**Office of the Children’s Commissioner: what are the characteristics of**

**an education system which protects and promotes children’s rights?**

**Response from TACTYC,**

**Association for the professional development of early years educators**

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| https://secure.dcsf.gov.uk/consultationsadmin/img/pleaseSpecifySpacer.gif | TACTYC is a membership organisation. Our activities include:   * **advocacy and lobbying** - providing a voice for all those engaged with the professional development of practitioners through responding to early years policy initiatives and contributing to the debate on the education and training of the UK early years workforce; * **informing** – developing the knowledge-base of all those concerned with early years education and care by disseminating research findings through, for example, our international [Early Years Journal](http://www.tactyc.org.uk/EarlyYears.asp), annual conference, website and occasional publications; * **supporting** – encouraging informed and constructive discussion and debate and supporting practitioner reflection, the use of evidence-based practice and practitioner-research through, for example, our [newsletter](http://www.tactyc.org.uk/newsletter.asp) and website (www.tactyc.org.uk).   TACTYC currently has over 500 members and this response has been prepared in consultation between TACTYC Executive, and will be shared with the wider membership via the TACTYC website.  We are in broad agreement with **questions 1 and 2**.  **Q3: are there any proposals that should be added?**  In the light of Article 2 of the UNCRC, which states unequivocally that all rights apply to all children, TACTYC would welcome explicit mention of the early years throughout the document. In addition to the maintained nursery schools, which have been part of the education system in the UK for a century, there are now many private, voluntary and independent providers of early years care and education who contribute to early development at a stage in children’s lives when they and their families are most open to influence, and where the greatest difference can be made to future achievement in personal and social as much as academic terms. This is amplified by the potential for working with parents, which can powerfully influence children’s key experiences at home. Adults who have not experienced a rights-based approach in their own upbringing are often at a loss as to how to deal with problems encountered within the family. |

As you will be aware, practice in the early years is guided by the requirements of the Early Years Foundation Stage (EYFS). This comprises four themes, each with an overarching principle which summarises key aspects of children’s care, development and learning that come together in the EYFS (EYFS Principles into Practice, 2008). These principles, aligned with the UNCRC, underpin practice in all effective settings, as the highlighted summary below shows. They could usefully be applied to later learning, particularly in Key Stage 1.

**1. Theme: A Unique Child**

**Principle**: every child is a competent learner from birth, who can be resilient, capable, confident and self-assured

* 1. Child Development
* child development
* **a skilful communicator**
* **a competent learner**

1.2 Inclusive practice

* **equality and diversity**
* **children’s entitlements**
* early support

1.3 Keeping safe

* **being safe and protected**
* discovering boundaries
* making choices
  1. Health and well-being
* growing and developing
* **physical well-being**
* **emotional well-being**

**2. Theme: Positive Relationships**

**Principle**: children learn to be strong and independent from a base of loving and secure relationships with parents and/or a key person

* 1. Respecting each other
* **understanding feelings**
* **friendships**
* **professional relationships** (The first two are from the child's perspective)
  1. Parents as partners
* **respecting diversity**
* **communication**
* **learning together**
  1. Supporting learning
* **positive interactions**
* **listening to children**
* effective teaching
  1. Key person
* **secure attachment**
* shared care
* **independence**

**3.** **Theme: Enabling Environments**

**Principle**: the environment plays a key role in supporting and extending children’s development and learning

3.1 Observation, assessment and planning

* **starting with the child**
* planning
* assessment
  1. Supporting every child
* **children’s needs**
* **the learning journey**
* **working together**
  1. The learning environment
* **the emotional environment**
* the outdoor environment
* the indoor environment
  1. The wider context
* **transitions and continuity**
* **multi-agency working**
* **the community**

**4.** **Theme: Learning and Development**

**Principle**: children develop and learn in different ways and at different rates and all areas of learning and development are equally important and interconnected.

* 1. Play and exploration
* **learning through experience**
* **adult involvement**
* contexts for learning
  1. Active learning
* mental and physical involvement
* **decision making**
* **personalised learning**
  1. Creativity and critical thinking
* **making connections**
* **transforming understanding** Understanding is transformed by virtue of sound cognitive growth and the ability to 'disembed' one's thinking. Attempting to transform understanding 'from without' is indoctrination.
* sustained shared thinking
  1. Areas of learning and development
* personal, social and emotional development
* communication and language
* physical development
* literacy
* mathematics
* understanding the world
* expressive arts and design

From the start of school in the reception year, the curriculum is profoundly affected by assessment: expected standards at the end of the reception year are leading to high levels of misdiagnosis of special educational needs, especially for summer born children, and many boys, who develop on average later than girls. The phonics check imposed in Year 1 does not correlate with later achievement in reading, can demoralise even confident readers, is leading to undue emphasis on limited formal approaches to reading at the expense of children’s disposition to read, and is clearly not compatible with UNCRC principles. The focus on formal literacy and numeracy at very young ages through an emphasis only on narrow skills is limiting the curriculum at the expense of broader communication skills and active learning. Evidence from other countries where schooling starts later shows that there is no academic benefit in the early introduction of formal approaches to literacy and numeracy.

**Q4 How should progress towards meeting these proposals be measured?**

**Q5. How could these proposals be implemented in different educational settings?**

As indicated, the EYFS provides a framework applicable to all early years settings. Its underpinning principles could provide reference points for later schooling.

Reinstating the role of the Local Authority In monitoring, training and development would be a practical way forward throughout the educational system.

**Q6 How should the accountability system incentivise the achievement of these outcomes?**

Accountability through OFSTED currently compounds this pressure towards achievement in limited areas of the curriculum, which affects parents as well as teachers and children in England. We would argue that this is in contravention of Articles 3, 4, 5, 12, 29 and 31 of the UNCRC. It would be preferable to conceive of the inspection system as a route for professional dialogue and development, which respects the judgement of teachers and other professional staff working in the early years. Explicit attention in the accountability regime to the values of the UNCRC would result in higher levels of awareness and greater efforts to ensure they are integrated into all aspects of the education system.

Wider debate in the policy context, particularly in the run up to the general election, would raise awareness of the UNCRC, which is needed at government level. In our experience, Ministers are currently deaf to considerations based on the rights of the child if these conflict with their particular ideological stance. We welcome the potential of this consultation to raise awareness of the rights of all children to have their views taken seriously, and will continue to advocate for the rights of all children to an education which develops each child’s personality, talents and abilities to the fullest. The example of older generations inspires children to live peacefully and to respect other people; a more enlightened education system in the UK could show children a constructive way forward.

**Q7. Are there examples of best practice in education which you would like to draw to our attention? How could this best practice be spread more widely?.**

All early years settings involved with children from birth to five aspire to meet the requirements of the Early Years Foundation Stage, which incorporates many aspects of UNCRC. Some, for example the Atelier Nursery in Bath, explicitly adopt the Charter.

Explicit examples of ways of consulting young children have been developed over several years – Clark, A. and Moss, P. (2001) *The**Mosaic Approach* (2001) (ISBN: 9781900990622) and Lancaster, Y. P. and Kirby, P. (2003) *Listening to Young Children* (2003) (ISBN: 9780335241279).

Parental involvement has been recognised as an important element of schooling, and outreach to families has been an integral part of the role of Children’s Centres and Sure Start since their inception at the turn of the Millennium. These are now

The inclusion of children with special needs is more difficult now that OFSTED grades are narrowly focused on academic achievement, but there are still examples of good practice.

***Birth to Three Matters*** was produced as a guide to work with children up to three. It was a thoughtful and thought-provoking document which actively helped practitioners and parents to understand the youngest children and to work with them effectively and respectfully. Although it has been superseded by the EYFS which encompasses provision for children from birth, it is still available on the DfE website. https://www.education.gov.uk/publications/.../**BIRTH**CD-PDF1.pdf

***Quality in Diversity in Early Learning: a framework for early childhood practitioners*** (1998) was developed by the Early Childhood Forum as curriculum guidance by staff working with under- fives in all sectors across the country. It was published by the National Children’s Bureau and is now available at [*http://www.jkp.com/catalogue/book/9781904787075*](http://www.jkp.com/catalogue/book/9781904787075)