

Chapter 10

Discourses/1, Australia: Whose Rights? The Child's Right to Be Heard in the Context of the Family and the Early Childhood Service: An Australian Early Childhood Perspective



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10.1 Introduction. Children's Position as Part of the Group

In Australia both early childhood and school setting policies and curriculum documents recognise the importance of teachers developing partnerships with families (see: DEEWR 2009 and <http://www.dec.nsw.gov.au/about-the-department/our-reforms/local-schools-local-decisions/reform-agenda/working-locally/family-and-community-engagement>). Researchers, both nationally and internationally, have identified partnerships with families as a critical element in ensuring optimum educational outcomes for children (Berthelsen and Walker 2008; Emerson et al. 2012; Powell et al. 2010; Topor et al. 2010). However, within this discourse children's rights are often overlooked or silenced, but their voices should be heard and listened to.

The recognition that children exist within the context of their family, community and cultural lived experiences has its theoretical basis in both Bronfenbrenner's ecological framework and Bowen's family systems theory (Dunst et al. 1988; Espe-Sherwindt 2008; Özdemir 2007). These theories recognise that: "every level of the ecological system is interconnected and thus influences all other subsystems... [and] helps explain the mechanisms through which children and their families are influenced" (Weiss et al. 2005, p xiii).

Bronfenbrenner's ecological framework presents a model through which to examine the ecology of human development by acknowledging that humans do not develop in isolation, but in relation to their family and home, school, community and society. Each of these ever-changing and multilevel environments, as well as

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interactions among these environments, are seen to be key to development. What matters for behaviour and development is the environment as it is perceived rather than as it may exist (Bronfenbrenner 1979, p. 4), and thus reinforces a constructivist view that reality is an individual perception.

The basic tenet of this model lies in the belief that the world of the child consists of five systems of interaction: microsystem, mesosystem, exosystem, macrosystem and chronosystem. Each system depends on the contextual nature of the person's life and offers an ever-growing diversity of options and sources of growth (Swick and Williams 2006, p. 371). Each member of the system, and their relationships, are in turn influenced by the broader social, political and educational policies. This broader system (mesosystem) shapes the perceptions, expectations and equality of the relationships that exist between the nested systems (Odom et al. 2004), and as such, creates the 'reality' as it is perceived by the individual. Bronfenbrenner saw these systems as an interconnecting network of influences on the child and the surrounding environment (Özdemir 2007). As well as focusing on the child's and parent's immediate environment and their face-to-face interactions, of equal importance in this model is the notion that the child and family's quality of life is affected and influenced by the other three levels (Turnbull and Blue-Banning 1999).

In building on the notion that humans develop in relation to their family and home, school, community and society, Bowen's Family Systems Theory recognises the interconnectedness and interrelationships of the individuals that collectively determine the unique family group (Brown et al. 1993; Keen 2007; Law 1998; Minuchin 1974; Özdemir 2007). Bowen's theory acknowledges that families are an ever-growing and ever-changing system, which have their own structure, resources and interactional patterns (Özdemir 2007, p. 18). As a system, the understanding is that, actions affecting any one member affect all of the members (Brown et al. 1993; Cox and Van Velsor 2000; Keen 2007; Law 1998; Minuchin 1974).

10.2 Children's Position as Individuals

Children's and particularly young children's right to participate and have their voices heard on matters that affect them is legally defined (UNCRC 1989, 2005), and widely accepted internationally. The UNCRC (1989) articulates children's rights to participation and to have their voices heard on issues that affect them (Articles 12 and 13), and urges the relevant stakeholders to respect children's views when decisions are being made on their behalf. Elaborating on these rights, the UNCRC General Comment 7 (Committee on the Rights of the Child, 2005) further recognises the right for young children's voices to be heard, and emphasises that young children are not only "social actors from the beginning of life" (p. 61), but are "active members of families, communities and societies with their own concerns, interests and points of view" (p.62).

In Australia, children's rights are also recognised in the Code of Ethics. This is a voluntary code that was originally developed in 1998 for early childhood profes-

sionals, and early childhood education and care services by the National Peak Body for young children: Early Childhood Australia (see: <http://www.earlychildhoodaustralia.org.au/our-publications/eca-code-ethics/>). The Code has been reviewed three times during this time and the latest version was released in 2016. Two of the core principles of the Code of Ethics are: (1) Each child has unique interests and strengths and the capacity to contribute to their communities; (2) Children are citizens from birth with civil, cultural, linguistic, social and economic rights (ECA 2016).

The next section of the chapter outlines some key policy changes that have influenced early childhood education and care provision and how this direction has positioned children as future citizens who are viewed through a productivity agenda lens in Australia.

10.2.1 Children's Position in Early Childhood and Care in Australia

The role of early childhood education and care services has evolved considerably in the last 20 years, with policies and society influencing these changes. These changes include:

1. A service delivery model whereby families are viewed as consumers; children as global citizens and services important for workforce participation;
2. Increased regulatory standards which requires increased service compliance and accountability, and;
3. Pedagogical changes, with the push for a common curriculum or framework, which influences the role the early childhood professional plays in the service.

Early childhood education and care policy and practice in Australia has undergone significant change in the past 10 years since the election of the Federal Labor government in 2007. The emerging policy directions of the early 2000s were formulated as a result of a body of evidence being presented through the OECD research which positioned the importance of quality early childhood education as building a nation's human capital, recognising the economic benefits of investing in the early years. This push for quality early childhood education also highlighted early childhood education and care workforce issues. Several contemporary international research studies, as well as *Starting Strong*, and *Starting Strong II* (OECD 2006) highlighted the importance of the early childhood years, and more particularly, the importance of access to quality early childhood programs. Of significance was the *Effective Provision of Pre-school Education Project* (EPPE) undertaken as a longitudinal study in the UK (Sylva et al. 2004). The outcomes from the project identified several key findings relating to the benefits and outcomes of early preschool education. Of greatest influence on the future policy directions in Australia was the emphasis in the report that quality services were found in settings integrating care and education, and where educators created warm, interactive relationships with

children. A further study by Cantin et al. (2012) also identified that early childhood education and care service quality was associated with positive parent–caregiver relationships.

In 2009, the Council of Australian Governments (COAG) released the National Early Childhood Development Strategy, Investing in the Early Years (Commonwealth of Australia 2009). This strategy provided a whole-of-government approach to responding to contemporary evidence highlighting the importance of the early childhood years, the benefits and cost-effectiveness of ensuring all children experience a positive early childhood. This strategy also highlighted the importance of families, and the need to support families, in providing positive outcomes for their children. The reforms included the development of a National Quality Framework (NQF), which included the creation of National Quality Standards (NQS), national regulations governing the licensing of early childhood services and the development of a national early years learning framework (Early Years Learning Framework – EYLF) to govern professional practice across the early childhood education and care sector. The EYLF replaced previous state and territory based frameworks as the first Australian national curriculum document for early childhood education and care services (Sumsion et al. 2009).

Most OECD countries have a curriculum learning framework for early childhood education and care services. The OECD (2012) classifies these early childhood curriculum documents as either “input” or “outcome” based. In the OECD most Nordic countries have input based frameworks that detail what is expected of educators in early childhood services, while the outcome based documents, which discuss child outcomes, are more likely to be used in the English speaking countries (The Economist Intelligence Unit 2012). Blaiklock (2013) noted that these outcome based frameworks usually consist of general learning outcomes that can meet the broad range of ages and developmental levels in an early childhood education and care services.

The EYLF would be described as an outcome based framework. The first section of the EYLF is the principles and practices that underpin the learning outcomes, including a focus on children’s rights. Sumsion et al. (2009), the authors of the EYLF did note that this element relating to participation rights and children being active in their learning were “toned down” due to perceived “political risk”. Nevertheless, the EYLF emphasises the importance of upholding children’s rights, as well as being responsible for contributing to the community through children developing their own awareness and responsiveness to the needs and rights of others (DEEWR 2009). The second section of the EYLF outlines five general learning outcomes that can be applied to birth-5 year olds (although some researchers have critiqued this – see: Davis et al. 2015). Sumsion and Grieshaber (2012), two of the authors of the EYLF, argue that framework is open to multiple interpretations and hence why the document did not define ages or stages of children’s development.

One of the principles of the EYLF is the expectation of early childhood educators in creating and fostering positive partnerships with families. Within the framework, partnerships with families is identified as one of the five key principles that underpin an educator’s role, stating that:

Learning outcomes are most likely to be achieved when early childhood educators work in partnership with families. Educators recognise that families are children's first and most influential teachers. They create a welcoming environment where all children and families are respected and actively encouraged to collaborate with educators about curriculum decisions in order to ensure that learning experiences are meaningful (DEEWR 2009, p. 12).

In the National Quality Standards (NQS) this expectation for practice has been further developed to include as a key quality standard; collaborative partnerships with families and communities. In this standard, educators are expected to engage in respectful and supportive relationships with families. The standard states: "partnerships with families contribute to building a strong, inclusive community within the service". Shared decision making with families supports consistency between children's experiences at home and at the service, helping children to feel safe, secure and supported (Australian Children's Education and Care Quality Authority 2012, p. 148). Within these standards is also a focus on including children as decision makers in their learning. For instance in Quality Area 1 Educational programs and practice, the standard 1.1.2 is: "Each child's current knowledge, ideas, culture, abilities and interests are the foundation of the program" (ACECQA 2012). To achieve this standard requires educators who have built respectful and trustful relationships with children and understand that children live in diverse cultural communities and have different dispositions for learning, different abilities and different learning styles. Harris and Manatakis (2013, p. 69) argue that children are "key informants and experts on their own lives" and "have the right and capability to contribute to decisions' that affect them". Clark and Moss (2011) champion participation of children and pioneered the mosaic approach. This approach involves strategies for listening carefully to the many ways that they communicate their ideas and feelings. Within this system, balancing the rights of children to be heard and listened to, while acknowledging the broader ecological system of family, community and societal values can at times create disequilibrium for educators.

10.3 Children's Position in the Family-Teaching Partnership Dyad

Authors, such as Dahlberg et al. (1999), Dahlberg and Moss (2005), and Hayden and Macdonald (2001) argue that early childhood education and care services are "meeting places" where the development of community takes hold. A "meeting place" is one where families build long term relationships with professionals; where families view their child in relation to other children; and where families develop relationships and networks with other families (Hayden and Macdonald 2001). Within this framework, the child is one part of the system.

Dahlberg and Moss (2005, p 31) present a view that when examining children's rights this needs to occur within a context of 'relational, contextualised and responsible ethical practices'. Within this thinking, an examination of early childhood education and care policy and practice recognises the rights of children to access quality

education and care, where the context of their family, community and culture is recognised and valued. Examining children's rights in the context of relational, contextualised and responsible ethical practices, positioning children from the viewpoint of their broader family, community and cultural lived experiences as shaping their identity and lived experiences presents a professional expectation that educators need to connect with children from a broader social and ecological understanding. In recognising that families are the children's first and most influential teachers, children have the right to positive, respectful shared decision making between educators and families that bring together their home, cultural and lived experiences with that of the experiences gained through their interactions with the early childhood education and care setting.

The EYLF presents a model of partnerships "based on the understanding of each other's expectations and attitudes and build on the strength of each other's knowledge" (DEEWR 2009). Therefore, identifying that in a genuine partnership:

Families and early childhood educators value each other's knowledge of each child; value each other's contributions to and roles in each child's life; trust each other; communicate freely and respectfully with each other; share insights and perspectives about each child and engage in shared decision making (p. 12).

The literature surrounding the definition of partnership positions it within a theoretical construct in which the terms trust, reciprocity, mutuality and shared goals and decision making are prevalent. Dunst and Dempsey (2007) position partnership within a premise that the exchanges between parents and professionals are 'mutual, complementary, joint, and reciprocal' (p. 308). They identify the key features of partnerships as including dispositions and actions such as mutual regard, joint decision making and joint action, where parents and professionals are working towards a common goal within a relationship based on shared decision making and shared responsibility. Keen (2007) also presents the key characteristics of effective partnerships as including "mutual respect, trust and honesty; mutually agreed-upon goals; and shared planning and decision-making" (p. 340). Family-professional partnerships have been defined as equal collaborative relationships that benefit the family and professional as well as the child through mutual agreement to defer to each other's judgment and expertise (Turnbull et al. 2011, cited in Palmer et al. 2012). Within these descriptions of partnerships, the child is often invisible.

Children's self-determination is influenced through strong and culturally aware family-professional partnerships (Palmer et al. 2012). Families play a key role in providing, maintaining, and supporting opportunities for children's development of self-determination. An effective partnership in which both educators and families engage collaboratively in the decisions made each day regarding the types of experiences and learning opportunities their children will have provides opportunities to practice choice, engagement, and self-regulation. Families and educators can work closely together to promote choice-making, engagement, and self-regulation across home, school, and community contexts. However, the child's own agency in these decision-making processes can be and is often silenced.

While the EYLF guides early childhood educators to create effective partnership with families that are based on mutual trust, reciprocity and shared decision making, these relationships are not always effectively constructed. Recognising that decision-making around the care and education of young children should be mutually and reciprocally shared between families and educators through effective partnerships, children have the right to be heard within the context of this broader family systems approach.

We had a few problems when I lost my mum and that, so she was a little up and down when she saw me upset, and she also saw her Nan twice a week, and then to nothing, so toilet training and all that was around the same time which was pretty traumatic. I said I couldn't handle it, they wanted to try and toilet train her while, they thought she was ready, I know she was showing the signs, but I wasn't ready (Allison, parent).

Imperative to enacting shared decision-making is listening to the 'voice' of the family who bring a unique perspective to 'knowing' their child. It is important that in listening to the voice of the family that the decisions that are relevant and important to the child are determined through recognition of the broader ecological context which shapes the lived experiences of the child and the family and acknowledging that actions affecting any one member affect all of the members.

Educators and families see the child through different lenses that are based on the lived experiences, values, beliefs and socially constructed understandings each brings to the relationship. However rather than building on the expertise of the families and recognising the agency with which families come into the Early Childhood Education and Care services, there is often a power imbalance in place in the relationship. This power imbalance can result in the expertise of families not being valued as highly as the expertise of the early childhood educator.

After my partner and I split up we shared the care of our young son, nearly 2. He coped fine with this arrangement and we only began having issues with the centre when he moved into the 2-5s room. They insinuated his unsettled behaviour in the new room was related to our separation, whereas I could see he was anxious about being in the bigger room with lots of older children and that when he was in the outdoor area he would look longingly at the 0-2s outdoor space. I really felt judged by the educators about our arrangement where we shared the parenting of our son and I felt my suggestions about him being anxious in the bigger room were dismissed (Kationa, parent).

In practice, educators will often perceive their role as being the expert or help giver in the relationship they have with the families. This approach leads to an expectation that the parents will seek or follow the educator's advice, or would provide them with information about the child to support their own planning and interactions with this child in the context of the centre (Rouse 2014; Hadley and Rouse 2018). This not only leads to a failure to engage with reciprocal interactions that build on mutual respect, but fails to recognise the expertise the family has of their child, and also denies the rights of the child to have a voice and be centred within the context of a broader systematic context.

10.4 Compliance, the Rights of the Child and Family: Can This Really Work?

Dahlberg and Moss articulate this potential in reconceptualising the early childhood arena when they state:

these institutions (ECECD services) have the potential for becoming spaces for ethical and political practices that can engage many people, of all ages...their importance rests as much if not more in their potential purposes and the choices with which these confront us: as sites for governing or for emancipation, for conformist or transformative action, for transmitting or constructing knowledge, for reinforcing or reconstructing discourses...for us the Utopian possibility...is that more preschools and schools might become loci of ethical practices, and by so doing contribute to relationships, with each other as well as our environment, which are founded on a profound respect for otherness and a deep sense of responsibility for the other (2005, pp. 191–192).

Millei and Jones' (2014) critical analysis of the EYLF has them suggesting that a neo-liberal focus creates social policy that privileges western, middle class family structures. Millei and Jones argue that by seeing children as economic resources, those whose development requires more effort or cost, leads to children being seen as less valuable to society. More than 12 years ago, Dahlberg and Moss (2005) argued for the need to create new possibilities that allowed for diversity and difference in early childhood education and care services. They called for a refocus on the importance of relationships whereby a “pedagogy of listening” can create spaces for respect and diversity (Dahlberg and Moss 2005, p. 191).

Unfortunately, a “pedagogy of listening” has become more difficult to practice. Compliance has affected current practices in Australia in terms of understanding the rights of the child, and their family within the early childhood education and care service. For instance on a popular Face Book site titled: EYLF/NQF which has 68,961 members throughout Australia there were conflicting opinions regarding the rights of the child, the family and service policy. The authors of this chapter did a word search on sleeping practices for January – July 2017 and found two interesting posts that illustrated the polarising that can occur when engaging with families. The first post asked the readers about safe sleeping practices in the centre:

Hi everyone. Just enquiring whether anyone allows for children in nursery to sleep outside a cot with permission to follow home practices ensure sleep of a child whilst developing a relationship with the child and attempting to move to a cot? Whether this be a floor mattress in a pod, rocker, bouncer, bassinet or sling? We know a service that received exceeding by allowing this with the practice being mentioned in addition as consistency of care and meeting individual needs and we have now received not meeting for 2.1.2 and not meeting overall because of this for the same practice with the exact same equipment. Also, we have been advised that no comforters should be taken to bed in the nursery...Thoughts? June 9, 2017

This post generated 33 responses with some arguing the need to respect parents but most responses focused on educators needing to comply with safe sleeping practices and discussed ACECQA requirements regarding being compliant. Others talked about appropriate risk assessment procedures and even mentioned a

document that parents needed to sign: a “deviation of care form”: The terminology of this form is indicative of the need educators and services feel they need to comply. A few educators discussed the importance of appropriate supervision and letting a child sleep in a rocker/pram just until the child settled, before transitioning them into a cot. Only one person discussed the child's agency in this post: fight child's agency! It is good for no one if a baby doesn't sleep for the whole day!! One other educator noted the importance of culture: culture plays a huge part in sleeping arrangements and there is a fine line between following guidelines by our government and being supportive and culturally inclusive.

Interestingly the ACECQA Fact sheet that services can give to families (see: http://ncac.acecqa.gov.au/family-resources/factsheets/Safe_Sleeping.pdf) notes the need for services to comply with the SIDS and Kids safe sleeping recommendations for children aged from birth to 2 years, and your child's home routine may not be entirely consistent with these. The factsheet does acknowledge where there are differences between what happens in the home and what the service does, the educators should work positively with you to develop a routine for use at the service that is acceptable to both of you. However, the factsheet then goes on to say The educators at your service should also provide you with information and support to help you to adapt your child's home routine to ensure that you are using safe sleeping practices. Again, the rhetoric switches to parents needing to comply with the centre and current policies and practices.

In June (7th) and March (31st) there were two similar posts about either waking a child who is sleeping (at the request of the parent) or not letting the child sleep (at the request of the parent). These two posts generated 15 and 35 comments respectively.

In both posts, the comments were divided between the rights of the child and the family. For instance:

What if that child falls back to sleep repeatedly they are obviously showing that they want and need to sleep what happens to the right of the child. I understand we have to respect parents wishes but what about the child's wishes.

Both parties (families and staff) need to work together to find the right balance for school and home. This may take a little and some days may be different due to needs. Open and honest communication is key.

These posts also generated references to the CRC, however some educators were incorrectly citing the CRC by commenting that it is illegal to not let a child sleep. However, Article 31 discusses the right to play and rest – it does not say sleep. The discourse of referring to the “sleep” policy was also common in these two posts. We wonder is this reliance on implementing the policy meaning that the child and family's voices are not being heard? How can educators in Early Childhood Education and Care services balance the needs and rights of the child, as well as consider the rights of the family? These are not easy questions to be answered but we would argue that reverting to a compliance approach is not supporting families nor allowing for the child's right to be heard.

10.5 Where to from Here? How Can the Child's Right to Be Heard Be Balanced with the Family and Teachers Rights?

Early childhood education and care services are complex institutions. Teachers have requirements that impact what and how they teach, as well as how they work with the families who access their service. Families also face societal pressures and judgments on “parenting”. Within this is the child – they are a part of this microsystem of relationships but they also have rights that need to be respected and heard. Balancing all of these pressures and requirements is not easy. It requires early childhood teachers to be aware of this complexity, tension and the potential for polarising issues when working with families and children. Figure 10.1 is an attempt by us to begin to articulate the complexity of the relationships that exist, as well as highlight the tenuous place the child is in- they are interacting with their family and their teacher, as well as their peers (stuck in the middle!). External forces such as government agendas and societal values influence the teachers work lives and parents approaches to raising young children. Complicating this complex web of relationships is the current neo liberalist agenda, which espouses one truth. However, we know children, and families are complex with many truths and ways of being. Managing this complexity requires early childhood educators to be cognisant of these external influences.

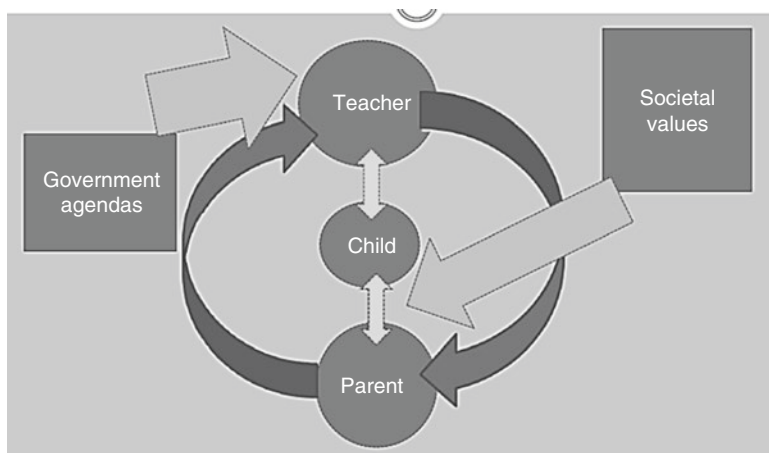


Fig. 10.1 The meat in the sandwich: the child's rights

10.6 Conclusion

Early childhood educators have a complex and multi-faceted responsibility in their work with children. Balancing the ever-increasing interconnecting network of policy frameworks, societal expectations of what a 'good' early education and care program looks like, parental expectations, anxieties and concerns and supporting all children's rights to be heard creates potentially competing tensions. By drawing on conceptual models such as Bronfenbrenner's social ecological model (1979), or the mosaic approach presented by Clark and Moss (2011), early childhood educators can examine their practice to reflect on whose voice(s) is/are heard and whose are silenced. This reflection provides an opportunity to rebalance educator practice, to balance the child's rights alongside that of family, community and broader societal influences to ensure that moving forward our children do not become the meat in the sandwich.

On Completion of Their Chapter, Hadley and Rouse Propose the Following Questions to Provoke Further Reflection, Research and Dialogue

- Can families' needs and children's rights be supported effectively by early childhood care and education services operating within a compliance model?
- Can curriculum frameworks that include principles, practices and outcomes support the development of reciprocal and responsive relationships with families and acknowledge the rights of the child at the same time? How? Where is the child's rights situated within your early education and care service? Are they the meat in the sandwich? Why/Why not?
- Can quality assessment tools and curriculum frameworks be reconceptualised to measure early childhood education and care services' ability to provide responsive quality programs that meet the needs of the children, families and community? What might you do differently after reading this chapter?

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