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Breaking Down Boundaries: Voice and participation in English primary education

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Abstract

Pupil voice and active participation form two central elements of international Human Rights Education (HRE) provisions. This article draws upon empirical research conducted in primary schools across England to gauge the nature and extent of these processes at classroom and school level and to better understand the reasons for apparent deficiencies in their practice. It argues that whilst there is good practice regarding both concepts, they are nevertheless constrained within tightly controlled boundaries. The underlying reasons for these constraints – including concerns about loss of control and reservations about the value and efficacy of school councils – are explored by drawing upon data from qualitative interviews with teachers. Suggestion is made that in order to break down the boundaries that currently restrict voice and participation, teachers need to become comfortable with the idea of rights respecting learning environments and this will only happen through the provision of HRE in their own teacher training.

Keywords: pupil voice, active participation, Human Rights Education, human rights, school councils

1. Introduction

According to the most recent restatement of the right to Human Rights Education (HRE) at the international level, its effective provision requires three overlapping and complementary strands: education *about, through* and *for* human rights.¹ This tripartite formulation of HRE has been refined and developed internationally since 1978 and has been included most recently within the UN Declaration on HRE and Training (2011) (UNDHRET). The first element of the framework covers the provision of contextually and culturally relevant human rights knowledge and the third is concerned with translating human rights into ‘social and political reality’ through equipping learners with the necessary skills for promoting and defending rights more broadly (UNESCO 1978, para 3(iii)). Education *through* human rights addresses the practice of human rights in the formal learning environment, and it is two particular aspects of this element, pupil voice and active participation that form the focus of this article. These concepts are considered to be important for creating and sustaining learning environments in which the rights of both teachers and learners are respected. It is unsurprising, therefore, that they form core elements of a number of existing international HRE recommendations.²

This article draws upon empirical research conducted by the author in 44 English primary schools to interrogate national practice concerning the facilitation of voice and participation. It suggests that whilst elements of both do appear to be present at both classroom and school level, their practice tends to occur within adult-imposed and tightly controlled boundaries. This finding is then followed by detailed exploration of the reasons *why* teachers appear to be hesitant

¹ UN Declaration on HRE and Training, Article 2(2).

² See e.g. the UN Convention on the Rights of the Child (1989), Articles 12-17; & the UN World Programme for HRE: UNESCO & OHCHR, ‘Plan of Action: World Programme for Human Rights Education: First Phase’ (2006) at 3-4 & 43-45.

about encouraging these concepts in the learning environment, and recommendations are made for changes that would need to be made if these concerns are to be adequately addressed.

The research from which the empirical observations in this article are drawn consisted of a mixed methods study into the teaching of HRE in primary schools across England. A self-completion survey was designed with the aim of ascertaining and assessing what is currently happening with regard to the teaching of HRE in English primary classrooms. The survey received 378 responses, with respondents having the opportunity to leave contact details if they were willing to participate in a follow-up interview regarding their teaching practice and views in this area.

Semi-structured qualitative interviews were carried out with 44 teachers across 18 counties in England.³ Eight (19%) of these teachers were male,⁴ and the interviewees represented the full spectrum of primary year groups from Early Years Foundation Stage (EYFS) to Year 6. Eleven head teachers, two deputy head teachers and one Higher Level Teaching Assistant were also interviewed. The qualitative interviews sought to probe more deeply into teachers' own opinions both about human rights generally and about the provision of HRE at primary level. Included within the interviews were questions exploring in depth: (i) the extent of voice and participation at both classroom and school level; and (ii) any reservations that teachers had about the practice of these concepts in the learning environment.

³ These teachers self-selected for interview after completing an initial scoping survey. It is arguable, therefore, that those interviewed may represent only those teachers who have an interest in HRE and thus not reflect majority opinion in this area. I therefore make no claim to the sample being representative. For the purposes of the current argument, however, if these teachers do represent individuals who are particularly interested and engaged in the subject matter, it is likely that other teachers would be incorporating HRE to an even lesser extent and would have greater concerns with HRE as a subject matter for formal primary schooling.

⁴ This is 8% lower than the most recent available national statistics for gender balance in the profession at the time of my research, at 73% female to 27% male: Department for Education, Statistical First Release, *School Workforce in England: November 2012* (30 April 2013) (SFR 15/2013) at 3.

Whilst existing studies have sought to establish whether the practice of voice and participation in English schools is compliant with the international human rights framework, this article goes further by interrogating the reasons *why* teachers may be hesitant about facilitating these processes. Through better understanding the reasons for the absence of truly effective voice and participation with learners at the stage of formal primary schooling, suggestions can be offered for how these problems could be overcome.

With this in mind, the article is divided into four sections. Section two provides an overview of the requirements of education *through* human rights and explores in detail two of its key components, pupil voice and active participation. Section three then draws upon empirical research conducted in English primary schools to suggest that there are positive examples of voice and participation at both classroom and school level, but that such practices tend to occur within restricted and adult-imposed boundaries. These restrictions are explored in detail by interrogating the reasons provided by teachers for being wary of voice and participation. Section four then concludes by offering suggestion for changes that would need to be made to policy and practice if the boundaries currently faced by learners in their exercise of voice and participation are to be broken down.

2. Education *Through* Human Rights: The Importance of Voice and Participation

Education *through* human rights is concerned with creating learning environments in which the rights of both learners and teachers are respected. If education *about* human rights equips learners with contextually and culturally relevant knowledge concerning what human rights are, why they are important and how they are relevant to their lives, then it would seem both illogical and disadvantageous for the primary classroom and school to be structured in a way that contradicts those rights, values and principles. Education *through* human rights therefore seeks to

ensure that the rights and values being taught to learners are in turn being promoted and protected effectively in the learning environment. It is important for these rights and values to be infused throughout the classroom and school (UN Committee on the Rights of the Child 2001, p. 7), with learners being encouraged to respect the rights of those around them and to support justice and equality (Howe and Covell 2005, p. 6). This is often referred to as a “rights respecting” learning environment and it has been given some substance by the relevant international human rights instruments.⁵

How, then, might the obligation to educate *through* human rights be likely to influence teaching practice in formal primary schooling? Two particularly important components of this element of the tripartite framework that form the focus of this article are (i) truly effective pupil voice, and (ii) the provision of opportunities for genuine participation. Whilst these concepts do not fulfil the requirements for education *through* human rights in their entirety, they are important aspects of ‘learning and teaching in a way that respects the rights of both educators and learners’, in accordance with the most recent international instrument to address HRE, UNDHRET.⁶

These two concepts are often conflated, usually under the single heading of participation. There is arguably a subtle distinction between them, however. The term “participation” is used to denote both learners simply being able to voice an opinion and to take part in the learning process, on the one hand, and to have a real and effective say in decision-making on the other. In order to differentiate between these two processes, pupil voice can be used to describe the former. Whilst voice remains a concept of considerable importance, therefore, it is more passive, for it requires at a basic level that learners are provided with opportunities to speak

⁵ See e.g. UNDHRET, Article 2(2)(b); & UN World Programme: UN General Assembly, ‘Revised Draft Plan of Action for the First Phase (2005-2007) of the World Programme for Human Rights Education’ (2005) (A/59/525/Rev.1) at para 4(b).

⁶ Article 2(2)(b).

freely and that they will be listened to (Sinclair 2004, p. 110). Participation, meanwhile, mandates that they have a genuine say in the running of the learning environment, and are provided with opportunities to take initiatives, exercise responsibilities and make decisions which are respected (Audigier 2000, p. 26). Participation is thus more likely to encourage learners ‘to believe, and have reason to believe, that their involvement will make a difference’ (Sinclair 2004, p. 111). The terms do overlap, for learners will of course frequently exercise pupil voice in an attempt to effect genuine change. Equally, however, they may express an opinion simply to have this heard and acknowledged rather than acted upon, and this is where the subtle distinction between the concepts is important to recognise.

Both voice and participation are key components of the UN Convention on the Rights of the Child (1989) (UNCRC), with Article 12 guaranteeing children a voice in matters that affect them and decreeing that their views must be given due consideration and be acted upon if appropriate to do so (Freeman 1998, pp. 434-435; Carter and Osler 2000, p. 336; Lundy 2007; and Prunty 2010, p. 88). Whilst it must be read in light of the additional participation rights enshrined in Articles 13-17,⁷ and the overarching principles of non-discrimination (Article 2), best interests (Article 3), the child’s evolving capacities and right to guidance (Article 5), and the right to protection from abuse (Article 19), Article 12 has been referred to as the ‘lynchpin of the Convention’ (Freeman 1996, p. 36; and Prunty 2010, p. 88), with the Committee on the Rights of the Child considering it to constitute ‘an integral part of the implementation of other articles’ (Prunty 2010, p. 98). It is noteworthy, too, that voice and participation are not included as central concepts within the other core international human rights treaties, suggesting that they are considered to be of particular relevance and value for children.

⁷ Addressing: freedom of expression (Article 13); freedom of thought, conscience and religion (Article 14); freedom of association and peaceful assembly (Article 15); the right to privacy (Article 16); & the right of access to information (Article 17).

Participation and pupil voice within formal education have both grown in prominence and significance since their inclusion as fundamental components of the UNCRC (Pais 1999, p. 5; Shier 2001, p. 107; and Noyes 2005, p. 533). That document was instrumental in altering long-standing views of children as in need of adult protection because they lack the wisdom and rationality necessary to function in society (Roche 1999, pp. 476-477; and Sinclair 2004, p. 107). It ushered in a new era where children were no longer 'simply considered as passive objects solely in the hands of their parents and society' (David 2002, p. 259), but were seen rather as 'subjects of rights and participants in actions affecting them' (Pais 1999, p. 5). The requirement for schools to foster participation and voice is therefore in keeping with such formulations of children that view them not as citizens in the making, or 'not yet's', 'in the sense that their value lies in their future as adults' (Flekkøy and Kaufman 1997, p. 17), but rather as 'human beings' deserving of recognition as such.

Some commentators argue that participation is 'undertaken with the very specific purpose of enabling children to influence decision-making and bring about change.' (Sinclair 2004, p. 111) This does not require that they be imbued with the same rights as adults, for as Michael Freeman argues, learners, particularly younger learners, remain in need of a certain degree of protection (Freeman 1996, p. 40). He stresses that, contrary to the views of some liberationists, children should not simply be abandoned to their rights (pp. 39-41). They should, however, be provided with genuine opportunities for age-appropriate participation, and their capacity and willingness to engage in these processes prior to the age at which society has deemed formal participation appropriate ought to be recognised (Roche 1999, p. 487; and Howe and Covell 2005, p. 124). Participation rights thus 'impose responsibilities on adults to provide adequate information for choices and consent and opportunities for sharing and gradually taking over decision-making' (Flekkøy and Kaufman 1997, p. 38).

Participation and voice will be interpreted differently across primary year groups, but at every stage their implementation ought to be both genuine and effective. Whilst this article will suggest that teachers often struggle with these concepts in practice, it is arguably important that primary learners start to feel that their contributions will be given serious consideration. Tokenistic practices would therefore be insufficient, and may in fact be more detrimental than neglecting to foster voice and participation at all; for learners are likely to become cynical about the discrepancies between the rights being taught through education *about* human rights and the absence of respect for those rights in the learning environment (Osler 2013, p. 70).

Since the UNCRC, there has been greater recognition that fostering the values and skills necessary for citizens to contribute effectively to democratic processes should begin at the early stages of formal schooling (Devine 1999, p. 26; and Print *et al* 2002, p. 193). Roger Hart advises that ‘it is unrealistic to expect [children] suddenly to become responsible, participating adult citizens at the age of 16, 18, or 21 without prior exposure to the skills and responsibilities involved’ (Hart 1992, p. 5), and Carole Hahn reiterates that ‘students learn the theory of democracy by experiencing it in practice’ (Hahn 1998, p. 247). R. Brian Howe and Katherine Covell, too, note that:

The development of democratic values and behaviours requires continual experience with democracy at school. How the school and classroom operate have a profound impact on the attitudes, habits, and behaviours of the students (Howe and Covell 2005, p. 10).

Effective participation within formal education is thus considered to be of importance for sustaining democracy through ensuring that learners are equipped with the values and skills necessary for informed and active democratic engagement (Print *et al* 2002, p. 196). When

afforded opportunities to translate rights into practice in the classroom and school, they are 'learning about the rights of others, about limitations on freedom, and about corresponding responsibilities that go along with rights' (Howe and Covell 2005, p. 158). They are therefore not only learning to value their own rights, but also to respect the rights of those around them and to have greater empathy for their situations. This, in turn, it has been argued is 'the basis for the development of a sense of social responsibility' (p. 158).

Participation and voice are also considered to have important educational and developmental benefits, for these processes change learners 'by developing in them new values, attitudes, skills, knowledge and beliefs' (Nagel 1987, p. 13; and McNeish *et al* 2002, p. 189). They are equipped with 'skills of conflict resolution, persuasion and decision-making, enabling them to acquire the confidence to express their views while respecting the views of others without fear of rebuke or ridicule' (Devine 2002, p. 318). This in turn encourages greater identification with their community and enhances their feelings of self-respect (Nagel 1987, p. 14). Improved self-worth and self-esteem are also essential for learners to develop respect for others, and 'if subsequent generations are to be able to take up the gauntlet and continue – even intensify – the human rights movement, both respect for others and a willingness on the part of individuals to involve themselves in the common good must guide them' (Anderson 1982, p. 51).

In light of these requirements for effective voice and participation, both the structure and environment of the classroom and school become significant. If learners are made aware of their rights but are not provided with opportunities for putting them into practice, they may become cynical, for as James A. Banks notes 'attempts to teach and promote human rights in an authoritarian atmosphere will be rightfully dismissed by students as empty rhetoric and hypocrisy' (Banks 1982, p. ix). In order to facilitate rights such as participation and voice, therefore, the learning environment should be democratically structured and non-threatening.

Garth Meintjes cautions that ‘students who feel dominated or stifled by the rules and structure of the educational setting will not feel comfortable or encouraged to participate in the learning process’ (Meintjes 1997, p. 77), and Murray Print *et al* similarly acknowledge that ‘if we maintain an authoritarian teacher’s role...students are left without experience in formulating opinions or taking part in discussions and debates’ (Print *et al* 2002, p. 205). Instead, teachers might therefore seek to direct not the learners themselves, but only the learning process, thus compelling recognition of the difference between authority and authoritarianism.

This does not necessarily mean that teachers, for good reasons, should relinquish all authority and decision-making. Paulo Freire acknowledges in this regard that ‘without authority it is very difficult for the liberties of the students to be shaped’ (Shor and Freire 1987, p. 91), but cautions that if this authority exceeds its limits and denies learners their rights, then it has descended into authoritarianism. Ira Shor, too, argues that authority is a requirement for gaining respect in the classroom, but qualifies this by advising that ‘liberating educators have to use authority within the limits of democracy’ (p. 91).

How, then, are these requirements for effective voice and participation translating into educational practice in English primary schools?

3. Voice and Participation in English Primary Education

This section draws upon quantitative and qualitative empirical research conducted by the author with teachers in English primary schools to explore the extent to which the practice of participation and the encouragement of pupil voice accord with international HRE recommendations. Sections 3.1 and 3.2 identify examples of good practice regarding voice and participation in the classroom and school respectively. This is followed in section 3.3 by

discussion of deficiencies in these processes revealed through the empirical findings, including investigation of the reasons provided by teachers for omitting to facilitate these practices.

3.1. Effective Voice and Participation in the Classroom

The scoping survey distributed prior to the interviews sought to elicit information regarding the practice of certain aspects of education *through* human rights at classroom and school level. These findings suggested that there is good practice relating to freedom of expression and pupils being listened to in the classroom, with 92% of survey respondents agreeing that it is very accurate that pupils' opinions are listened to and given due consideration,⁸ and 80% saying they afford pupils the opportunity to speak and express themselves freely.⁹ 52% of respondents also indicated that decision-making is conducted democratically,¹⁰ with a slightly smaller percentage (43%) reporting that learners are involved in decision-making, such as about which topics would be studied and how free time would be spent.¹¹

The responses to this survey question were analysed for variations across the spectrum of primary year groups and, whilst the findings were largely consistent, some differences were apparent. Of particular significance is the finding that teachers of EYFS and key stage 1 (KS1) reported the highest percentage of pupil participation in classroom decision-making. 65% of EYFS and 58% of year 1 teachers agreed that it was very accurate that learners are involved in decision-making, compared to 44% of year 5 and 37% of year 6 teachers. This finding indicates

⁸ 8% advised that this was somewhat accurate and 0.3% that it was not at all accurate.

⁹ 19.6% answered somewhat accurate and 0.3% 'not at all accurate.

¹⁰ 44.2% answered that it was somewhat accurate and 4% that it was not at all accurate.

¹¹ A slightly higher percentage, 46.7%, advised it was somewhat accurate and 10.1% reported it was not at all accurate.

that as learners progress through primary education, their ability to participate in classroom decision-making lessens.¹²

The qualitative interview data largely supported these findings. A majority of the 44 interviewees (75%) said that learners are able to express themselves freely within the classroom and that their opinions are listened to and given due weight and consideration.¹³ Whilst some interviewees indicated that they are usually happy for learners to take lessons off-topic,¹⁴ others explained that if something was raised that deviated from the subject at issue, it might not be addressed there and then, but would be acknowledged and returned to at a more appropriate time.¹⁵

Most of the interviewees also agreed that decision-making is conducted democratically in their classrooms, and that learners are able to participate in the process. The majority (64%) explained that decision-making is facilitated predominantly through offering learners the opportunity to select the areas of most interest to them at the beginning of relevant topic work.¹⁶ Some teachers did go further, however, either by allowing learners to select the actual topics for study,¹⁷ or by asking them for input on areas of the curriculum beyond topic work,¹⁸ such as in RE,¹⁹ history²⁰ and geography.²¹

¹² This will be explored in more detail below at section 3.3.1.

¹³ Interviews 1, 3, 4, 7, 8, 9, 11, 13, 14, 15, 17, 18, 19, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42 & 43.

¹⁴ Interviews 9, 21, 37, 39 & 42.

¹⁵ Interviews 21, 38, 40, 41 & 43.

¹⁶ Interviews 2, 4, 7, 8, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 23, 24, 25, 27, 30, 31, 32, 37, 38, 39, 40, 41, 42 & 43.

¹⁷ Interviews 19 (this teacher permitted the selection of mini-topics), 26 & 35.

¹⁸ Interviews 5, 7 & 9.

¹⁹ Interview 7.

²⁰ Interview 9.

²¹ Interview 9.

The most frequently cited means through which classroom decision-making is carried out is through the use of democratic voting.²² Interviewees used classroom voting for making decisions on issues such as: topic choice;²³ activity choice;²⁴ and classroom procedures.²⁵

3.2 Effective Voice and Participation in the School

In the broader school environment too, good practice was evident. A question on the survey sought to gauge the extent to which respondents consider participation and voice to be fostered in the school, with the findings once again suggesting that these concepts are practiced. 91% of respondents agreed, for example, that pupils are afforded the opportunity to sit on a pupil council,²⁶ with 86% reporting that the elections for these councils are carried out democratically.²⁷ A smaller percentage (69%) said that the council is actively involved and listened to when decisions are made about the running of the school, with 28% reporting that this was only somewhat accurate. Regarding pupils being given a voice in the running of the school generally, 69% considered this to be very accurate and 30% to be somewhat accurate.

That the presence of school councils in English primary schools represents the norm is strongly implied from the survey data. This in itself is a positive finding, for as Audrey Osler has noted, councils can 'give pupils a sense of agency and a means by which they can identify their role in the process of change' (Osler 2000, p. 57). Drawing upon empirical research, she noted that some primary learners saw councils as providing opportunities for making teachers listen to them more, and for encouraging mutual respect between teachers and learners (p. 57). By

²² Interviews 17, 20, 21, 22, 25, 27, 30, 33, 34, 35, 36, 37, 39, 40 & 41.

²³ Interview 40.

²⁴ Interviews 17, 21, 33, 35 & 43.

²⁵ Interviews 26, 39, 41 & 42.

²⁶ 7.2% answered that this was somewhat accurate and 1.6% that it was not at all accurate.

²⁷ 10.4% advised that this was somewhat accurate and 3.5% not at all accurate.

ensuring that learners have a formal process for making their views heard, the school demonstrates that it is affording learners dignity and respect by listening to their opinions (p. 28).

The qualitative data again supported the findings from the survey. 91% of the interviewees reported the existence of a school council,²⁸ with 41% adding that each primary year group is represented.²⁹ 59% said that classes elect their councillors,³⁰ and 30% specifically identified that such elections are conducted democratically.³¹ In some schools, candidates are required to make speeches or presentations,³² or to run campaigns.³³

Interviewees also reported that their councils are heavily involved in decision-making, with 39% emphasising that the council has considerable influence and directs many important decisions:³⁴

They have a massive voice at this school...[T]hey have had a genuine input into some of the big decisions.³⁵

The Head values them, so I think that they feel that they've got something important to do...³⁶

They change a lot of things. There is positive change there and they take recognition for that.³⁷

²⁸ Interviews 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42 & 43.

²⁹ Interviews 1, 2, 3, 5, 6, 7, 10, 11, 13, 17, 19, 21, 22, 23, 26, 28, 29 & 42.

³⁰ Interviews 2, 3, 6, 7, 8, 9, 10, 11, 14, 15, 17, 18, 19, 21, 22, 23, 24, 25, 26, 30, 32, 38, 39, 40, 41 & 42.

³¹ Interviews 3, 8, 14, 16, 17, 21, 22, 23, 24, 30, 32, 38 & 39.

³² Interviews 5, 11, 14, 16, 17, 19, 21, 23, 24, 28, 32, 39, 40, 41 & 42.

³³ Interviews 6, 9, 11, 16, 18, 21, 24, 26 (only in Year 6) & 28.

³⁴ Interviews 2, 5, 8, 10, 11, 14, 17, 18, 24, 26, 31, 32, 33, 34, 35, 38 & 41.

³⁵ Interview 32.

³⁶ Interview 11.

³⁷ Interview 17.

18% of the interviewees said that the council itself initiates action in the school,³⁸ whilst 32% indicated that there is a balance between the council initiating action and senior management requesting their input.³⁹ Examples of council action included: purchasing new resources or equipment;⁴⁰ suggesting school improvements;⁴¹ selecting charities to support;⁴² fundraising ideas;⁴³ representing the school in the community;⁴⁴ and interviewing potential staff members.⁴⁵

Interviewees reported that council members exercise these responsibilities sensibly, if provided with the opportunities to do so.⁴⁶ One emphasised that the learners are very discriminating in what charities they want to support ‘if they are given some responsibility to achieve that’.⁴⁷ In the context of the council making decisions about the running of the school more generally, another said that ‘they’re becoming responsible and thinking about why we’re doing things, and making them responsible for everything in the school...and that’s why they respect it so much’.⁴⁸ And regarding councillors being involved in interviewing new staff members, interviewees said that they are astute and discerning in this role, and do not simply select the candidate whom they like the most.⁴⁹

³⁸ Interviews 15, 16, 17, 20, 22, 28, 31 & 35.

³⁹ Interviews 21, 22, 23, 24, 26, 27, 30, 31, 33, 36, 38, 40, 42 & 43.

⁴⁰ Interviews 1, 7, 11, 14, 25 & 27.

⁴¹ Interviews 2, 5, 8, 9, 10, 11, 13, 16, 17, 18, 19, 23, 24, 26, 29, 30, 32, 34, 35, 38, 41, 42 & 43.

⁴² Interviews 5, 7, 8, 18, 19, 23, 28, 34, 38, 39 & 40.

⁴³ Interviews 7, 9, 16, 22, 34, 36 & 40.

⁴⁴ Interviews 1, 8, 10, 14, 17, 19, 28, 36 & 38.

⁴⁵ Interviews 7, 12, 15, 22, 24, 25, 26, 28, 30, 33, 36, 37, 38, 41 & 42.

⁴⁶ Interviews 6, 10, 11, 28, 30 & 39. This idea is also supported by the academic literature in this area: see e.g. Print *et al*, “Education for Democratic Processes in Schools and Classrooms” *European Journal of Education* 2002 (37(2)), 193-210 at 207.

⁴⁷ Interview 28.

⁴⁸ Interview 10.

⁴⁹ Interviews 28, 30 & 38.

You get some incredibly astute questions as well. You know my mouth dropped open sometimes at the questions 6 and 7 year-olds would ask.⁵⁰

In my experience in 99.9% of times they are spot on, and people say ‘oh, they’ll just go for the teacher they like’. They don’t actually. They’re very discerning. They know what good teaching is. They know what good interaction is and we don’t give them credit for it.⁵¹

Other initiatives for developing participation at school level were also identified, including: mentor systems;⁵² participation in evaluation or assessment;⁵³ groups such as Fair Trade and School Forum;⁵⁴ takeover days;⁵⁵ peer mediators;⁵⁶ and Junior Leadership Teams.⁵⁷

3.3 Insufficiencies in Voice and Participation and Exploration of the Reasons Why

The above quantitative and qualitative data presents an ostensibly positive picture of voice and participation within primary classroom and school practice. It suggests: (i) that learners are frequently offered opportunities for free expression and that their opinions are listened to; (ii) that democratic processes, such as voting, are often used to enable learners to participate in decision-making; (iii) that most schools have a school council with democratic elections; and (iv) that the council is actively involved in the running of the school. When the qualitative data is analysed further, however, it indicates that voice and participation in the classroom and school environments may often be occurring within tightly controlled boundaries.

⁵⁰ Interview 28.

⁵¹ Interview 38.

⁵² Interviews 5, 12, 24 & 38.

⁵³ Interviews 14, 31, 36, 37, 38, 39 & 40.

⁵⁴ Interviews 9, 19, 21, 29, 35 & 39.

⁵⁵ Interviews 15 & 38.

⁵⁶ Interview 24.

⁵⁷ Interview 43.

3.3.1 Boundaries at Classroom Level: Analysis of Interview Data

At classroom level, an example of these regulated boundaries is the suggestion made by a number of interviewees that they facilitate voice through allowing learners to speak freely within designated time slots in the school day: most commonly in so-called “circle time” or equivalent initiatives.⁵⁸ Permitting learners to express their opinions only during specific periods of time is suggestive of the extension of teacher authority beyond acceptable levels, for it indicates that at other times in the school day, the opportunities for learners to express their views are restricted.

Certain interviewee comments furthermore suggested that there were “correct” things that learners are supposed to say, implying conversely that there is also “incorrect” expression. One teacher observed, for example, that ‘the best children will know the sort of things they’re meant to say’ when discussing their school motto,⁵⁹ and another suggested that ‘if they’re aggrieved in some way, they’ll stand up and say and then they’ll find out whether they’re right or wrong’.⁶⁰ When discussing the need for pupil voice, an interviewee qualified this by explaining that learners ‘need to know how to do it and how to say it, and what would be appropriate to say, and to whom’,⁶¹ and another stated that she would not discuss further with any learner an issue that she would consider to be unacceptable, such as racist or prejudiced comments.⁶²

⁵⁸ Interviews 1, 13, 14, 17, 18, 22, 23, 28, 29, 31, 32, 35, 38, 42 & 43. For criticisms of Circle Time as a means through which learners can truly voice their opinions, see Osler, A., “Children’s Rights, Responsibilities and Understandings of School Discipline” *Research Papers in Education* 2000 (15(1)), 49-67 at 59-60.

⁵⁹ Interview 6.

⁶⁰ Interview 20.

⁶¹ Interview 6.

⁶² Interview 23.

One teacher indicated that, whilst not the case at her school, developing pupil voice at primary level is often simply a token gesture.⁶³ With this observation in mind, it is perhaps unsurprising that other interviewees said that, quite aside from encouraging free expression, most learners are not yet at the stage where they can exercise this right responsibility, and thus largely have to be reined in rather than encouraged to speak out:⁶⁴

I think the last thing we're saying is 'say what you like'. We're almost doing the exact opposite. I think we're always reining them in before you let them go off again. And so I think the children are very keen to say exactly what they think about everything, and I think that certainly lower down the school, we spend more time curbing it than encouraging it.⁶⁵

They find it difficult if an idea pops into their head not to say it. So from the time they start school, you're almost trying to educate them on how to not just blurt their opinions and ideas out all the time...⁶⁶

[S]ociety at the moment does seem to think we have the right to say anything...and not to be inconvenienced at all, ever, and we sometimes see that in our children...so you sometimes feel as though you're giving them too much voice...So it's quite an interesting thing to give them the power and the confidence and the self-esteem to have a voice, but then to filter out what you're not supposed to listen to...⁶⁷

⁶³ Interview 3.

⁶⁴ Interviews 3, 6, 20, 29, 30, 33, 34, 37 & 42.

⁶⁵ Interview 6.

⁶⁶ Interview 29.

⁶⁷ Interview 34.

Nine teachers quite pragmatically admitted that they do not always have the time within a school day, or space within the curriculum, to encourage free expression and subsequently explore the issues raised.⁶⁸ Others highlighted that sometimes decisions simply have to be made and in some instances these will conflict with what the learners want.⁶⁹

Some further indicated that whilst learners are frequently provided with opportunities for decision-making, the teacher has often made decisions that will influence the process, or they will in fact have already decided upon the ultimate outcome.⁷⁰ This implies that learners are not being truly listened to, and certainly indicates that their views are not being given due weight and consideration in accordance with Article 12 of the UNCRC. Comments in this regard included:

I did give them some sort of suggestion...so they've run with those, but as far as they're concerned, they've chosen the parameters of the topic...It's really my choice...but I try to let the children think it's theirs...Try to let them think that they're picking their topic...⁷¹

I think a lot of times we guide the children to things...There are certain choices that children can make. There are meant to be.⁷²

[T]hey're given 3 choices that fit with what I need to do anyway...I can't just go with their opinions because as a professional, I have certain things that I have to do with

⁶⁸ Interviews 9, 16, 17, 18, 20, 22, 24, 34 & 43.

⁶⁹ Interviews 3, 17, 38 & 39.

⁷⁰ Interviews 2, 6, 7, 12, 21, 25, 29, 31 & 32.

⁷¹ Interview 2.

⁷² Interview 6.

them...so it's not that democratic. They have a discussion, but actually it will go the way I see best for their learning really.⁷³

For these teachers, therefore, either because there was deemed to be insufficient space or time for genuine learner involvement or because such processes were considered to be ineffectual or inappropriate for learners of primary age, opportunities for truly democratic participation in the classroom were limited. This is again suggestive of an extension of teacher authority beyond the levels envisaged by the international HRE framework.

The qualitative data further suggested that the exercise of voice and participation is in fact likely to decrease as learners progress through primary education. A number of interviewees reported that control over learners' activities increases and the opportunities for truly effective participation lessen as they progress from EYFS to the end of KS2.⁷⁴ One teacher provided anecdotal evidence to support this claim, by highlighting that at EYFS, learners are provided with open and unsupervised access to child-friendly scissors. As they progress further up the school, however, that access is curtailed, with learners having to obtain permission from the teacher for use of the scissors. The same teacher observed:

So it's like in that respect, we're empowering them when they're 3 and then gradually, as the years go by, 'we don't want you to be independent, we just want you to do as you're told'.⁷⁵

Other teachers similarly reported a decrease in participation and decision-making and increase in control as learners progress through primary education:⁷⁶

⁷³ Interview 29.

⁷⁴ Interviews 4, 8, 10, 14, 15, 24, 25, 26, 28, 29, 33 & 34.

⁷⁵ Interview 4.

The children in nursery and reception, they get a phenomenal amount of choice and direction in their own learning...they're encouraged to be extremely independent in their learning and to self-direct...⁷⁷

I think 4 and 5 year-olds want to and can have a big say in their learning, and...if you tap into their interests and their needs, you can get some fantastic learning going on and I see more evidence of that happening with 4 and 5 year-olds than I do with 10 and 11 year-olds and I ask why? So if you have an expectation that 70 or 80% of what a 4 year-old does should be child-initiated, why should only 1% of what 11 year-olds do be child-initiated?⁷⁸

In foundation stage curriculum, we're supposed to go with the children's interests quite a lot...I think as you get older, you have less freedom because you're tied down more to the curriculum...I would say the younger children, their opinions are included more.⁷⁹

Some potential explanations for these findings can be offered. For example, an explicit focus at EYFS is learning through games and play, which will characteristically involve a greater degree of learner choice. The Government-issued EYFS guidance advises, for example, that learning and development at this stage 'must be implemented through planned, purposeful play and through a mix of adult-led and child-initiated activity' (Department for Education 2014, p. 9). It then states that 'as children grow older, and as their development allows, it is expected that the balance will gradually shift towards more activities led by adults, to help children prepare for

⁷⁶ Interviews 8, 14, 25, 28 & 29.

⁷⁷ Interview 14.

⁷⁸ Interview 28.

⁷⁹ Interview 29.

more formal learning' (p. 9). Equally, at the opposite end of the spectrum, some interviewees suggested why participation at the upper stages of primary schooling is curtailed. For these learners, the focus is very much on academic attainment, in particular on jumping through hoops in preparation for SATs,⁸⁰ leaving little time or space within the school day for participatory engagement.⁸¹

There may, however, also be deeper underlying reasons for the lessening of participation. The research findings suggest, for example, that teachers can be worried about losing control with older learners in their classroom through meaningful voice and participation:⁸²

The worst thing for some teachers is a lack of control. And when you start straying and talking about how people feel about things...and dealing with that, you start to lose control.⁸³

It's always quite scary if you've got a big group of children and it's kind of handing over, not the power, but the lesson plan almost to them, because that's what you do if you're having a very open discussion, because obviously it can go anywhere. You can guide it, but it's quite a daunting task for a lot of teachers.⁸⁴

If you give them the wrong sort of power, for some children you just know what they'll do with it...I think it's unfortunate, so you have to try and find other ways in to letting

⁸⁰ Interview 34.

⁸¹ Interviews 4, 25, 26, 28, 33 & 34.

⁸² Interviews 1, 2, 3, 4, 7, 8, 10, 12, 22 & 35.

⁸³ Interview 4.

⁸⁴ Interview 1.

them express themselves or feel they're empowered or for them to take control of what they're doing.⁸⁵

One interviewee further suggested that providing learners with opportunities for expressing their opinions encourages dissent, and that this can be detrimental in an educational environment:

We don't want too many people grumbling about everything...you know, this isn't fair and this isn't fair. It's impossible to run a school if you've got too much dissent...⁸⁶

This comment ostensibly reflects antipathy towards dissent in the primary school, and arguably reinforces a perceived need for strict discipline. It is perhaps unsurprising, however, that teachers emphasise the importance of quelling potential dissent in light of the stringent requirements for pupil behaviour outlined in the Ofsted inspection framework. 'Behaviour' is one of the areas upon which inspectors will make key judgements (Ofsted 2015, p. 34), and schools will only be judged as 'outstanding' if learners are considered to be 'self-disciplined' (p. 52). Teachers are thus likely to view any dissent as negative and to suppress it accordingly.

3.3.2 Boundaries at Classroom Level: Consideration of Findings in Light of Academic Literature

Academic commentary in this area has discussed a number of the issues raised by this empirical data. Of particular relevance for assessing the effectiveness of participation and the involvement of learners in decision-making in the formal school setting is Roger Hart's Ladder of

⁸⁵ Interview 8.

⁸⁶ Interview 3.

Participation (Hart, 1992).⁸⁷ The lowest rung on this ladder is ‘manipulation’, where learners are involved in a process but are unaware of the reasons for, or outcomes of, their involvement. In such situations, they are being used essentially as pawns in an adult-driven process (p. 9). Next is ‘decoration’, where children are visibly involved in a process, for example engaging in an awareness raising activity, but have little understanding of the cause and have had no genuine input into the process or its organisation. Unlike manipulation, adults do not pretend that the learners inspired the cause, but rather use them to further it in an indirect way (p. 9).

‘Tokenism’ then describes situations where learners are afforded certain participation rights but these are exercised within defined, adult-controlled boundaries. The ability of learners to effect real change is thus limited. In such situations, ‘children are apparently given a voice, but in fact have little or no choice about the subject or the style of communicating it, and little or no opportunity to formulate their own opinions’ (p. 9). Hart observes that tokenism is particularly prevalent in the Western world, where progressive ideas about children and childhood are widespread yet are often not fully understood (p. 9). Learners’ involvement ‘serves to reassure adults present that their views are being taken into account without any meaningful attempt to actually do so’ (McNeish and Newman 2002, p. 190), leading to the participation serving a merely symbolic function. Teachers are nevertheless likely to feel satisfied that they are complying with best practice in this area (Hart 1992, p. 9).

Next comes ‘assigned, but informed’ participation. Here, adults select and plan the particular activity, and the learners volunteer their involvement. The adults respect their views and they have a meaningful role to play throughout. ‘Consulted and informed’ then denotes the situation where a project is again designed and run by adults, but learners are consulted and fully involved

⁸⁷ Hart’s Ladder was influenced by the earlier work of Sherry R. Arnstein, who developed a ladder of adult participation in 1969: Arnstein, S.R., “Eight Rungs on the Ladder of Citizen Participation” *Journal of The American Institute of Planners* 1969 (35(4)), 216-224.

in the process, with their opinions being given genuine weight and consideration. Following this is 'adult initiated, shared decisions with children', where projects are initiated by adults but decision-making is shared fully with the learners. They are involved in each step of planning and implementation. 'Child initiated and directed' participation occurs where children develop and carry out complex projects (p. 14), and finally 'child initiated, shared decisions with adults' describes where a project is designed and managed by children, and adults play a supportive role.

Examples of stages on the lower rungs of Hart's ladder are apparent within the responses of the interviewees in the above empirical data. The finding that teachers sometimes provide learners with opportunities for decision-making when they have in fact either already decided upon the outcome or have limited the category of acceptable outcomes represents at best an example of tokenism, and at worst, mere decoration. The relevant rung on the ladder would depend upon the nature and extent of the learners' input into the decision being made. Where they have some limited choice in the outcome but only within adult-controlled boundaries, their involvement is likely to be tokenistic. In situations where the outcome has already been decided, however, their involvement is arguably liable to attract the lesser label of decoration.

In such situations, their views are not truly being taken into account in the decision-making process (Lundy 2007, p. 936). James A. Beane and Michael W. Apple refer disparagingly to this phenomenon as 'the 'engineering of consent' towards predetermined decisions that has too often created the illusion of democracy' rather than a true respect for learners' decisions (Apple and Beane 1999, p. 10). In rather more flowery language, Freire also recognises this engineering of consent as problematic, advising that teachers can be:

Authoritarian in sweet, manipulating and even sentimental ways, cajoling the students with walks through flowery roads, and already you know what points you picked for the

students to know. But, you don't want them to know your plans, your map (Shor and Freire 1987, p. 91).

Further instances of tokenism are apparent in the data. For example, the finding that teachers offer learners the opportunity to voice their opinions only during designated time slots is indicative of tokenism. The learners are provided with the opportunity to express their opinion, but their input occurs only within tightly controlled and adult-imposed boundaries. This accords with the observations of Dympna Devine in her empirical study into participation in Irish primary schools: 'the absence of children's voice in most decisions regarding the organization of their time and space is contrary to the notion of children as social actors with the right to have their views expressed and heard' (Devine 2002, p. 312). Confining expression only to certain times and spaces in the classroom is therefore unlikely to be compliant with the recommendations of the international HRE framework.

Teacher concern about loss of control in the classroom is also discussed in the academic literature, with 'issues related to empowerment, democracy and the nature of children's experience frequently perceived as a threat to teacher authority and control' (Devine 2002, p. 317; see also Hart 1992, p. 37). For many teachers, the idea of encouraging voice and participation represents something of a daunting prospect. Teachers are not alone in this, however, with a number of adult professionals:

just not able (or used?) to dealing with children as partners. Practices of speaking with children, listening to them and involving them in the process of coming to a decision is unknown to too many professionals (Roche 1999, p. 478).

Audrey Osler and Hugh Starkey further note that school managers may also be uncomfortable with truly effective participation, for through the exercise of pupil voice learners ‘may challenge some traditions and injustices that adults have not questioned or recognised’ (Osler and Starkey 1998, p. 314). Acceptance that learners ought to participate and be actively involved in decision-making would therefore require a significant change in the attitudes of many adults in the school community (Brown 2000, p. 122). In a study into children’s rights in Northern Ireland, for example, Laura Lundy identified teacher concern that giving learners control would ‘undermine authority and destabilise the school environment’ (Lundy 2007, p. 929), and Howe and Covell similarly acknowledge that a principal concern of teachers is that ‘if children are aware of their rights, then teachers, parents and other adults will lose their authority and their ability to control children’ (Howe and Covell 2005, p. 5). Garth Meintjes, writing in the specific context of HRE, also observes that ‘educators professionally involved in formal education are seldom familiar with or comfortable in a classroom with a human rights ethos’ (Meintjes 1997, p. 72).

Such concerns about loss of control in the classroom are arguably misplaced, however, and are dismissed or allayed within much of the academic literature. Print *et al* argue, for example, that in a classroom environment where participation and voice are encouraged, the teacher does not *lose* authority or control, but rather these processes are redefined to *include* learners (Print *et al* 2002, p. 207). There is no existing empirical evidence to suggest that young learners have become defiant and demanding when provided with opportunities for exercising their rights, and in fact, Priscilla Alderson draws upon empirical research to conclude that learners talk about ‘wanting to be heard more and respected, not so much to make demands as to contribute ideas and helpful suggestions’ (Alderson 2000, p. 131). Howe and Covell, too, advise that when equipped with knowledge of their rights in a formal education setting, learners do not become demanding and self-centred (Howe and Covell 2005, p. 5), noting that in the years since the UNCRC, ‘no reports have appeared demonstrating that awareness of rights has led children into defying the authority

of parents, religious leaders, or teachers' (p. 5). Indeed, the authors observe that 'where there is evidence that children have taken action after learning about their rights, such action has been pro-social, and for the most part other-oriented' (p. 6).

Apprehension about loss of control is often related to the common perception that HRE is concerned only with rights and not responsibilities (Carter and Osler 2000, p. 347). Teachers therefore worry that the recognition of learners' rights will infringe or be in opposition to their own rights (David 2002, p. 261). This argument is particularly common with regard to young learners, owing to 'the tendency in many societies for young people to be characterized as irresponsible and thereby more likely than other groups to insist on claiming their rights without any consideration of the rights of others' (Osler 2010, p. 120). Such reservations were apparent in the interview data discussed in this article.⁸⁸ However, these concerns overlook the basic fact that in a rights respecting classroom, *all* rights are respected, including the rights of the teacher. Whilst not necessarily phrased in the terminology of "responsibilities", therefore, in rights respecting classrooms learners understand that although they are able to exercise their own rights, they must also respect and uphold the rights of others.

3.3.3. Boundaries At School Level: Analysis of Interview Data

Whilst the discussion at 3.2 showed that it is ostensibly the case that both voice and participation are being facilitated at school level, as with the qualitative findings relating to classroom practice, much of the interview data revealed deficiencies. Though the most common answer from interviewees to the question of how these processes are encouraged in the school environment was through the use of school councils, when the constitution and running of such councils was

⁸⁸ Interviews 1, 4, 6, 7, 11, 12 & 16.

probed more deeply, it became apparent that their practice was again frequently occurring within defined, adult-imposed boundaries.

Some interviewees identified time pressure or inadequacies at school management level as the principal reason for this,⁸⁹ others simply acknowledged that their council fell short of truly active participation without identifying the causes:⁹⁰

If you look at the designing of the curriculum, they're all fully involved. But in terms of actually running the school and making those decisions, they're not.⁹¹

[In response to question about whether the council has influence] More so than they did, but I'd still say not that much really. Not anything major that needs to be decided.⁹²

We do like school council, but it doesn't tend to do much...But to be honest, it's just nice to have them there and...think and feel like they're part of something.⁹³

Taking the constitution of the council first, seven interviewees indicated that voting procedures are not democratic,⁹⁴ acknowledging that staff members simply select either the school councillors themselves⁹⁵ or the pool of learners from which they will be elected.⁹⁶ Some reported that learners in reception,⁹⁷ reception and year 1,⁹⁸ or the entirety of KS1,⁹⁹ are not represented,

⁸⁹ Interview 21, 22 & 39.

⁹⁰ Interviews 14, 22, 26, 29, 32, 38 & 39.

⁹¹ Interview 26.

⁹² Interview 22.

⁹³ Interview 4.

⁹⁴ Interviews 3, 9, 12, 15, 20, 29 & 41.

⁹⁵ Interviews 9, 15 & 29.

⁹⁶ Interview 41.

⁹⁷ Interviews 12, 18, 25, 29, 33, 38 & 43.

⁹⁸ Interviews 20 & 34.

⁹⁹ Interviews 9 & 40.

and others identified that it is only the popular and self-confident children who will put themselves forward for the school council.¹⁰⁰

[I]t's not actually a fair process and it doesn't represent all children. Those who put themselves forward for election and those who are elected are of a certain type and they represent the interests of that type of child, which is the confident, more pushy child. And there's a huge slice of the pupil population who find it much harder to have a voice.¹⁰¹

The interview findings also revealed insufficiencies in the running of school councils. When discussing the council truly having a say in the running of the school, for example, some interviewees expressed the opinion that its young members do not yet possess the requisite maturity and understanding to exercise this role responsibly, by referring to examples of their unrealistic suggestions.¹⁰² Six teachers specifically mentioned requests being made for a swimming pool, for example.¹⁰³ One teacher expanded upon this view:

I think children, quite rightly because of the stage of life that they're at, they don't have that maturity of understanding, that global understanding of it, particularly in today's society where we are in a more materialistic society and things are just bought for them and they don't have to work for things...¹⁰⁴

And another interviewee referred to learners of primary school age having difficulty understanding that there is not a "right" answer in situations where their opinion is being sought:

¹⁰⁰ Interviews 9, 13 & 27.

¹⁰¹ Interview 26.

¹⁰² Interviews 10, 16, 18, 20, 21, 23, 29, 32, 35, 38 & 43.

¹⁰³ Interviews 16, 21, 23, 32, 40 & 43.

¹⁰⁴ Interview 43.

[T]hey're very big on right and wrong, so if you say 'what do you think?', they're like 'what? What's the right thing to say here?' Because they come to school and they get a sense of rules, rules, rules...¹⁰⁵

A number of teachers therefore felt that whilst the idea of the school council works in theory, in practice learners, and particularly young learners, do not fully understand or engage with it.¹⁰⁶ One interviewee suggested that what tends to occupy learners is their own interactions with other learners, as opposed to wider school issues:

A lot of them are just in their little world and if somebody looks at them funny, that's what bothers them. They don't think about wider, bigger things really.¹⁰⁷

Of perhaps greater concern regarding the running of school councils, however, are the rather more egregious examples of ineffective voice and participation apparent from the interview data. Using the terminology of Hart's Ladder of Participation, examples of both "decoration" and "tokenism" were arguably present. As outlined above, decoration describes a situation where learners are involved in a process but have no genuine input into its organisation or running. Tokenism is relevant where learners are afforded limited participation rights within adult-controlled boundaries. A number of situations described by the interviewees involving controlled council decision-making are thus likely to represent decorative or tokenistic practices.

Nine interviewees acknowledged, for example, that council decisions are predominantly made in response to questions or ideas fed to them by school management.¹⁰⁸ This would be a decorative

¹⁰⁵ Interview 3.

¹⁰⁶ Interviews 3, 11, 15 & 23.

¹⁰⁷ Interview 3.

practice where councillors have little understanding of the reasons for their action and no genuine input into its organisation. It would be tokenistic where they are afforded a certain degree of decision-making power within their assigned tasks. Additional comments implying decorative or tokenistic participation in the broader school environment included:

We try to choose an area that they can particularly be involved in...Within a channel, we try to set them a project that's meaningful and that they can have ownership over...¹⁰⁹

We're in charge really. It depends, so if you're management, you might like to say, 'yes, my school council is very important', but I would say that you offer them limited choices that you're prepared to let them have, and then they can choose from that. It's sensible, isn't it? Because they're children.¹¹⁰

So there are procedures in place, but the reality is at the end of the day, rules are rules...and actually being able to change something I think is very hard.¹¹¹

Further challenges to the meaningfulness of participation through school councils were also apparent from the interviews. At one school, for example, following election onto the council, members were required to carry out particular tasks set by adults:

If they are a school council member, they have a responsibility to do jobs around the school like collect all the compost and put it in the central compost bin...They have to empty all the recycling, so it's sort of caring for the school.¹¹²

¹⁰⁸ Interviews 7, 9, 11, 25, 26, 39, 40, 41 & 43.

¹⁰⁹ Interview 40.

¹¹⁰ Interview 6.

¹¹¹ Interview 3.

This seemed to be less about participation than the allocation of responsibilities, and would be liable to attract the label of decoration. Interviewees further acknowledged that learner participation in activities such as staff interviews can be tokenistic,¹¹³ and in response to a question asking whether the council has the power to change things, one teacher tellingly replied:

That's a tough one. I think the politically correct answer has to be yes, in the sense that that's how it should be. That's certainly what the government would like to think.¹¹⁴

The same interviewee then added:

Would it happen if we weren't expected to do it? ...there are certain things that they...don't need to concern themselves with and you might as well have an adult do it, because it's tricky. You don't want them to be doing things just because it's the political buzzword of the moment.¹¹⁵

Another interviewee made a similar comment alluding to the idea of fluctuations in participation relating to changes in the political tides.¹¹⁶ She said that there was a strong push made by Ofsted for school councils a few years ago,¹¹⁷ but that there is considerably less emphasis on them now. Inspectors previously asked to speak with councillors during inspections, and the existence of active councils was viewed as a key element of the inspection process.¹¹⁸ Ofsted's interest in

¹¹² Interview 3.

¹¹³ Interviews 4, 7 & 42.

¹¹⁴ Interview 39.

¹¹⁵ Interview 39.

¹¹⁶ Interview 22.

¹¹⁷ The 2005 Ofsted inspection framework had strongly emphasised the importance of school councils as a means of enabling learners to be involved in decisions affecting them.

¹¹⁸ Interview 28.

councils has since waned,¹¹⁹ however, and the empirical findings suggest that the commitment of schools to running active and engaged councils has correspondingly also declined. In the absence of pressure from Ofsted to facilitate the involvement of learners in councils, schools are naturally likely to prioritise those areas that are central to the assessment process, such as literacy, behaviour, effective school management and, now, British values (Ofsted 2015, pp. 14-27).

Finally, and perhaps most worryingly, whilst one head teacher emphasised that ‘it’s not for the school council to be a mouthpiece for you, it’s for them to be a mouthpiece for children’,¹²⁰ there was an example in this study of “manipulation”, the lowest rung on Hart’s Ladder. It was apparent in the comments and actions of one teacher who said that encouraging learners to raise issues within the school council is an effective means of ensuring that those issues are broached. When asked if the council is able to make changes, the teacher replied:

Yes, they do, which is one of the things we’ve found out as teachers: if we want something changed, get the school council to say it and it’ll get changed...I do prompt them, like ‘you can get new goalposts’ and things like that.¹²¹

In this particular circumstance, learners were arguably being manipulated in order to serve a specific interest of the teacher. Whether this reflects a widely held view, or even a sizeable minority view, is impossible to assess from this research. But the dangers of a process of participation, either through tokenism, decoration or manipulation, suggest a direct challenge to the efficacy of these rights in the formal learning environment.

¹¹⁹ There is no reference to school councils in the most recent Ofsted inspection guidance.

¹²⁰ Interview 28.

¹²¹ Interview 20.

3.3.4 Boundaries at School Level: Consideration of Findings in Light of Academic Literature

The literature discussing voice and participation at school level substantiates a number of these empirical observations. Scholars have, for example, discussed insufficiencies in the constitution of school councils: in particular, the tendency for certain groups, such as under-confident or younger learners, to be less involved (Department for Education 2003, p. 117; and Sinclair 2004, p. 112). Ruth Sinclair recognises that ‘there may be significant differences in who is involved depending on whether children are elected to participate, are self-selected, or selected by adults’ (Sinclair 2004, p. 112), but emphasises that if the purpose of the participation is to provide generalised representation to the views of the learners, then representativeness becomes an issue of immense importance. Lundy, too, advises that ‘it is important that the views of a diverse range of children are sought and that participation is not just afforded to the articulate and literate’ (Lundy 2007, p. 934). If only the views of certain groups of learners are taken into account, then those who are not listened to are likely to feel a heightened sense of alienation from school (Flutter and Rudduck 2004, p. 137).

Regarding the running of councils, the tendency for teachers to make judgements on the ability of learners to exercise voice and participation based on their deemed level of maturity is both identified and criticised in the literature. Whilst there is recognition in the legal instruments and accompanying scholarship that participation is dependent upon a child’s age and maturity (UNCRC, Article 12(1); Pais 1999, p. 6), teachers frequently dismiss the ability of learners to participate in the absence of any relevant evidence. Barbara B. Woodhouse states simply, for example, that ‘many adults harbour stereotypes about children as silly and petty’ (Woodhouse 2003, p. 755), and Howe and Covell summarise what they consider to be the traditional viewpoint as follows: that ‘children are not yet in a position to exercise rights or to be responsible citizens because they do not have the capacities and competence to make informed

and rational decisions, they lack the necessary experience to make reasoned and mature judgments, and they have insufficient control over themselves and their emotions' (Howe and Covell 2005, pp. 153-154).

Such opinions are often rooted in developmental theories.¹²² Many of these theorists 'perceive children as partly formed human-becomings rather than as human-beings capable of full experiences and relationships' (Alderson and Goodwin 1993, p. 307), and thus tend to view their incompetence as the primary distinguishing feature from adults. According to Devine:

Adulthood is defined as a rational, logical end state towards which children evolve. Until this state is achieved...the child is deemed to be subordinate, justified on the grounds of emotional, physical and/or intellectual immaturity (Devine 1999, p. 15).

Suggestions in support of the greater participation of young learners in activities that have a genuine influence on formal schooling are therefore often simply dismissed on the basis that they do not possess the maturity or decision-making power of adults (Hart 1992, p. 5), and that adults in fact know what is best for learners and will act in accordance with their interests (Devine 1999, p. 26; and Osler 2010, p. 105).

This position arguably cannot be substantiated, and is refuted by a number of prominent scholars. Hart, in particular, argues that it is 'misguided to use simple developmental stages or age-related norms to determine what children are capable of' (Hart 1992, p. 31), observing that these stages can vary greatly depending on cultural and contextual factors and upon learners' individual characteristics. He identifies that learners with low self-esteem or troubled

¹²² For detailed discussion of these theories, see Struthers, A., "Human Rights: A Topic Too Controversial for Mainstream Education?" *Human Rights Law Review* 2016 [forthcoming].

backgrounds may be less likely to demonstrate competence in decision-making and participation (p. 31), yet this does not mean that they are unable to do so (p. 33). Only through exercising participation and engaging in decision-making will such learners be provided with the opportunities to learn from their mistakes and adjust their behaviour on the basis of their evolving capacities (Krappman 2006, p. 64).

In this regard, Sinclair highlights the changed understandings ‘of the competence of children, even very young children, to be both commentators on their own lives and to be involved in decision-making’ (Sinclair 2004, p. 107), and Alderson argues that categorising them as not yet capable overlooks the fact that they are competent beings with their own views and are able to contribute effectively to society (Alderson 1999, p. 198). Lundy observes, therefore, that teachers ‘may decide that children are not sufficiently mature to express a view, a decision which may well fly in the face of research which indicates that children are more capable than adults give them credit for and that their capacity for decision making increases in direct proportion to the opportunities offered to them’ (Lundy 2007, p. 938).¹²³ She draws upon existing research to argue that learners’ decision-making should only be restricted in situations where that decision will deny the child the right to an open future (Feinberg, 1980), where it is likely to hinder their development (Eekelaar, 1986), or where it irreparably restricts their life choices (Freeman, 1996).

The empirical findings from this study indicating deficiencies in the constitution and running of councils are consistent with existing research (albeit a decade or more old now) that has questioned the efficacy of participation and decision-making in school councils (Audigier 2000, p. 29; Wyse 2001; and Lundy 2007, p. 937). In 2000, for example, Alderson reported that the teachers and learners in her empirical study were of the opinion that council meetings have little

¹²³ The research cited in support of this claim is: Alderson, P. & M. Goodwin, “Contradictions within Concepts of Children’s Competence” *The International Journal of Children’s Rights* 1993 (1), 303-313; & De Winter, M., *Children as Fellow Citizens: Participation and Commitment* (Radcliffe Medical Press: Oxford, 1997).

or no impact on school life (Alderson 2000, p. 132). She found that whilst 65% of learner respondents to her survey (aged between 7 and 17) reported that their council could talk about any topic, only 28% said that it was good at sorting out problems (p. 124). She also found discussions to be restricted largely to trivial matters (p. 132), and reported that teachers viewed councils as ineffective because learners only wanted to discuss school uniform and other ‘forbidden questions’ (p. 132).

Alderson’s research findings led Liam Cairns to subsequently conclude that councils, even where they are considered to be effective, tend to be ‘subject to limitations placed upon them by adults either in terms of how they are organised...or what they can discuss’ (Cairns 2001, p. 348). And in the course of an empirical study into voice and participation in two primary and two secondary schools, Dominic Wyse concluded that the issues raised at council meetings tended to result ‘in a lack of action combined with a lack of communication over the reasons for this lack of action’ (Wyse 2001, p. 211).

Lundy has noted the detrimental effects of tokenistic school council practices in her analysis. She writes that it is ‘easy for adults to comply with the various outward signs of consultation and ultimately ignore children’s views’ (Lundy 2007, p. 938), and argues that learners recognise when they are being denied opportunities for genuinely effective participation, citing examples of them objecting to the fact that ‘the issues which they are allowed to influence are predetermined by adults and that, in school councils...the issues which they get to discuss are predetermined by teachers’ (p. 934).

4. Conclusion

In light of these empirical findings on the practice of voice and participation within the classroom and school, it is perhaps unsurprising that one head teacher observed that:

We've had 25 years of government initiatives...and at no point are we standing back and asking the children's views. And while Ofsted inspections are asking schools about pupil voice, my experience is that pupil voice is at the bottom of the totem pole...We're listening to government ministers feeding through local authorities, feeding through head teachers, telling adults what to do to children, and I think we've stopped listening to the children.¹²⁴

This is an insightful comment that both contravenes developmental ideas about the value of children's participation in school-life and suggests that effective voice and participation are at best *possibly* happening in schools and at worst directly countered through practice. It would be difficult to conclude therefore that these particular elements of the international HRE framework are being met by primary schools as part of their general practice.

However, as section 2 emphasised, the importance of truly effective voice and participation for primary learners has been recognised for some time in pedagogical settings. It showed that participation not only has perceived personal benefits, such as improved feelings of self-worth and greater identification with community, but that these benefits in turn translate into increased empathy and respect for the rights of others. Participation has also been identified as necessary for the development of democratic values and behaviours in learners. The developing of pupil

¹²⁴ Interview 28.

voice, too, has been acknowledged as important for ensuring that young learners feel that their views will be listened to and that their contributions are valued, again crucial for nurturing confidence and self-esteem. Truly having a say in decision-making furthermore provides learners with a sense of responsibility, which in turn frequently translates into increased engagement in the learning process. All these attributes provide a plausible interpretation of the value of these particular aspects of education *through* human rights.

The empirical findings from this study indicate, however, that whilst the practice of education *through* human rights in English primary schools appears to involve learners being provided with opportunities for voice and participation, such practice is ostensibly not in keeping with the standards set down by the international provisions. At classroom and school level, the interpretations of these processes look problematic, with both frequently occurring within defined, adult-controlled boundaries. Pupil voice in the classroom, for example, is often decorative or tokenistic, being constrained not only to certain times when learners are permitted to speak freely, but also often to certain expression that is deemed “correct”. At school level, too, whilst councils are widespread, examples have been uncovered of pseudo-participation and ineffective pupil voice in both their constitution and running. This research found not only numerous examples of decoration and tokenism relating to councils, but also one example of manipulation of council procedures to serve the interests of a teacher. And at both classroom and school level, the empirical data implied that the development of voice and participation in fact lessens as learners progress through primary education.

These findings suggest that these particular recommendations of the international framework for education *through* human rights are not being fulfilled effectively in national practice in English primary schooling. Both the quantitative and qualitative data indicated that teachers do consider voice and participation to be encouraged within the classroom and school, yet when such

practice was interrogated in greater detail, it became apparent that it is unlikely to accord with the standards laid down in the international HRE framework. Key components of truly efficacious voice and participation are being interpreted by teachers in ways which restrict the effective exercise of these processes and ensure that the practices remain constrained within tightly controlled and adult-imposed boundaries.

The empirical data provided some suggestion for the reasons why these boundaries exist. It revealed, for example, that some teachers are of the opinion that learners of primary school age need to be reined in with regard to voice and participation, rather than encouraged to engage to a greater extent in these practices. A number admitted to being apprehensive about losing control if these concepts are facilitated, and others were cynical about school councils being effective and truly valued, rather than just existing because participation is the current political buzzword. Still others were sceptical about the ability of primary learners to both understand and engage effectively with voice and participation in the formal learning environment.

Whilst the exercise of processes such as voice, participation and decision-making in primary schools will of course realistically be tempered by the constraints of the formal learning environment, a number of practices revealed in this article, including engineered consent and the seemingly excessive control of council activities, arguably go beyond these necessary limitations on truly participative processes. When voice and participation are constrained to the extent that they become largely ineffective, it is clear that there is a problem that must be addressed if these processes are to comply with the recommendations of the international HRE framework.

It is reasonable to suggest that the only way to address these ostensible teacher concerns about loss of control and learner abuse of their rights is to ensure that teachers are confident enough to extend the bounds of voice and participation beyond their current comfort levels. This is only

likely to happen, however, if teachers are equipped with the relevant knowledge and understanding about human rights, and about the positive practice of these rights in the learning environment, through their own teacher training. As the author has argued elsewhere, teachers currently receive little education or training regarding HRE and therefore lack the knowledge and skills required to address the topic in their subsequent teaching practice (Struthers, 2016). Only through the provision of such education within their own training will teachers have the confidence to facilitate practices such as active participation and pupil voice in their classrooms and schools.

Through being equipped with knowledge, skills and understanding about the effective practice of rights in the learning environment, teachers may be less likely to subscribe to the reductive and populist mantra that if you allow children the freedom to exercise their rights, they will do so in a manipulative and abusive manner leading to loss of control in the classroom or school. If voice and participation are to become truly effective in English primary schools – and accord with the UK’s international HRE agreements in this area – then teachers must work to break down the boundaries in which these practices are currently constrained. Only by doing so will learners truly experience respect for their rights in an educational setting.

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