

Early Childhood Education in Wales: Policy, Promises and Practice Realities

Dr Sarah Stewart, Open University
Natalie MacDonald, University of Wales Trinity Saint David
Dr Jane Waters-Davies, University of Wales Trinity Saint David

ABSTRACT

This article examines two critical aspects of the education policy-practice landscape for early years education (EYE) provision in Wales in 2024. First, it addresses the emblematic attention given to the United Nations Convention on the Rights of the Child (UNCRC) in education and care policy contrasted with the inconsistencies in EYE practice. Second, it explores the increasing fragmentation of the educational experiences of three- to four-year-old children. The article outlines the robust policy framework that reflects Wales's commitment to the UNCRC, tracing developments from the flagship, post-devolution Foundation Phase Curriculum Framework for Children aged three to seven years old to the diverse educational provision which is available for three- to four-year-olds in 2024. It critically examines the intention, purpose, and coherence of the collective educational offer for young children in Wales, considering the potential implications for children, particularly those facing additional structural and personal challenges. In a context where the emerging risks of large-scale disapplication of the curriculum offer for young children persists, despite the Curriculum for Wales being intended for children aged three to sixteen years, the article questions the extent to which the rhetorical policy commitment to ensuring all children experience their rights and a promising start to life through a consistent early years offer is genuinely meaningful. The analysis is supported by findings from two doctoral studies focusing on these issues in Wales (Stewart, 2024; MacDonald, forthcoming).

Keywords: early years education, Curriculum for Wales, United Nations Convention on the Rights of the Child, foundation learning, education policy, curriculum fragmentation, Wales

Introduction

This article considers two aspects of the education policy-practice landscape for early years education (EYE) provision in Wales in 2024, addressing (i) the emblematic attention paid to the United Nations Convention on the Rights of the Child (UNCRC, United Nations, 1989) in policy and the inconsistent attention paid to this in EYE practice, and (ii) the increasing fragmentation of the educational experiences of three- to four-year-old children. We set out the robust policy framework inherent in Wales's commitment to the UNCRC and trace developments from the flagship, post-devolution, Foundation Phase (FP) Curriculum Framework for Children three to seven years old (Welsh Government (WG), 2008; 2015) to the mixed economy for education provision for three- to four-year-olds that we see in 2024. We ask questions about the intention, purpose and coherence of our collective education offer for young children in Wales and consider the possible implications of the current situation for children, especially those who may face additional structural and/or personal challenges. In a landscape where there is large-scale disapplication of the curriculum offer for young children, despite the Curriculum for Wales (CfW, WG, 2024a) being designated for children aged from three to sixteen years old, we ask questions about the extent to which the rhetorical policy commitment to ensure all children experience their rights and a flying start to life is meaningful. The article draws upon two doctoral studies focussing upon these issues in Wales (Stewart, 2024; MacDonald, forthcoming).

(i) Commitment to Children's Rights is embedded within the CfW

The pro-active adoption of a visible and pronounced stance on children's rights has been described as emblematic of WG policy since devolution (Rees, 2010). Children are seen as rights-holders and in 2004, WG issued *Rights to Action*, a policy document adopting seven core aims for children.

These are presented as a direct translation of the UNCRRC's articles into the following broad policy aims:

- A flying start in life;
- A comprehensive range of education and learning opportunities;
- Enjoy the best possible health and freedom from abuse, victimisation and exploitation;
- Access to play, leisure, sporting and cultural activities;
- Be listened to, treated with respect and have their race and cultural identity recognised;
- Have a safe home and community which supports physical and emotional well-being;
- Are not disadvantaged by poverty.

(Children's Rights in Wales, n.d.)

There has been significant policy activity around provision for young children in order to secure the commitment to 'a flying start in life' and 'a comprehensive range of education and learning opportunities', not least the policies surrounding early education, described below. The underpinning philosophy for the FP sat within an overarching and emancipatory vision for children (Waters, 2016) and promoted a responsive pedagogic approach to learning for three- to seven-year-olds (Payler, 2009). Such a pedagogic orientation remains within the Foundation Learning (FL) guidance and also within the CfW framework's pedagogic guidance for learners aged from three onwards. Rights are emphasised as being at the heart of the CfW as they are embedded within the four purposes which act as the key drivers for the curriculum framework (Children's Commissioner, 2018). The United Nations (2012) emphasises the importance of teachers as key actors in enabling children's rights, and within the CfW, teachers have been established as duty-bearers with specific responsibilities regarding teaching children *about*, *through* and *for* their rights (Murphy et al., 2024). All three aspects must be meaningfully experienced by children to achieve an effective children's rights education in school. Adopting such a rights-based approach can enable greater child-centred approaches, innovative school decision-making and even facilitate transformed pedagogic practices (Jerome, 2016), but requires teachers to plan to adopt a participatory and capacity-building approach to their pedagogy (Murphy et al., 2022). Within CfW guidance, this approach is embedded

within the vision of the enabling teacher who is deeply knowledgeable about children's development and has a conscious praxis to guide and facilitate the child's progress. Yet, to achieve this, such an approach clearly goes beyond teaching children 'about' rights to the heart of the teacher's own practice, and their values and beliefs about children's agency and competence.

ii. The Policy-Practice Gap

The UNCRC places a legal commitment on children's rights at a governmental level, but for children their reality is dependent on the practitioners who support them (Nutbrown, 2019). There is limited empirical research into how teachers engage with children's rights (Cassidy, Bruner and Webster, 2014) or to what extent rights education is present within schools (Robinson, Phillips and Quennerstedt, 2020) with specific indications that knowledge of rights remains limited in Wales (Children's Commissioner, 2018). This implementation gap (Hudson, Hunter and Peckham, 2019) has been noted regarding the enactment of policy regarding children's rights in early education contexts in Wales. When considering the youngest learners in Wales, participatory experiences are found to be largely unreported, with tensions between the high level of rhetoric regarding children's rights alongside limited evidence of their actual enactment (Lewis *et al.*, 2017; Murphy *et al.*, 2022).

A recent case study, by Stewart (2024) explored the CfW and the conceptualisation of children's rights theory, policy and practice within it. Adopting a qualitative approach, the study analysed curriculum guidance, surveyed sixty teachers across Wales and interviewed a further three teachers. The study suggested that primary school teachers in Wales reported positively about an enhanced role for children's rights in the CfW and within their own practice, identifying a child-led approach in pedagogical guidance as paving the way for a holistic approach to enhancing children's rights of all ages at school. However, this was not always consistent in respect of younger learners. For example, one participant noted that while children's rights were central to their practice, its articulation to younger children was perhaps less relevant:

It's more relevant to some pupils than others as some children are too young to understand although my values reflect their rights (Participant 4). (Stewart, 2024)

Such a deficit view of younger children has been reported elsewhere with regard to early years practice (e.g. Waters–Davies and MacDonald, 2022; Waters–Davies et al., 2024). Whilst teachers in the study cited the UNCRC often, they also expressed a wide range of views about the meaning and purpose of children’s rights, including identifying rights outside of the UNCRC (for example, the right to be loved; the right to happiness). At other times, they gave examples of rights-based practice which were inconsistent or general, reflecting Waldron and Oberman’s (2016) findings that teachers’ rights practice is not often located within a framework of professional practice but rather from a more ‘common sense’ approach.

Stewart (2024) also noted that teachers’ responses tended to frame their thinking around the experience of the learner, with a focus placed on the child-led nature, rather than adult-enabled aspects, of learning. So, whilst learner voice was celebrated, the pedagogical approaches needed to support that, or the subsequent responses to children’s views were not considered. Yet, it is this focus on children’s experiences of participation which Lundy (2018) stresses is critical to avoiding a tokenistic approach. When asked about making changes to their rights-practice in anticipation of the CfW, Stewart (2024) reports that very few primary teachers believed that they would need to adapt their existing practice. The study also found that whilst teachers were confident teaching ‘about’ rights, they were much less confident teaching ‘through’ or ‘for’ rights, the elements of a human rights education which arguably require a more participative pedagogic approach. Teachers were enthusiastic about the CfW’s emphasis on the role of participation, but Stewart (2024) argued that there was a lack of clarity in guidance about the intended nature and purpose of children’s participation to practically guide practitioners. Teachers may conceptualise rights-based pedagogy as opportunities for children to rehearse the skills needed to become a participative citizen later in life rather than value participation for children to experience and claim their rights in the moment, reflecting Prout’s (2005) concerns about children being viewed as *becoming* as opposed to *being*.

Stewart (2024) noted that when teachers in the study shared examples of pedagogic practice, this tended to relate to whole school implementation approaches such as school assemblies, mascots or charters, rather than individual practices. In the example below, mascots helped to raise awareness of rights within the school in a way considered

appropriate to the age and the stage of the children, providing a sense of shared purpose within the school community:

So, there's even a teddy bear seals [mascot]. When we do a daily check in, the teddy bear seal comes round with the children and they know he's there to protect them. He's there. The little ones say he's there to protect us and help us know our rights. The older ones understand what Sammy does, you know, and that... But they will then talk more about the Children's commissioner actually her role and what her role is to make sure that children's voices are heard (Miss. Williams, Interview 3).

(Stewart, 2024, p. 152)

However, unless enacted alongside wider pedagogic approaches which are inclusive of schools' youngest learners such approaches may not go beyond raising awareness of rights to a fuller enactment of rights-based approaches within the school in which children are rights-subjects able to fully claim and experience their rights (Conn and Murphy, 2022). Teachers are likely to have their own contested moral or philosophical discourses of rights, but if sidestepped, this can lead to less buy-in as they may experience a reduction in agency and become passive implementors who receive training in specific implementation processes and use pre-prepared resources to enact rights (Jerome, 2016). This perhaps also offers further explanation as to why teachers may be more comfortable teaching *about* rather than *through* or *for* rights. Stewart (2024) consequently identifies a risk of teachers marginalising the impact of their own practices, negating the teachers' own sense of agency as a rights-enactor. Additionally, the prominence of whole-school discourses about rights approaches may inadvertently mask gaps in individual teachers' practice.

The curriculum is positioned as a progression of the rights agenda for children in Wales and as an 'important vehicle for embedding the [UNCRC] in the experience of learning and teaching for our children and young people and for giving them an understanding of their rights' (WG, 2024a, n.p). As a country, Wales seeks to commit to all children experiencing their rights throughout their educational journey, from three to sixteen. Yet, the policy-practice gap with regard to the pedagogies required to support such ambition may continue to hamper this realisation. Furthermore, in the next section, this paper identifies emergent risks which may not only exacerbate existing gaps in practice, but also pose threats to the consistency of provision for young learners. We now contrast the promise of the CfW as an important vehicle for the

systematic implementation of high-quality foundation learning and children's rights for learners from three to sixteen, with the reality of increased fragmentation of provision for three- to four-year-olds which further jeopardises this vision.

(iii) Fragmentation of provision for three- to four-year-old children

This section provides a concise policy overview that sets out the curriculum policy journey from the Foundation Phase (FP) framework (WG, 2015) to Foundation Learning (FL) within the CfW (WG, 2024a) and explains the association between CfW, the Curriculum for Funded Non-maintained Nursery Settings (CfFNNS, WG 2022) and the guidance for Early Childhood Play, Learning and Care in Wales for Children 0–5 years (WG, 2024b).

Devolved responsibility for education and care from the United Kingdom central government to the then Welsh Assembly at the turn of the century marked a swathe of policy activity regarding the provision of education and care for young children in Wales. Since then, a divide between education and care within Wales has been established through ministerial responsibility, curriculum, policy and regulation (WG, 2022a; MacDonald, 2018). The policy divide in effect splits education from early education and care since education is seen to be provided within schools as *maintained* provision, and early care and education outside of schools provided as *non-maintained* provision.

The maintained and the non-maintained sectors are each governed by a separate suite of policies, overseen by separate ministerial responsibility and hold separate regulation and accountability structures. For example, Estyn (the education inspectorate for Wales) undertakes inspection of maintained provision, whilst Care Inspectorate Wales (CIW) inspects non-maintained provision. Children who are three and four years of age may experience maintained provision or non-maintained provision – or even both. This prompts us to ask questions about the consistency of the early education offer available to three- and four-year-olds in Wales.

First, to understand where we are now, we explore the path from the FP framework (WG, 2015) to the current position. The development of the FP curriculum framework has been set out in detail by Waters (2016), here we consider the shift from the FP to the CfW.

The FP was recognised by Donaldson (2015), architect of the CfW, as a jewel in the crown of the Welsh curriculum landscape prior to the

reforms. Achieving support from across the Welsh educational landscape (Donaldson, 2015, p. 19) the pedagogy underpinning the FP has broadly been carried forward into the pedagogic guidance for the CfW. However, as was noted in two major evaluations, as well as by Donaldson himself, the pedagogy underpinning the FP was not consistently understood or applied within or across schools (Siraj 2014; WG, 2015b) indicating that this curricular jewel came with professional learning challenges, even before the CfW was constructed. One of the drivers for CfW was the aligning of the education journey for learners from three to sixteen years of age; Donaldson (2015) critiqued the separation of education into key stages (FP, key stages one to four) and WG (2015c) responded by enacting dramatic curriculum reform in the shape of the CfW for all children. However, the opportunity to align maintained and non-maintained sector provision was missed as children under three were omitted from CfW. Whilst both CfW and *Education in Wales: Our National Mission* (WG, 2017) begins for children aged three in funded (maintained) provision, this excludes an estimated 23,300-strong workforce providing non-maintained early education for over 53,000 children from CfW (Lunsden et al., 2024). The tension inherent in this ongoing divide arises from the transition and alignment between maintained and non-maintained provision for three- to four-year-olds, as well as the value each sector places on the other.

In Welsh education and care provision, there is a crossover point where some settings offer *both* maintained and non-maintained provision. A WG initiative funds non-maintained settings to provide maintained curriculum provision for three- to four-year-olds (WG, 2022) and therefore become subject to inspection by Estyn. This means that non-maintained providers who accept children with funded places, in addition to children who are privately funded, find themselves subject to policy and regulation from both maintained and non-maintained spheres. This specific practice scenario is subject to research that seeks to explore policy meaning and experiences of those working within this dual responsibility (see MacDonald, forthcoming).

There has been a need, since the term FP has been removed from the CfW, to ensure that the needs of younger learners are met within CfW pedagogical guidance. This is where, arguably, there is some blurring of previously entrenched boundaries between education and care provision (MacDonald, 2018; MacDonald, forthcoming). WG have set out that the term 'Foundation learning' is not a direct replacement for FP, since it

'forms part of the 3 to 16 Curriculum for Wales and is designed to reflect the specific learning and development needs of children up to the age of 8 or learners who have additional developmental needs' (WG FAQ, n.d, n.p.). The CfFNMNS (WG, 2022) has set out the context for provision for three- to four-year-olds who are funded to receive the CfW in non-school settings. This is where the variation in provision for three- to four-year-olds is established. The CfFNMNS is non-statutory, though the documentation indicates that it is aligned with the CfW, and curriculum design is achieved through consideration of three enablers: enabling adults, engaging experiences and effective environments. While the CfFNMNS is aimed specifically at one group of early educators working outside of schools with funded three to four-year-olds, school teachers of young children (three- to five-years-old) and early childhood practitioners working with children from birth to five years are *all* directed towards guidance regarding Early childhood play, learning and care in Wales (WG, 2024b) since 'Wales is on a journey to implement a high-quality, *integrated*, rights-based approach to Early Childhood Play, Learning and Care (ECPLC)' (WG, 2024c, p. 4. our emphasis). This suite of materials includes a Quality Framework which is intended to 'ensure we offer well-evidenced, well-informed and successful approaches to early childhood play, learning and care' (WG, 2024c p. 4). There are therefore three different forms of policy and/or curriculum guidance for those working with three- to four-year-olds: Curriculum for Wales; Curriculum for Funded Non-Maintained Nursery Settings; and the Early Childhood Play, Learning and Care in Wales guidance.

The provision of funded education for three- to four-year-olds is universal across Wales, although the number of available funded hours varies. All three-year-olds are entitled to ten hours of funded education, and for well over a decade (Welsh Government, n. d.) this has commonly been provided in schools as nursery provision. Depending on household circumstances, entitlement may extend to thirty hours as part of the scheme, which includes ten hours of funded education and an additional twenty hours of funded childcare (WG, 2023). The consistency issue facing the sector at present is where those hours are undertaken. Any three-year-old in Wales may experience their educational offer in a number of different settings. They may undertake their ten hours funded education in a nursery class in a school; however, increasingly and to save money, Local Authorities are having to make difficult decisions around early years provision and are reconsidering their rising three and four

provision (e.g. Carmarthenshire County Council, 2024), leading to increased fragmentation in the school-based offer. Our notional three-year-old may also be receiving additional funded childcare hours at one or more non-maintained settings. Alternatively, our three-year-old may receive their funded early education provision fully in the non-maintained sector. As explained above, mechanisms to ensure consistency between maintained and non-maintained funded provision is limited other than via Estyn inspection. In addition, consistency within the non-maintained sector is a challenge, not only due to the policy spheres they must navigate as identified in this paper, but also through the varied nature of delivery. Non-maintained provision may be delivered through day nurseries, sessional care, crèche or childminders. The challenge for WG and indeed, the education and the edu-care sectors, is how to ensure consistency and quality of provision for three- to four-year-olds within a complex policy landscape. We argue, further, that this situation threatens realisation of the CfW specifically for those who are three- to four-year-old.

A substantial amount of work by WG and the non-maintained sector has gone in to developing the CfFNMNS and associated documentation through a co-constructed collaborative approach, where the fundamental principles and pedagogy of CfW has been embedded in the documents. However, since CfFNMNS is not statutory, ensuring all three-year-olds experience CfW principles and pedagogy as part of the intended three to sixteen education continuum may not be realised. The Quality Framework set out within the ECPLC guidance is explicitly built upon the same three enablers as the CfFNMNS (WG, 2024c, p. 7) and is intended to support those working with children from birth to five years in non-maintained settings and schools to ‘embed all children’s rights into practice’ (WG, 2024c p. 6), amongst other aims. In this document we see, explicitly, a blurring of the divide between birth to three and three to five years provision, as well as the interweaving of pedagogic guidance for the birth to five years sector, the realisation of children’s rights and the realisation of CfW / CfFNMNS.

Discussion

We have set out two specific aspects of the early years landscape in Wales; firstly, the robust policy framework that supports the enactment of WG’s

commitment to children's rights and secondly the suite of policy and quality guidance that replaces the former FP framework for young children's learning. We have highlighted the gap that has been evidenced by empirical studies indicating that teachers are not yet well supported to enact pedagogies that embed young children's rights, particularly those related to participation. We have also highlighted the threat posed by further fragmentation in the education offer to three- four-year-olds to the realisation of CfW for our youngest learners, and the curriculum's ability to take a systematic approach to young children experiencing their rights. Here we simply pose a few questions that are worthy, we think, of careful consideration as Wales continues its journey. These questions are about intention and coherence in our collective education offer for young children in Wales, especially for those children who may face additional structural and/or personal challenges.

We appear to be in a landscape where there is the potential for large-scale disapplication of the curriculum offer for young children, despite the CfW (WG, 2024a) being designated for children aged from three to sixteen years. This seems to be affected by budgetary restrictions to local authorities meaning that school-based education provision for Wales's youngest learners may be under threat, and a complex environment for those working with children of this age outside of schools in terms of policy, finance and guidance. When there is compelling evidence internationally of the value of relational, rights-based, responsive early education for children's long term academic and social outcomes, especially for those who face additional challenges (e.g. Jones, 2023; Lewis, Fleer and Hammer, 2019; Sylva et al., 2014; Papatheodorou, 2009), we must ask whether this disapplication of CfW is intentional and if so, what the goals are for our youngest learners, and what the impact may be on our most vulnerable learners.

While the possibility of a joined-up approach for education and care for children from birth to five years across the maintained and non-maintained sector, as implied by the Quality Framework (WG, 2024c), is welcome, we are aware, anecdotally at least, of the pressures on the non-maintained sector to meet demand for places. A report by Cwllwm (the consortium of umbrella organisations for ECEC in Wales) for Senedd identified that only 8.8 per cent of day nurseries surveyed stated they could sustain the current childcare model for the next five years (Senedd Cymru, 2024); additionally Dallimore (2019) identified that the availability of childcare places for children in Wales varies from less than

twenty five places per one hundred children (Merthyr Tydfil/Gower) to fifty four places per one hundred children (Clwyd West, North Wales). We might ask, therefore, to what extent there is an equitable offer for early education and care provision that is based around young children's realisation of their rights across Wales. Ultimately, we ask about the coherence of the offer for children in terms of both early education and experience of their rights. We may reflect on the paving document that guided Wales's early education provision after devolution, The Learning Country (NAfW, 2001) which set out the intention to 'build stronger foundations for learning in primary schools with a radical improvement for early years provision' (p. 12) and ask whether the legacy of the FP, and the promise of the CfW are actually now under some significant threat. We emphasise here the value inherent in the statement of intent set out by WG that the early childhood education and care sectors are on a shared journey towards an 'integrated, rights-based approach' to Early Childhood Play, Learning and Care (WG, 2024c, p. 4) and highlight the need for targeted professional learning for teachers and EY practitioners to be supported to embed pedagogies to meet such aims. We also emphasise the need to ensure that the systematic vehicle for children's rights that is inherent in CfW is not undermined by the current fragmentation of provision and the lack of professional confidence in this area.

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