children's views regarding what they should be able to wear to school (see Question 5 above), safety was also of particular importance to the Lothian children). It is worth noting that most of the children in both regions who mentioned bullying were from the highest and

middle socio-economic groups. Only 2% of all the children from the lowest socio-economic groups mentioned bullying. It appears, therefore, that the message inherent in the Charter, which outlaws bullying, is more compatible with the views expressed by the children from the highest and middle socio-economic groups. However, it may be that the children from the lowest socio-economic groups have interpreted the question concerning *things children should not be able to do at school* differently from the other children. When considering the results of Question 17, for instance, which dealt specifically with the measures that schools should take to stop bullying, the evidence does not concur. The children from the lowest socio-economic groups in both regions were equally responsive, when compared to the children from the highest and middle socio-economic groups, with regard to their comments about bullying.

Whatever the reason, it is clear that there is a regional division with regard to the perception of bullying as something that children should not be able to do at school. There is also, however, a difference between socio-economic groups.

10.2.2.4 Responsibility

QUESTION 25   *What does having responsibilities mean to you?*

There was clearly a regional difference with regard to the meaning of having responsibilities. In Lothian, a larger proportion of the respondents mentioned being trusted and looking after yourself than in Strathclyde. The notion of having to do certain things was more frequently mentioned in Strathclyde than in Lothian. In Lothian there is a greater tendency to suggest that having responsibilities involves increased independence. In Strathclyde, on the contrary, there is a greater tendency to suggest that having responsibilities increases duties.

Both in relation to protection rights and having responsibilities, the Lothian children's responses emphasized a concern with mutual trust and inclusiveness at school which can lead to a greater degree of independence.

In Strathclyde, in contrast, the tendency was to view the school experience with a degree of mistrust. The sense that responsibilities increase duties suggests that these children have a more negative interpretation of rights and their correlation with duties.

A sense of mutual trust and independence is embodied in the principles of the Charter. Adults are encouraged to respect children's needs and their views (e.g. 1992, p. 12, statement 4). They are also expected to transfer rights and responsibilities to children, in a phased fashion, when it is considered to be appropriate in accordance with their age, maturity and understanding (e.g. 1992, p.10, statements 2 and 3).

10.2.2.5 General

QUESTION 29   *What do you consider to be the most important entitlements that children should have at school?*

Although this is a general question about rights, it is a very important one. It not only provides an overall picture of the children's understanding of rights, it also outlines the order of importance that the children place on different types of rights.

The most intriguing aspect of the results for this question is that the Lothian children tended to have a broader conception of important entitlements than the Strathclyde children. Whereas in Strathclyde the children concentrated mainly on work as the most important entitlement, in Lothian the children placed less emphasis on work, mentioning a number of other things that they considered to be important entitlements.

'School work' was mentioned more than any other entitlement that children should have at school, with playtime only being mentioned by around a tenth of the respondents. More than a quarter of the Strathclyde children stated that sport is the most important entitlement, compared to only a small proportion of the Lothian children. Most of the Strathclyde children concerned, however, were from schools 'S2' and 'S3'. It is noteworthy that it was particularly

evident at these schools that there was a lack of playground equipment and strict rules concerning games in the playground.

Only around a tenth of the children in each region stated that playtime was one of the most important entitlements that children should have at school. It has been deduced from this, when taking into account the results for Question 21 concerning playtime, that either, many of the children do not consider playtime to be an 'entitlement', or that, although they consider it to be important, they consider other things to be of greater importance.

Fewer of the Lothian children than the Strathclyde children consider school work to be the most important entitlement that children should have at school. In Lothian, the children have been much more inclined to consider the wider aspects of schooling, which suggests that these children have a different conception of the most important rights that children should have at school. When answering this question, the Strathclyde children have focused on school work, the most fundamental aspect of schooling. The Lothian children are more concerned with the right to 'do' something, for example, *to stretch yourself, to complain* or *to help*, rather than the right to 'have' something, for example *'school work'*.

Interestingly, a number of the entitlements mentioned by the Lothian children are embodied in some of the principles of the Charter. For example, the children mentioned safety and health, not bullying, responsibility and being able to complain about things.

10.2.2.6 Summary

To summarize, there are several important differences between the two regions with regard to the children's views of their rights at school. These differences incorporate the three types of rights addressed in this study, i.e. protection, welfare and choice rights, along with responsibility. The main differences were concerned with the following issues:-

bullying; safety; independence; mutual trust; inclusiveness; responsibility; conception of rights/ability to articulate views on rights.

In Lothian, there was more focused attention on the problem of bullying. There was also a greater interest in the need for both safety *and* independence, within an environment of trust and inclusiveness, compared to Strathclyde. The Lothian children displayed a more positive conception of what it means to have responsibilities. Furthermore, they demonstrated a wider knowledge and understanding of rights that they considered to be important than the Strathclyde children.

Where important differences occurred between the two regions, a higher percentage of the Lothian children's views were in harmony with the principles of the Lothian Children's Family Charter. The child's safety is paramount within the Charter, which features a strategy to take action against bullying. There is a distinct correlation between safety and the need to eradicate bullying in schools. Another central feature of the Charter is to help children to become gradually more responsible and independent. It is fundamental, within this context, that the children should understand the importance of different types of rights and responsibilities that they may have at school.

10.2.2.7 Gender

Gender differences were noted in relation to choice and protection rights, as well as responsibility, as follows:-

The concept of 'safety' in relation to what children wear to school influenced the girls' more than the boys' responses, with twice as many girls mentioning this. However, by far the greatest response was from the children at school 'L1', where 59% of the girls and 39% of the boys mentioned 'safety'. It is interesting that, although the question which engendered these responses was about choosing what to wear to school, 'safety' is clearly more about protection and responsibility than choice.

Girls were more inclined than boys to value non-punitive methods to deal with bullying and vandalism at school. Girls mentioned more often than boys such methods as teaching about bullying and vandalism and talking to the bullies and their victims. This gender difference was most striking in relation to talking to bullies, victims etc., with a third of the girls and none of the boys mentioning this in Lothian.

More girls than boys associated being trusted with having responsibilities. This variance was influenced mainly by the results at two of the Lothian schools ('L1' and 'L2'). However, more girls than boys at all of the schools in the survey also associated having something or someone to look after with having responsibilities. More importantly, the girls in Lothian mentioned being trusted more often than the girls in Strathclyde who, in turn, mentioned having something or someone to look after more often than the Lothian girls. The Lothian girls' views, which place greater emphasis on being trusted to do a variety of things rather than only having something or someone to look after, are more compatible with the Charter's principles concerning responsibilities.

Gender has not been a highly influential factor throughout the *whole* survey. Nevertheless, in relation to some crucial areas, gender has had a role to play. Within the context of the survey questions, the pattern indicates that issues of safety and non-punitive methods to reduce danger are emphasized more by girls than boys. Also, girls more than boys associate being trusted with having responsibilities. It is important to address these issues; otherwise the Charter and similar documents cannot participate effectively in the advancement of children's rights and responsibilities at school.

Gender was also found to be relevant where no regional diversity was established, i.e., where there were no statistically significant regional differences or other notable differences. However, this gender difference was related to social class, which is discussed in the following section. It was found that girls more than boys and in particular, girls from the highest socio-economic level, mentioned that having rights means having choices.

10.2.2.8 Social class

Where regional diversity was established, it was found that only 2% of all the children from the lowest socio-economic groups mentioned bullying when asked to think of all the things children should not be able to do at school.

Social class was also relevant in relation to some of the other survey questions, where no statistically significant regional differences or other notable differences were found. Children from a higher socio-economic level were more likely to tell a teacher if they had a problem at school than those from a lower socio-economic level. They were also more likely to associate being praised with being motivated to work harder than those from a lower socio-economic level. When asked why they thought that education about drugs should be taught in school, children from the schools at the highest socio-economic level mentioned 'being informed' more than the other children.

Finally, as we noted above, social class was found to be relevant in relation to gender (girls more than boys and in particular, girls from the highest socio-economic level, mentioned that having rights means having choices).

10.2.3 Summary and conclusion

The greater tendency in Lothian to display faith in the school as a vehicle for taking seriously children's needs and as a forum for informative discussion is an important finding. Also, there was a greater interest in Lothian in the need for both safety *and* independence. Furthermore, it has been noted that in Lothian there was more of a sense that responsibility is about trust and independence rather than being a burdensome duty. Also, in Lothian more attention was given to the problem of bullying within an environment of trust and inclusiveness. These factors indicate that the Lothian children, in general, have a more positive view of schooling and a sense that its purpose is to help them rather than to control them.

Furthermore, in Lothian the children displayed a broader perception of important entitlements at school and a consideration of the implications for wider society of choices for the individual; for example, in this region safety has been considered to outweigh the desire for choice in relation to school clothes.

Taking all of these factors into account, it may be concluded that, in general the children's views throughout both regions are fairly compatible with the principles of the Charter; nevertheless, some differences have been found. The most notable factors are the tendency in Lothian to exhibit a greater sense of faith in schooling and to demonstrate an interest in the wider implications of having rights at school.

When we considered the head teachers' views in Chapter 9, we found that, in spite of any ambivalence displayed by teaching staff about the Charter, there appears to be a broad acceptance of its principles by the head teachers in Lothian region. However, the apparent contradictions between some of the head teachers' comments in their questionnaires and their general behaviour, as observed by the children, are noteworthy. Furthermore, there appears to be a degree of dissimilarity between the children's and the head teachers' views concerning some of the children's needs and preferences. This factor suggests that increased communication between children and teachers, where children's views are taken seriously, may be necessary in order to create an atmosphere of greater understanding and harmony between children and adults within schools. As we have seen, when considering other related research with children, being exposed to a curriculum which embraces education about rights was found to improve relationships amongst children and teachers.

We shall now briefly summarize the main themes and observations of the thesis in order to situate the implications of our findings (which we shall discuss later in Section 10.4) within this context.

10.3 THESIS SUMMARY AND OBSERVATIONS

Throughout this thesis we have been concerned with young people's rights at school and we have examined the powerful influences which can impact upon children's lives. In order to assess the expectations of young people in relation to their rights at school, we have examined the social construction of childhood within both an historical and cultural context of varying attitudes towards young people and their rights. This analysis has included the important issue of notions of competence in children. In relation to these themes concerning the social construction of childhood, we have examined recent attempts to formalize children's rights through Charters and their relevance for children's schooling. We have also considered other research concerned with young people's views of their rights at school in order to situate our findings within this field of study.

It has become clear that the early years of the twentieth century witnessed a continued interest in the welfare and protection of children but since the 1960s and 1970s choice rights and participation for children have gained support. Firstly, changing attitudes towards notions of abuse and what is considered to be the acceptable treatment of children have highlighted the need for protective measures; not only through legislation but also through sets of principles which aim to influence the wider community than those who make the laws, i.e. through Charters for children. Secondly, there has been a growing interest, over approximately the past hundred years, in the notion of 'rights' for everyone. Within the context of attempting to justify moral rights for children as well as adults, developing Charters for children has become one way of formalizing rights which urges adults to rethink the agenda for children as young citizens and to consider participation rights for children as well as protection rights. Within the current climate of formalizing rights for young people through various mediums, the UN Convention has clearly been the focus of considerable interest on an international scale. It has been noted that the Lothian Children's Family Charter's principles are, in general, harmonious with the articles of the Convention. This has provided the opportunity to assess the compatibility of young people's views of what children's rights

ought to be at school with the principles embodied in a local policy document which focuses on procedural rights for children - i.e., the Charter - whilst, at the same time, reflecting the rights proposed within the articles of an international declaration - i.e., the Convention. However, it has also been noted that formalizing rights for children has not been unproblematic. For instance, a number of obstacles have had to be overcome during the implementation stages of both the Convention and the Charter.[2]

Two factors have been noted within the thesis which are particularly important with regard to our perceptions of children within a milieu of modern western culture.

Firstly, there is the compulsory element of schooling; this has been considered by many to be a problem when attempting to provide children with meaningful choice rights at school. However, it has been argued that, even within a compulsory system, it is possible to increase children's choice rights and to alter the organization and running of schools to incorporate these rights and a more democratic approach to schooling. For instance, we have found evidence which claims that a democratic approach in schools has increased motivation and has led to a more positive relationship between pupils and teachers (Trafford, 1997).[3]

Secondly, and clearly analogous with the compulsory element of schooling, there is the notion of incompetence in children.[4] It has been established, however, that attitudes are changing and there is a growing recognition of greater cognitive and social competence in children than was previously recognized. Current theory has embraced the potential for young people's cognitive and social development to be influenced by experience.[5] We have also cited evidence which suggests that experience is as likely to influence young people's spontaneous knowledge about rights as cognitive level.[6]

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[2] See Chapters 5 and 8 for further details.

[3] Discussed in Chapter 6.

[4] Discussed in Chapter 4.

[5] This theory has been discussed in Chapter 4 in relation to Priscilla Alderson's (1993) research.

[6] This evidence from Martin Ruck's (1998) study has been discussed in Chapter 4.

Let us now review the findings of our survey and consider the main implications for young people's rights at school within the context of the themes running throughout this thesis which we have summarized above.

10.4 THE IMPLICATIONS OF OUR FINDINGS

It has been concluded that, in general, the children's views were compatible with the principles of the Charter and in some respects the Lothian children's views were more compatible than those of the Strathclyde children. It is important to note that, in relation to certain questions, the children's responses varied with gender and social class and that this factor needs further investigation in future research.

As our main aim has been to listen to young people and to gather their views about children's rights at school, it would be inappropriate to attempt to consider in detail the possible outcomes for future education policy. Within the constraints of this thesis, it has merely been possible to consider the wider implications of our findings.

With regard to the differences between the regions, two particularly notable factors have emerged. In Lothian, where a Charter for children had been instituted, there was more faith in the school as a forum for informative discussion and more of a tendency to demonstrate an interest in the wider implications of having rights at school as the following diagram illustrates:-

Diagram 2. The children's views about different types of rights at school: two notable findings in the presence of the Charter

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                    ╭─────────────────╮
                   ╱  children's views about ╲
                  │    rights at school       │
                   ╲                         ╱
                    ╰─────────────────╯
          ╱                              ╲
         ↙                                ↘
  ╭──────────────────╮          ╭──────────────────────╮
 ╱ the school as a forum ╲      ╱ an interest in the wider ╲
│ for informative discussion │  │ implications of having    │
 ╲                        ╱      ╲ rights at school         ╱
  ╰──────────────────╯          ╰──────────────────────╯
         ╲                              ╱
          ↘                            ↙
              ╭──────────────────╮
             ╱  children's rights   ╲
            │     at school          │
             ╲                      ╱
              ╰──────────────────╯
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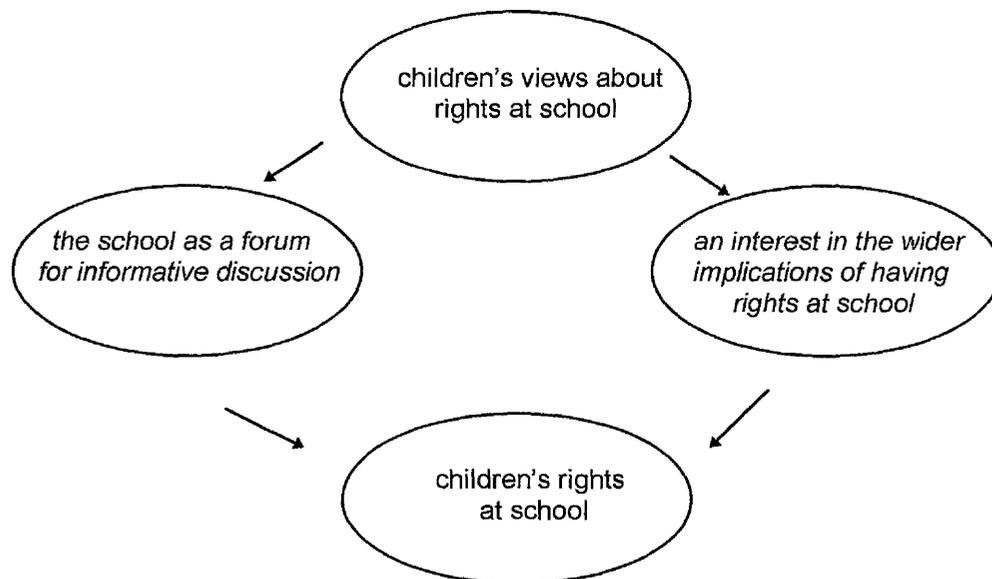
Let us consider each of these two factors in relation to the types of rights associated with them.

10.4.1 The school as a forum for informative discussion

The greater tendency in Lothian than Strathclyde to consider the school to be a forum for informative discussion and to be a place which takes seriously children's needs is an important finding. We have explored other research which has suggested that the experience of school democratization can improve pupils' relations with their teachers (Trafford, 1997) and that a rights-oriented curriculum can increase tolerance and understanding of the rights of others (Decoene and De Cock, 1996; Covell and Howe, 1999). We have also reported other research findings which support the view that trust is an important concern for children (Morrow, 1999; Alderson, 1999). Furthermore, it has been noted that in Lothian there is a greater sense that responsibility is about trust and independence rather than being a burdensome duty. As a result of these findings, it may be proposed that having faith in the school as a place where young people can express their views in an atmosphere of inclusiveness and trust is a positive factor in relation to children's schooling. It

appears that teachers can be an important source of information about rights for children; this may be an endorsement for increased resources for teachers concerning children's rights. Teacher training modules and further training for qualified teachers may be a useful tool for increasing children's understanding of rights. The ongoing project by Marshall and Maguire (1998,1999),[7] has, as one of its aims, the development of a training resource for teachers and student teachers. This could be a valuable asset for teachers as it could increase their knowledge and understanding of rights, at the same time as providing them with an additional tool within the classroom which focuses attention on children's rights and responsibilities; not simply human rights in general.

We may deduce from the evidence on democratization in schools that children can participate in a meaningful and productive way within their schools. Clearly, where it is found that responsibility is considered to be about trust and independence rather than being a burdensome duty, young people are more likely to wish to become more participatory. Also, from the evidence on child development theory it has emerged that experience is an important factor in relation to young people's cognitive and social development and their knowledge about rights. It may be argued, therefore, that learning about rights within the school environment could be a useful part of children's education throughout their schooling. The evidence from research concerning young people's views about children's rights at school - both within our survey and within other research findings - certainly suggests that many young people are interested in the civic virtues which Archard (1993), for instance, has described as being a crucial aspect of education, i.e., tolerance, non-violence and having respect for the rights of others (see, for example: Decoene and De Cock, 1996; Covell and Howe, 1999 as mentioned above).

10.4.2 An interest in the wider implications of having rights at school
A greater interest in the wider implications of having rights at school has been noted in relation to the Lothian children's views. This is also an important

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[7] Also discussed in Chapters 6, 7 and 8.

finding as it suggests that there may be greater awareness in the region where there was a Charter that having rights is not only about making choices but is also concerned with being protected, having responsibilities, participating and being provided with adequate welfare. A salient point is the relevance of such an understanding in relation to the problem of bullying which is often encountered within and outside schools. When young people embrace notions such as talking to bullies and victims and try to understand their problems, this may be seen as a positive step in a move to reduce bullying and to foster better relations between pupils. This is not to suggest that in Strathclyde none of the children were aware of these other factors associated with having rights; however, there was more of a tendency to express these views in Lothian.

10.4.3 Summary

It has been concluded from these factors that, in the presence of the Charter, the children in Lothian have displayed a more positive view of schooling than the children in Strathclyde. Also, there was more of a tendency in Lothian to display a consideration of the implications for wider society of choices made by individuals. These findings are compatible with the principles of the Lothian Children's Family Charter.

10.4.4 Other important implications of our findings

Although the Lothian children's views have not necessarily been caused directly by the adoption of the Charter - indeed further research would be necessary in order to establish any direct influence - there is certainly a correspondence between the Lothian children's views and the principles of the Charter which, it may be argued, reflects the ethos within the education department in which it was developed. As we have established in Chapter 8, considerable steps were taken within Lothian to place children's rights at the heart of Personal and Social Development programme of the 5-14 curriculum. The adoption of a charter was part of policy process to give greater recognition and prominence to children's rights within services provided by the

region. The views and attitudes of children in schools would be one measure of the effectiveness of the policy.

The Lothian children's concern with mutual trust and safety for themselves and others suggests that the 'care' orientation discussed in Chapter 4 in relation to Haydon's (1994, 1997) critique of Gilligan has been more influential than the 'justice' orientation. This is in keeping with the general principles of the Lothian Children's Family Charter which is more concerned with rights of protection and welfare than rights of choice. This is an important point with respect to the potential for more harmonious relations between pupils and teachers. For instance, if we return to Haydon's (1997) experience of discussions with teachers about moral perspectives, we will recall that he found that most males and females with whom he spoke favoured the care orientation. We have argued that it is, therefore, feasible that children may be taught more about rights of co-operation and concern for others than rights which are specifically about one's own choices. We have noted that this highlights a potential problem when attempting to implement meaningful rights for children, as it is important to understand both orientations if children are to develop a balanced perspective regarding different types of rights. It is evident that, if the teachers and the children tend to favour the 'care' orientation within the context of the school, this may limit young people's knowledge and understanding of what it means to have rights. This issue also needs to be addressed in relation to the focus of Charters for children and rights-oriented curricula.

10.5 FINAL THOUGHTS

Without a comprehensive mechanism for implementing the principles of the UN Convention, the rights of many children shall remain a symbolic gesture. Monitoring the implementation of the Convention is problematic due to the vastness of its scope as an international treaty. Nevertheless, impressive attempts are being made to gather international comparative indicators on children's situations. However, it must be ensured that indicators are appropriate both culturally and nationally (Casas, 1997). UNICEF has made a

considerable contribution in 1994 and 1995 to the gathering of international comparative indicators (Casas, 1997). Also, Childwatch International has designed a project in 1995 to meet the needs of the Committee on the Rights of the Child with regard to the gathering of appropriate indicators (Casas, 1997). Childwatch International recognizes the usefulness of gathering indicators from a sociological, cultural and conceptual perspective as being complementary to the construction of statistical data (Ennew, 1998). Indicators are obviously important if there is to be an increased understanding of children's experiences, views, needs and wishes. However, as Ennew (1998, p.12) suggests, "The events are more important than the indicators, just as children are more important than statistics."

Charters draw attention to the need for agreed standards and provide an umbrella for other mechanisms which attempt to generate improvements in people's lives based on the principles of Charters.

The development of localized Charters can be a useful way of presenting children's rights as well as responsibilities in a 'user-friendly' manner. Where the language of the UN Convention is rather formal when presenting its universal set of principles, a local Charter like the Lothian Children's Family Charter can provide local children and adults with a version of this set of principles and a means of support which are more appropriate to the local community.

The evidence suggests that children of all ages at school would probably benefit from more active involvement in their school's organization. It appears that this sort of participation in the decision-making process can help young people to examine their own attitudes towards shared power and co-operative behaviour.

There is clearly a need to consider development as a lifelong process, rather than merely studying child development as a route to adult maturity. Education is an essential ingredient for human development and research with

young people within an educational context has highlighted their concern with peace, compassion and justice. It may be argued that learning about the complexities of rights and responsibilities is vital if the concepts of peace, compassion and justice are to be fully understood by young people. Concern with 'care' and concern with 'justice' are both necessary if education about rights is to engender a more harmonious relationship between young people and adults. It is hoped that Charters which reflect children's views can provide a beacon for young people's rights everywhere in the world.