

## 1. Introduction

This paper explores how early years teachers attempt to operationalise article 12 within early years classrooms, to consider what factors shape the arising pedagogies, whilst making visible the potential barriers and challenges that are apparent. A children's rights perspective is utilised, with children constructed as agentic and active meaning makers (Rinaldi, 2005, Kellet 2014). From this position children's participatory rights are viewed as fundamental and children's voice and agency are foregrounded. However, we are aware that key terms (participation, voice, agency) are contested and often utilised in different ways (Lundy 2007, Cassidy *et al.* 2022).

The term participation in this context draws on the United Nations Convention on the Rights of the Child (UNCRC), where participation rights are seen in Article 12 as recognising children's personality and autonomy (United Nations, 1989). Children's participation includes the right of the child to be heard (CRC/C/GC/12), be respected as persons in their own right (CRC/C/GC/7/rev1) and to be able to 'make choices and communicate ... in numerous ways' (CRC/C/GC/7/rev1, p. 3) including through non-verbal means.

In line with this rights-based approach to children's participation, we draw on a social constructionist model which situates children as active agents within their lives and social contexts (Smith 2013). These approaches enable the embedding of agency (Woodhead and Fulkner 2008). However, while children are seen within this research as active agents with inter-dependent and reciprocal relationships with the key adults, Bae (2010) has argued that at the same time, they can also be viewed as vulnerable and dependent. This approach allows for the rights of children to protection and provision whilst maintaining an equal importance of participation rights which acknowledges their role in shaping the educational context and relationships around them. Professionals who care for and educate young children need to be working in ways which enable these reciprocal, inter-dependent relationships that support access to the complexity of children's rights to participation alongside the suite of universal rights.

## 2. The UNCRC Article 12 and Beyond

The UNCRC has been seminal in the way that children are understood and subsequently treated. Building on earlier conventions, the UNCRC is the most widely ratified of all the human rights treaties (Williams 2013) and sets out the rights of all children up to the age of 18 and is often classified into children's provision, protection and participation rights. However, it has been argued that children's rights have been largely associated with issues related to the protection and provision with a focus on safeguarding and child wellbeing. There has been less focus on the right to participate within decision making (Lewis *et al.*, 2017). This paper focuses explicitly upon article 12 (United Nations 1989) which states that:

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

In this way the UNCRC is seminal since it positions children as rights bearers entitled to the respect due to adults and is both illustrative and instrumental in the paradigmatic shift in thinking in relation to how children are considered by society. This represents the shift from the *tabula rasa* to the construction of the child as a competent social meaning maker (Moss *et al.*, 2000). This image of the child has been further strengthened by the theorising of the new sociology of childhood (James and Prout, 2015) and simultaneous global interest in the schools and pedagogy of Reggio Emilian schools, where the child is constructed as an agentic citizen possessing both the capacity and right to have their voice heard (Malaguzzi, 1998). However, this perspective is controversial since it problematises the power dynamics between adults and children with a likely reduction of adult control (Lundy, 2007). This is important to our study which takes place within school settings where the teacher and child dynamics are often based around hierarchical power structures.

Within the UNCRC we also note the emphasis upon ‘the child being given due weight in accordance with the age and maturity of the child’ (United Nations, 1989), this appears congruent with developmental-psychological positions which may question the agentic nature of younger children offered from sociological positions

(James and Prout, 2015). However, General Comments 7 (CRC/C/GC/7) and 12 (CRC/C/GC/12)) have expanded on the original text, and it can be argued, move beyond a developmental-psychological position towards a construction of children as agents in their own lives (Mac Naughton *et al.* 2007).

Since the introduction of the UNCRC, there has been an increase in the political initiatives that aim to respect the views of children (Woodhead and Faulkner, 2008) and a growing rhetoric in policy and legislation which centralises the principles of Article 12 (Kanyal 2014). However, the challenges of doing so have been noted (Stern, 2017); Lundy (2007) maintains that the barrier in meeting the legal obligation to embed Article 12 within educational provision, is limited awareness that this is a legal requirement. She proposes that adult views in relation to the enactment of Article 12 are a potential barrier to the implementation with their views categorised as: (i) adults who construct children as incompetent and lacking capacity, (ii) concerns that a reworking of teacher-child power structures will lead to a lack of control within classrooms, and (iii) that acknowledging children's interests is viewed as laborious leading to a reduction of "real learning" opportunities (Lundy, 2007).

### **3. Participation Verses Protection Rights**

Participation rights have their challenges, including the often over simplified conflict with protection rights which are about keeping children safe from cruelty, violence, exploitation, abuse, and neglect (United Nations, 1989). Protection rights are not by definition contradictory to participation rights, in fact, it can be argued that participation right can support children's protection. However, adults can constrain and limit children's voice in order to protect them. These two approaches have been referred to as the protectionist and participatory perspectives (Burr and Montgomery, 2003) with protectionists viewing children as needing adult help and protection, while participatory approaches view children as competent and in need of empowering. What impacts the balance between protectionist and participatory perspectives is arguably the social construction held of children. The social construction of childhood is the belief that whilst childhood is a biological period in a child's life, how this is perceived is context laden and constructed and determined by society/s at particular points in history (James and Prout, 2015).

Within the literature, children have been constructed in variable but often deficit ways (Moss et al., 2000) including the child as innocent, the vulnerable child, and the child as a blank slate (*tabula rasa*) (Mills and Mills, 2000). A common construction of children seen historically within religious texts is the innocent child associated with purity, newness and inherent goodness. Similarly, childhood has been viewed as a time of vulnerability, with the ‘vulnerable’ child viewed as too young and immature to protect themselves from any danger (including immoral ideas or activities) and in subsequent need of protection by adults (including teachers). At the same time, the ‘competent’ child (Malaguzzi, 1998) is a construct which is sometimes viewed as oppositional to the innocent and vulnerable child, positioning children as capable and agentic meaning makers (Chicken, 2022), and it might be claimed, that is this image of the child that is closest to a children’s rights perspective.

#### **4. Participation and Children’s Voice**

In school settings Noyes (2005) proposes that children’s rights related to article 12 are often described in key terms such as “pupil voice”, “the voice of the child” or “the right to be heard” which has been traced back to the endorsement of the UNCRC. Whitty and Wisby (2007) highlight strong links between children’s voices and notions of UNCRC participation rights. However, it is also acknowledged that terms such as “children’s voice” are ill defined and oversimplified (Brook and Murray, 2018; Murray, 2019) and are controversial (Robinson and Taylor, 2007).

Within the English context, Brook and Murray (2018) note a tension between a need to listen to the voices of young children and notions of ‘school readiness’ for practitioners working with young children (0 to 5). Murray (2016) argues that a need for practitioners to adhere to macro-policies (in which children are constructed as future investments) is a barrier to listening to the voices of children. This is because such micro-practices ‘may intrude so powerfully into the pedagogic space that there is little or no opportunity for practitioners to listen to children’s views’ (p.1). Chicken (2022) proposes that neoliberal discourses shape notions of children’s voice towards tokenism since there is a heavy emphasis on a necessity to cover pre-specified lists of content. Simultaneously, Whitty and Wisby (2007) warn against tokenistic approaches to children’s voice since these are likely to be inefficacious.

Cruddas (2007) proposes that “voice” and “pupil voice” reflect a hierarchy where school children are positioned as less agentic than teachers and calls for a need to ‘challenge benevolent paternalism and tokenism’ (p. 484) related to simplified understandings of ‘voice.’ Holding congruence with this view, Singer (2014) suggests that a differential power dynamic between teachers and children often leads to a superficial and tokenistic acknowledgement of ‘children’s voices’ rather than meaningful engagement. Murray (2019) proposes a need for ‘a definition of children’s voices that recognises pluralism in children’s perspectives and puts the onus on not only hearing – but attending to’ (p.1). This implies that it is not enough to acknowledge the interests of children at a superficial level but from a UNCRC perspective, teachers should take seriously the fascinations of children and build these meaningfully into pedagogical practices. Significantly, Lundy (2007) maintain that terms such as ‘children’s voice’ and ‘voice of the child’ need to be problematised and critiqued rather than understood as unproblematic since an uncritical use of such phrases ‘have the potential to diminish ... impact as they provide an imperfect summary of the full extent of the obligation’ (Lundy 2007, p. 927). These debates are significant to our later Findings (see, Barriers to participation - particularly constructions of children section).

## **5. Young Children’s Rights in the Welsh Policy Context and beyond**

Since devolution in 1998, Welsh policy has prioritised children’s rights with a rights-based approach underpinning policy development (Williams 2013; Welsh Government, 2021) which builds on UK and European legislation and policy. Documentation related to children’s rights often draw from human rights, notably the Human Rights Act (HRA, 1998). The Human Rights Act (1998) incorporates into British law, the rights set out in the European Convention on Human Rights (ECHR) and sits alongside the Equality Act of 2010 and the Children Act (1989, 2004) in providing legal rights for children in the UK. Within this legislative framework, policy, guidance and strategies have been developed at the European level about both children’s rights broadly (e.g. Council of Europe, 2016; European Union 2021) and children’s participation rights specifically (e.g., Council of Europe, 2012; CP4 Europe 2022) and these provide the context of children’s rights in Wales and are supportive of Welsh legislation and policy.

In 2011, the National Assembly for Wales passed a law requiring Welsh Ministers,

whenever they exercise their functions, to have due regard to the UNCRC (Rights of Children and Young Persons (Wales) Measure 2011). Subsequent policies have been developed which continue to further the rights of children in Wales; the Well-being of Future Generations (Wales) Act 2015, the Abolition of Defence of Reasonable Punishment (Wales) Bill of March 2019 and the development of Participation Standards for children and young people (Welsh Government 2016). This policy trajectory demonstrates a real commitment to the rights of children within Wales.

The Welsh policy context is in the midst of significant reform with the implementation of the Curriculum for Wales (CfW) which is designed for children and young people from the ages of 3-16 (Welsh Government, 2021). The CfW will supersede the play-based Foundation Phases Curriculum previously used for children between the ages of 3 and 7. The Foundation Phase / Curriculum for Wales is delivered in a number of settings including private nurseries and state schools. Schools provide compulsory education for children from the age of five and are taught by a qualified teacher, from the age of three children may also attend part time (just mornings or afternoons) nursery at the school. Alternatively, young children (aged 0-5) can attend private childcare (nurseries).

The Children's Commissioner for Wales (2018, p9) undertook an audit of the CfW which found clear acknowledgement of the UNCRC articles whilst reemphasising the necessity for education to be provided by a '*rights-informed, rights-aware and rights-based*' workforce. Despite the deep-rooted policy rhetoric related to a children's rights agenda within the Welsh context, limited evidence exists around the enactment of children's rights broadly in Welsh early education (Lewis et. al., 2017) and even less around participation specifically (Murphy et. al 2022). The research of Maynard and Chicken (2010) examined early years teachers' engagement with Reggio Emilian pedagogy, a right's based participatory approach, concluding that whilst teachers said that they valued child-agency, they prioritised pedagogy driven by pre-specified external targets which would run counter to a children's rights agenda. Maynard *et al.*, (2013) found that child-initiated learning opportunities for the under-sevens were more likely to be offered in outdoors environments. These findings suggest acknowledgment by teachers of a child's right to have interests valorised but that this was shaped by expectations of different educational spaces.

Lyle's (2014) study made visible a connection between teacher responses to the enactment of UNCRC principles within their practice and particular constructions of children with younger children deemed as lacking competence. Holding congruence with Lundy (2007), participants also argued that enactment of UNCRC principles would reduce the agency, power and position of teachers and this would have negative consequences for teaching and learning. More recently, Murphy *et al.* (2022) surveyed teachers of children aged 3-7 within Wales to explicate perceptions of child participation within educational settings, finding that the enactment of participation was reported as (i) involving children in activity and/or topic planning and (ii) related to certain behaviours such as positive learning dispositions. A lack of training was viewed as a potential barrier to success.

Research into the enactment of participation and "voice" in early childhood settings is more widespread outside of Wales with a notable body of research from Scandinavia (Pettersson, 2015; Weckström, 2021 and Alasuutari, 2014) and Australasia (Theobald and Kultti, 2012; Houen *et al.*, 2016) alongside pockets of research in England, Scotland, Portugal and Slovenia (Sinclair, 2004; Robinson, 2011; Correia and Aguiar, 2017, Cassidy *et al.*, 2022). Challenges found when embedding child participation into early years classrooms have included: class size (Manassakis, 2019), limited training and institutional support (Alderson, 2008), teacher constructions of children as lacking agency (Lundy, 2007; Bae, 2010) and connected to this, the power imbalance and subordination of children by teachers and school organisation systems (Thornberg and Elvstrand, 2016).

## **6. Methodology and Methods**

The data presented within this paper is a re-examination of a subset of data, involving three case studies from a previous study (*removed for anonymity*). The initial project with ten participants took place over a two-year period and utilised Foucaudian discourse analysis (Foucault, 1977) to explore practitioner interpretations of project approaches within early years classes with children aged three to seven.

During the original study, participants chose sessions that exemplified views of project approaches to be observed by the researcher. Some of the participants also offered to submit documents related to how they planned projects. Three one and a

half hour sessions were observed and recorded via field notes and a digital recorder. After each observation (and where documents had been submitted) data was compared to key literature on project pedagogical practices including, the schools of Reggio Emilia (Rinaldi, 2005) the projects of Plowden (CACE, (1967) and the projects of Hadow (HMSO, 1931). This initial process led to the creation of themes viewed as lines of enquiry which were explored in follow-up semi-structured interviews used to investigate areas where there seemed to be convergence / divergence from the project literature, for example if projects were adult or teacher directed and were content or concept driven. Whilst the literature provided initial themes, through a dialogic meaning-making process there was a to-ing and fro-ing between data collection and data analysis which allowed further themes to emerge from the data (e.g how were projects assessed, how were projects planned for and operationalised). This process allowed for a co-construction in relation to what projects might mean within the context of these settings.

Towards the final stages of the research process, an interest developed in a children's right agenda when it was noted that three participants repeatedly utilised associated language such as "pupil voice", "the voice of the child" and "the right to be heard". Whilst this was outside of the initial study, the data from the three participants was later re-examined from a rights-based perspective with their permission. The literature related to children's participation and associated notions of voice that has been described within the earlier part of this paper were utilised as potential lines of enquiry including exploring (a) the ways in which participants attempted to support child participation (b) how voice and agency were conceptualised and (c) explicating the potential constructions of children within data. Using these lines of enquiry and drawing broadly on thematic analysis (Braun and Clarke, 2006) the subsequent themes are presented within the following sections (see 8.1 - 8.4). Due to teacher time constraints, this second part of the research was not as dialogic as the first part, and this is considered a limitation. BERA ethical guidelines (2018) were adhered to throughout and ethical sensitivity foregrounded. Written consent was obtained from adult participants, the right to withdraw noted and pseudonyms allocated from the outset. In one early research encounter, the guarded body language of a participant suggested reluctance to be involved. This was discussed sensitively, and it transpired that she has been put forward by a manager



under duress. Being mindful of care to do no harm, excuses were made to the setting which enabled the prospective participant to exit the study without creating any personal conflict for her within her professional environment. Although not the focus of the study, where children were involved in any way, assent was obtained sensitively on each occasion, with children being reminded that they did not have to be included. Some children exercised this right with gusto.

## **Findings**

The aim of the re-examination of the data reported in this paper was to explore how participants attempted to enact children's rights within curriculum decision making and to consider what may have shaped different interpretations. Data from the three participants who appeared to draw on a children's rights narrative and gave consent for this are presented here in the form of case studies; Eira was a nursery teacher (children aged 3-4), Carys, a reception teacher (aged 4-5) and Seren, a year 1 and 2 teacher (children aged 5-7). The four themes drawn out will subsequently be presented in the subsequent Discussion section.

### ***Eira***

Eira was situated within a private nursery, working with children aged three to four. She described how it was usual practice to follow 'children's voice'. Learning would originate from a weekly planning meeting with the three-year-old children used to ascertain prominent interests which were later reflected in the activities set up by staff for the following week. Children would be able to 'choose activities freely' and staff would respond to 'children's voice with a particular focus within the art room and the outdoor area.' To exemplify this way of working, Eira explained how a theme had initiated from the interests of children when boys had become 'really fascinated in fire engines when they had seen one 'zoom by, with the sirens blaring''. After discussing this excitement with colleagues, they decided to embark on a project called 'People Who Help Us'. which focussed on jobs and occupations. Activities had included role playing 'at the doctor's,' a visit from a fireman and representing occupations in paintings. Eira was later asked to explain the link between the excitement in the fire engines and the focus on jobs and said that this was always popular:

Researcher: But...the fire engine...the initial excitement...could this be about something else? The noise, the speed, the colour.... sirens blaring.'

Eira: I suppose so, but this is always popular, and we do this most years, the thing is, these children are young, they can't always tell us what they like.

This suggested that first, young children were constructed from a developmental position and second, that Eira may have already had an idea of the learning opportunities that would be planned after the meeting which coloured how she 'heard' what the children were saying, thus problematising notions of the voice of the child. During the Christmas period, a project planning meeting with Eira and fifteen three to four-year olds was observed:

Eira: Now, what is the WEATHER like today?

Children: Sunny!!!!

Eira: Yes, it's sunny but what else is it?

Children: Cold??

Eira: What else though?

NO ANSWER

Eira: Well, who has come to visit us on the ground?

Children: Santa

Eira: Who else?

Caleb: Sant....

Eira: J...j...j

[NO ANSWER]

Eira: [louder] J... J....J....Jac

Children: Jack Frost?

Eira: Yes! Jack Frost has come to visit us

Caleb: No! Santa

Eira: Santa is coming to visit us soon. We can talk about that later.....

J,j,Ja.....

Ranu: Jack Frost?

Caleb: No Santa

Ranu: Jack frost!!!!

Eira: Yes, that's right. JACK FROST!

Caleb: (mutters to the side) Um...um...well, well...you know...Santa is, coming...he really is.

Eira later explained that she was happy with how the session went as this was reflective of usual practice. She added that prior to the session outlined above, she had already located relevant resources and had planned associated activities including 'icy pictures' and 'Jack Frost role play.' Eira adding that, 'it was great that they were so interested in this area. We also need to make sure that we are covering the curriculum stuff [set by the government], so all in all it was successful'. These comments appeared indicative of a dichotomy between enacting children's' voice and a necessity to cover prespecified content which was likely to shape practice.

Classroom observations were later carried out of the theme of 'Jack Frost and Cold Weather'. During this time, some children were encouraged to choose activities set up within the art room, including 'icy paintings with cold colours' and a 'Frozen role play area'. Children moved freely between activities and appeared very engaged.

Simultaneously, a group of children were taken into a classroom by an adult to work on number recognition using pictures of snowmen and penguins. One of the children, Jacob, grumbled about having to leave a water tray activity to go to the maths task, asking to stay behind. He frowned and turned his body away from his teacher towards the water tray whilst holding onto this with one hand. In this way, his body language and facial expressions indicated reluctance to leave what he was doing. This incident was later explored with Eira. When asked to reflect on Jacob's reaction and what this might symbolise in terms of agency, Eira maintained that:

the children are always free to choose, to lead the learning to have a voice. Jacob could have chosen not to do the maths task, but he would obviously need to stay with his group at the table and watch what that were doing, to pick up the planned skills, and if he got bored you know, that would be his choice (Eira).

This indicated that Eira felt her approach allowed Jacob (and the other children) choice and associated agency but read via a children's rights perspective, we felt that this was illustrative of a tension in the power dynamics between the adult and child which has been noted by other scholars (Cassidy *et al.* 2022). Comments again signified that a need to cover the planned desired skills (in the example of Jacob, conservation of numbers to 5) may have impacted on how children's voice was operationalised despite a perception of freedom evident in comments such as 'we are a nursery; we are completely free to follow the children'.

### **Seren**

Seren was a Reception teacher with children aged four to five. She described how children were able to participate in decisions related to the curriculum through project sessions foregrounded in the 'voice and agency of children'. Sessions took place in the afternoons with mornings reserved for teacher-led numeracy and literacy. Learning was planned after consultation between teachers of the long, medium and short-term aims of the term which came from national Foundation Phase documentation which set indicative content to be learned during specific timeframes in all subjects. Projects would begin with a whole class session in which children were asked, 'What do you 'know' about the focused area? Children were also asked what they would like to "do" in relation to a particular project theme and this was also used to draw up "mind maps".

When setting up classroom provision, teachers would include activities related to the central theme and link to designated areas of learning (for example maths, expressive arts, language, and communication). This would enable the indicative content in each area to be covered via the focus. Over the course of a project, mind maps would be revisited and the activities which had been covered would be 'crossed off' and new activities added, including those suggested by children. Seren said that this enabled 'children's voices to be acknowledged but important content to be covered'. An observation of a whole class project session also entitled "People Who Help Us" took place.

Seren: What does the dentist do?

Jack: Hurts you

Seren: No, he doesn't- the dentist doesn't hurt you

Roshni: Fixes teeth

Seren: Yes but what does he put in?

[Blank faces]

Seren: What does he do?

[No answer]

Seren: What does he put *in*? In your teeth? F.F... F .F..Fill....

Children: Fillings!!!!

Seren: Yes! If you don't clean your teeth properly he will put in fillings... so is he

a person who helps us?

Children: Yes!!!!

Seren: Somebody else who helps us (shows photo)

[Seren then shows a photo of a policemen and the children become very excited]

Seren: And what does a policeman do?

Mason: Miss, miss...When I was on holiday d'you know what? The policeman had *guns*!!!

Tyler: Yeah, he can shoot you and bash you with a ...trun!

Seren: Well, we won't talk about that today, what would happen if there were no police?

Zaynab: Naughty people would be naughty all the time

Seren: Yes, good

Ella-Rose: People would smack

Lloyd: Punch

Mason: Kick and spit

Tyler: and the police would shoot you with guns.

A tension was noted between Seren's desire to steer the dialogue away from guns and shooting and Tyler's persistence here in shifting it back! Children were later

divided into 'ability' groups based on attainment in numeracy and literacy. There were two adult-supported 'focussed tasks' within the classroom which included a writing activity about a person who helps and a modelling activity with recycled items to create a fire engine. The latter activity had been suggested by children and was noted as an example of 'children's voice'. Other children chose from a range of activities which had been set up by adults in the outside area. There were two role-play areas 'At the post office' and 'at the garage' with bikes, large jigsaw puzzles of occupations, and a sandpit filled with small world toys. Adults were largely absent from this area and children moved between the activities freely. Adults came outside periodically to call ability groups of children into the classroom to complete the focused tasks and children who had already completed this task, came outside to the 'choosing area.' Seren described this practice as 'definitely, definitely, child-centred, children leading the learning, children's voice at the centre.' We noted that the outside area offered levels of agency to the children and that this was distinctly different to the inside classroom space which was very much an adult directed space as children completed desk-based tasks with a prespecified focus.

### ***Carys***

Carys, a teacher of 5–7-year-olds, described how morning sessions were reserved for numeracy and literacy and afternoon sessions were described as 'pupil voice' and 'child-directed' and the 'freest part of the day.' The focus of afternoon sessions was decided upon by teachers and children after consultation with long term planning often around specific subjects. Children were able to add ideas to a mind map of the focus during whole class planning sessions. For example, a science project entitled 'Plants' had been decided upon by the teacher as it enabled scientific content from the school scheme of work to be planned for and covered across a half term. After the science content had been planned, children were invited to add their suggestions of other activities that they would like to do during a whole class planning session. Suggested activities had included 'designing a plant', 'dirt and digging in the sandpit', 'creating plants on the lightbox', 'burying lost treasure in the soil' and 'making plants with the construction toys'.

During an observation of a 'pupil voice' session, 'independent' activities were set up in an indoor area but outside of the classroom. Children who were not working with the teacher were free to access this and to choose from the activities set up, and the

area was monitored by adults. During this time, groups of children were taken back into the classroom to write about 'how plants grow' supported by one of the adults, before returning to the 'choosing' area. This practice was congruent with the provision offered by Seren with one space allocated as a child directed environment and the other (the classroom) as a teacher directed space.

The following observation took place in the shared space outside of the classroom since this was the focus of the 'pupil voice activities.' Two six -year-old children (Caitlin and Deano) were sitting outside in the communal area involved in an independent activity entitled 'designing a new plant'. Whilst they were sat together, they appeared to work independently with no interaction between them. A large roll of paper and lots of pens had been placed on the floor and the teacher had drawn an example. The first child (Caitlin) carefully copied the teacher's design and then appeared to look for an adult to show. The second child (Deano) worked alone for some time. He tried to write something next to his design, stopped and looked around. With some excitement, he called an adult, and the following exchange occurred:

Deano: How do you spell 'evil'? [proudly] My plant is evil... Cos it eats people, it's really mean. See? [Pointing at the drawing] See the claws? [he makes the shape with his hands] See? It can kill people.... you know? With his sharp claws and sticky spit and spiky teeth and...

Susan: [Adult] No, no.... We don't want evil plants here, do we? We don't want evil...This is a nice school, kind. you will need to change it, yes... why don't we change it together.... What about a nice plant, a kind plant... that helps people?

Deano looked at his drawing and back at the adult, without saying anything, he slowly left the activity and joined his friends in the sandpit 'dirt and digging' area. This scenario was later discussed with Carys where a focus on the agency of the children to direct their own learning was explored. Carys explained that there was a need to support children in developing moral codes (e.g., kindness and empathy), subsequently focus on 'evil' would be inappropriate and something to be countered with a pro-social example.

During the same observation period, a group of four boys worked together with a construction kit (Connex). Some of the class had previously suggested that this could be used to make flowers, and this had been added to the project mind map. The boys called the researcher over and the following exchange is observed.

Freddie: Miss! Miss! See? See...how fast?

Rex: Wow! See miss? See? So fast! WOW!

Freddie: Bet you can't make your one goes faster.

Rex: Bet I can.

Freddie: Bet you can't! Bet you can't...supercharged...mine...yeah!

Rex: No way...I'll race you...look at these wheels!

Alpesh: Rubbish, my one is bigger, stronger, faster!!!!

[The boys spent time engaged in a race with the vehicles around the outdoor area and after a few minutes are approached by an adult]

Adult: What are you supposed to be making?

Children: Hmmm, flowers Miss!

Adult: That does not look like a flower to me.

Freddie: But we already made a flower miss.

Adult: Well now you can make a different type of flower. Make a flower or plant with the Connex, that is the job, right?

[The Adult walks away]

Rex: Yeah, well...we already did that didn't we? [quietly]

Freddie: (looking at Rex) Stupid flowers.

Carys later explained that the children involved in this example would constantly 'go off task' and needed support to participate 'correctly' in the curriculum. She added that without such intervention some children would start to behave badly. Carys added that whilst 'pupil voice' was important it also was 'time-consuming' and needed to be balanced with 'covering the curriculum' and making sure that children



were making adequate progress. This was indicative of a dichotomy for Carys related to how she constructed her role as a teacher and again made us consider the power dynamics between adults and children even within examples where children were felt to have more agency than at other times of the school day.

## **7. Discussion**

The goals of this paper were to explore how participants attempt to enact children's rights and associated notions of voice within curriculum decision making. The discussion is presented around four themes (i) Mechanisms for hearing and the challenges of listening to children's voices; (ii) The bounded nature of voice and agency; (iii) Barriers to participation: constructions of children and (iv) Children constructing themselves as rights as rights bearers. These themes will be discussed below in turn, in light of the case studies presented above.

### ***7.1. Mechanisms for and the challenges of hearing children's voices***

Within the data, there was a consistent set of terminology associated with this way of working such as: "children's voice", "child led", "child initiated", which were often linked to terms such as "free", "freedom" and "choice". Offering children, the potential to choose between activities was a prominent theme strongly associated with notions of participation and voice. However, there remained a tension since there was often limited child-autonomy or agency offered to the child and a noted difference between the power dynamics of adults and children. This can be seen in the example of Eira and Jacob when the choice presented was either engaging in the teacher directed maths activity or remaining at the table and doing nothing as Eira explained 'if he (Jacob) got bored, you know, that would be his choice'. We felt that this was significantly different to the rights-based perspective set out earlier in this paper, with the data indicative of a potentially tokenistic approach to children's voice.

All participants had mechanisms built into the timetable to "capture" the voices of children underpinned by the belief that this enabled participation within curriculum decision making. These included whole class planning sessions and mind-mapping sessions related to a central theme/project/topic (these terms were used interchangeably). Participation was associated with planned opportunities for children's involvement with the planning stages of learning. These findings indicated

a belief in the importance of supporting children's participation in the decision making related to classroom activities. Simultaneously, participation seemed to have been associated with consulting with the children and not moving beyond this. Cele and van de Burgt (2016) have argued that such a view of participation is tokenistic, failing to recognise the competence of children and may be viewed as a type of manipulation (Hart, 1992). This is because, whilst participants claimed they were actively listening to children, the interests of children were subjected to a filtering process and presented in a “teachery” version. Illustrated of this, is the case of Eira where curiosity and excitement related to the noise of fire engines was repackaged into an often-used topic on occupations called ‘People Who Help Us.’ This suggests that the process of *hearing* was coloured by pre-conceived teacher ideas related to what they thought children needed (or would like to) learn. This would also explain Eira’s comments about the perceived interest shown in ‘Jack Frost and cold weather’ an area that have been planned for before the consultation with children.

It has been previously noted that a significant challenge of actively listening to children is teaching a curriculum with heavily predefined content (Maynard and Chicken, 2010; Lyle, 2014). Whilst participants believed ideas were initiated by the children through the process of active listening, in practice this was more complex and an implicit teacher desire to prioritise the delivery of pre-specified content may have led to ‘shallow interpretations’ (Hedges, 2010), which may trivialise the interests of children (Bereiter, 2002) reducing their voices in the process. We subsequently felt that the way that teachers constructed, and prioritised parts of their role may also shape how children’s participation / voice was viewed and that this was indicative of the power imbalance between children and adults (Robinson, 2011). The dominance of the agency of the teacher is also likely to be a barrier to the UNCRC particularly related to participatory processes (Harper, 2013).

### ***The bounded nature of voice and agency***

Understandings of participation and associated notions of children’s voice were bounded by factors such as time and space; sessions associated with children’s voice and agency took place at designated times of the day, such as in the afternoon (e.g. Carys’s and Seren’s classes). This finding signified that whilst a child’s right to have their voices heard was acknowledged, this was compartmentalised into specific parts of the timetable and voices were reduced or silenced completely at other times.

Rather than children's participation being fully embedded into the pedagogical practices within settings, notions of participation were viewed as a type of activity to be completed at a set point in the day.

A child's right to participate in decision making was found to be bound by specific spaces and locations of the setting. For all participants, children were more likely to have 'voice', within designated areas which were usually outside of the normal classroom, including the outdoor physical environment and indoor space but outside of the classroom. Classroom spaces appeared to be 'owned' by adults and utilised for teacher directed activities with pre-specified goals linked to policy documents aimed at planning learning opportunities in a linear way. Environments away from the classroom were perceived as more appropriate spaces for children's voice and agency (e.g., areas outside of the classroom including the outdoor space) but notions of participation were further bounded by the interrelated factors discussed below.

### ***7.2. Barriers to participation: particular constructions of children***

Resonating with previous research (Lundy, 2007; Cassidy *et al.*, 2022; Murphy *et al.*, 2022), data signified that a child's right to be heard was also bound and shaped by constructions of children held by participants. For example, a construction of young child as immature and lacking in competency (Eira: '*these children are very young and can't always tell you what they like or what they are interested in*'), impacted on the levels of autonomy offered to children when participating in decisions. For younger children in particular, greater input from adults was deemed necessary since they were viewed as lacking the skills to participate with competence. This finding resonated with the educators in the study of Lyle (2014) where participants argued that a children's rights agenda was not appropriate with younger children who lacked competence and that the greater knowledge and maturity of adults meant that they were better placed to plan the direction of learning than children themselves. Drawing on this finding, Lyle proposed that developmental views of children may be at odds with a rights-based position and that 'The dominant discourse of child as "citizen-in-waiting" is an attitude that works against the UNCRC' (Lyle 2014, p.221). It is highly probable that a developmental psychological discourse also underpinned the views of participants within this study.

Hansen (2012) has maintained that the ways that children are constructed will impact on interpretations of participatory rights, particularly if these are associated with a paternalistic and protective perspective (Cassidy et al., 2017); within this data, adults often positioned themselves as gatekeepers needing to protect children from certain kinds of information. For example, the data of Carys (evil plant) and Seren (policeman and guns) illustrate a construction of the child as innocent and vulnerable and in need of protection in order to safeguard this innocence. A child's right to be listened to was tempered by a perceived need for children to engage with socially acceptable ideas and for the teacher to support the child in doing so; an evil plant needed to be reframed as 'nice', a policeman reframed as a person who doesn't shoot people and the dentist as someone who does not hurt others. A desire to protect children from thinking in certain ways and to protect innocence whilst promoting prosocial behaviour may also be a barrier to full commitment to a children's rights agenda.

Other constructions of children may also be viewed as potential barriers to participation such as the 'wayward' child seen within the incident of the boys with the construction kit. These children were deemed as boisterous and likely to 'go off task' without the intervention of an adult, positioned as a gatekeeper who must protect children, this time from themselves. In doing, so there is a tension with a child's voice agenda in the most child led time of the day and the teacher's desire to keep them on track. A child's perceived divergent behaviour seems to have been a barrier to participating since a need to 'stay on task', was viewed as more important than enacting child agency. This signifies that some children may be viewed as worthier of having their voices heard than others.

### ***7.3. Children exercising their rights as rights bearers.***

Whilst the data suggested attempts to reduce the voices of children in diverse ways and potentially for varied reasons, children also found ways of exercising agency thus positioning *themselves* as rights bearers. For example, in Eira's class session, Caleb brought back the conversation to his own direction by quietly maintaining 'Santa *is*, coming...he really is' despite t adult attempts to move the dialogue to a

different route; in Seren's class, Tyler purposively returned the conversation to policemen who shoot people with guns; the comments of Rex and Freddie, 'stupid flowers' related to an adult request to build something else with the construction kit, demonstrate an awareness that their own agency is being shut down and expression of active displeasure about this. We also noted that child agency was not always enacted through verbal utterances, illustrative of this was Deano within the Evil Plant scenario, when he enacted agency by quietly removed himself from the activity. This last example adds to the argument that silence is 'a central feature of voice-based accounts of children's worlds' (Spyros, 2015, p 8) since they indicate that silences are a way for children to exert their right to participate (or not to do so) and as such can be viewed as ways of enacting children's agency. We support the view of Lewis (2010) who advocates a need for adults to be attuned to 'child silence' as a means of exercising 'voice' in both professional and research contexts. At the same time, we note the current paucity of literature and research in this area (Spyros, 2015) and acknowledge that interpretations of silence as likely to be shaped by different ideologies (Taylor, 2022).

We found the examples outlined within this section useful counter narratives of young children as lacking the capacity to exercise voice as they occurred in contexts which potentially reduced this. Analysis of these scenarios suggest that child agency, and subsequent voice, was enacted by children in a number of ways; (i) Subversion by moving conversations back to the child's preferred focus; (ii) Subversion through dialogue often with aside comments; (iii) Subversion of activities through moving beyond the adult directions; (iv) Choosing to 'dis-engage' with teacher direction e.g., leaving activities.

## **8. Conclusion**

The data presented here reinforces the gap between rhetoric and practice seen within other research (Correia *et al.* 2019, Cassidy *et al.*, 2022). Whilst it has been argued that having teachers who support a children's voice agenda are essential in operationalising this (Murphy *et al.*, 2022), our findings indicate that even when teachers are enthusiastic, implicit barriers may remain. Whilst participants wanted to support participation and children's voice within their practice, when placed in the

context of Article 12, participation and associated voice was limited. Practices were often tokenistic with tensions between perceived necessity to cover specific content and opportunities for children's voice to be heard and acted upon. Listening to children and then responding to this within provision was viewed as time consuming leading to rationalised views of children's interests taught via traditional type teacher led themes. These findings indicate the challenges of enactment of children's voice and support the work of Lundy (2007) where a teacher-child power imbalance and associated constructions of children have been noted as barriers to meaningful participation. For more meaningful participation to occur, conventional power dynamics need to be critiqued and perceptions of children need to shift towards a construction of children as agentic social actors (Cassidy *et al.*, 2022).

We hope that this paper will act as a call to action and recommend a focus on research which can:

- Support practitioners in collaborative and dialogic opportunities to reflect on the UNCRC principles related to participation (and hence children's voice) and their subsequent practice in order to consider what voice within specific contexts might look like. This might be supported and sustained through developing professional networks of interested stakeholders
- Draw upon the networks described above to explore *with* teachers and practitioners the relationship between different constructions of children and associated constructions of teachers in relation to UNCRC participatory principles,
- Consider pedagogies which aim to reduce the power and agency between teacher and child,
- Consider ways of listening to the voices of groups of children who are traditionally marginalised/silenced, including the use of nonverbal 'voices',
- Involve children in research related to children's voice - we call for their voices to be foregrounded.

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