Research articles

Protecting invisible children in England: how human rights education could improve school safeguarding

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Abstract

This article brings together two distinct but interrelated fields: human rights education (HRE) and safeguarding. It endeavours to show that the former can be beneficial for the efficacy of the latter. By extending an argument put forward recently that for HRE to be effective it must enable children to recognise and respond to lived human rights injustices, the article places this important issue within the existing framework and processes associated with safeguarding young people in formal education. It attempts to both elucidate and consolidate the connection between HRE and safeguarding, arguing that if HRE were to become an integral part of safeguarding training and delivery, children may be better equipped to recognise and speak up about violations of their human rights, rather than relying on a passive system of adult observation.

Keywords

Human rights education, safeguarding, child protection, participation, empowerment

Introduction

This article brings together two distinct but interrelated fields: Human rights education (HRE) and safeguarding. The former seeks to guarantee that through teaching and learning that equips learners with the tools to understand, promote and defend human rights, these rights will be secured for current and future generations. This will allow people to identify rights violations in their own lives, whilst also equipping them with the knowledge, values and skills required to accept and defend human rights more broadly. The latter field operates to promote the welfare of children by keeping them safe and protecting them from harm. In educational settings, these two concepts tend to operate in different spheres and, whilst there is some recognition in the relevant literature of the overlap between the two, they remain fields of distinct practice and academic interest. This article endeavours to show how their greater interrelation could help to better protect children.

It is not my intention to rehash the familiar arguments in support of HRE being included to a greater extent within formal educational settings. Rather, this article endeavours to argue that HRE should be considered as beneficial to safeguarding and child protection. By extending the argument made by Laura Lundy and Gabriela Martínez Sainz that for HRE to be effective, it must enable children to recognise and respond to lived human rights injustices (Lundy & Martínez Sainz, 2018), this article places this important issue within the existing framework and processes associated with safeguarding young people in formal education in England. Little has been made to date of the obvious interaction between teaching children about human rights and protecting them from serious harm; it perhaps seems too obvious a point to make, yet it is one that is often danced around, at best, in the existing literature. This article attempts to both elucidate and consolidate the connection between HRE and safeguarding.

With this in mind, the article is divided into five sections. The next section suggests that there is not only a widespread paucity of HRE implementation, but also an insufficiency in implementation where it is currently being adopted. Drawing upon the work of Lundy and Martínez Sainz (2018), it is argued that within existing programmes of HRE, there can be an unhelpful focus on lofty ideals of human rights to the detriment of considering what shape actual violations of human rights might take. Following on from this, section three draws upon existing literature and my previous empirical research to suggest that when children are taught what breaches of human rights actually look like, they are better able to recognise and report rights violations in their own lives. This, therefore, is where existing safeguarding processes become of considerable relevance, with section four reinforcing the point that whilst all teachers in England receive training in safeguarding and child protection, the system remains one largely based on teachers' observations of abuse or neglect. This section explores why this status quo can be deeply problematic. Section five argues that if HRE were to become an integral part of safeguarding training and delivery, children may be better equipped to

recognise and speak up about violations of their human rights, rather than relying on a passive system of adults noticing when something is amiss. It is also suggested that by including HRE within safeguarding processes, a number of the recognised practical and attitudinal barriers to its provision may be alleviated. Some concluding remarks are offered in section six.

The omission of law from HRE in formal schooling

Amongst academics, it is well established that in most education systems HRE is currently not being taught in a uniform manner (Tibbits & Kirschlaeger, 2010, pp. 9-11; Zembylas, Charalambous, Lesta, & Charalambous, 2015). In England, for example, I have carried out detailed empirical study into teachers' perceived barriers to educating *about, through* and *for* human rights (Struthers, 2020). HRE has a tripartite framework: education *about* human rights covers the provision of contextually and culturally relevant human rights knowledge; education *through* human rights entails the creation of a human rights culture that respects the rights of both teachers and learners within educational settings; and education *for* human rights aims to equip learners with the skills for promoting and defending human rights more broadly (Struthers, 2015). My research identified teachers' practical concerns around the provision of holistic HRE; these concerns included a lack of available time, resources and relevant training. Additionally, however, the research revealed attitudinal anxieties around the appropriateness of human rights as a topic for young learners, the potential loss of control in a rights-respecting learning environment, and the complexity and irrelevance of certain empowerment-related skills (Struthers, 2020). It is also fundamentally the case that in England, as in many other countries, there is insufficient impetus or mandate at government level for HRE to be included to any meaningful extent within national curricula (Struthers, 2020).

The problems facing HRE as a discipline may not lie exclusively in the dearth of its provision, however, but also in the nature of its implementation. Lundy and Martínez Sainz (2018) argue, for example, that for HRE to be effective, it must address, rather than neglect, violations of human rights. The authors recognise that there is a tendency for HRE, particularly within formal education settings, to focus on positive descriptions of the significance of human rights to people's lives, and to imbue learners with knowledge of the values, principles and theories associated with the human rights framework. Their argument is that in doing so, HRE overlooks the importance of young people understanding negative lived experiences of injustice, exclusion or discrimination as a way to build their capacity and 'develop the legal knowledge and skills that will enable them to identify and challenge breaches of their own rights and the rights of others' (p. 6). They utilise various examples of violations of children's rights in school settings, including those related to access to education, curricular content and discipline, to reiterate the need for learners to be equipped with the capacity to both identify

and respond to lived human rights injustices.

The authors emphasise that by encouraging learners to recognise only the moral aspects of their human rights, HRE often fails to present human rights as legal entitlements with concrete legal consequences. Indeed, one of the principal aims of HRE, as outlined in Article 4 of the 2012 United Nations Declaration on HRE and Training, is to contribute 'to the prevention of human rights violations and abuses and to the combating and eradication of all forms of discrimination, racism, stereotyping and incitement to hatred, and the harmful attitudes and prejudices that underlie them' (United Nations General Assembly, 2012). For this to be possible, children must be able to recognise and act upon breaches of human rights in their own lives. They should be equipped with the necessary tools for understanding human rights law and its relevant legal instruments, and for translating that knowledge into action for the protection of their own rights. Lundy and Martínez Sainz's article reveals that there are numerous and varied breaches of children's human rights happening in schools across the globe, yet HRE as a discipline and movement tends to underplay the importance of legal literacy. The authors advise that:

> Injustice, discrimination and exclusion are already part of children's lived experiences; thus, rather than neglecting the breaches of children's rights, HRE should use them as learning opportunities to teach children about law. Children must become legally literate and develop the legal knowledge and skills necessary to identify breaches of rights, recognise them as such and, where appropriate, seek legal means to enforce them. (Lundy & Martínez Sainz, 2020, p. 17)

Whilst HRE is a burgeoning field of policy, advocacy and academic interest, the translation of holistic education *about, through* and *for* human rights into classroom practice has been slow. Studies from around the world have revealed shortcomings in its provision at all levels of formal education (Tibbits & Kirschlaeger, 2010, pp. 9-11; United Nations General Assembly, 2010) and, as Lundy and Martínez Sainz (2018) have shown, existing HRE practices are often insufficient in equipping learners with the necessary tools for recognising breaches of human rights. It is ostensibly the case, however, that when children are taught about their rights in practical – rather than aspirational – terms, they are better able to apply a human rights lens to their own lived experiences.

HRE as a means of understanding lived human rights violations

It feels rather like stating the obvious to suggest that if you show someone what violations of human rights look like, they will be better able to recognise these in their own lives. And to take it one step further, if you show them what human rights violations look like and tell them what they can do to challenge or remedy these, they will be better equipped to recognise *and*

address rights breaches in their lived experiences. Obvious, yes? However, this basic premise is something that has often been overlooked in the discourse on why teaching HRE in an age-appropriate manner at all stages of formal education is of considerable importance. The existing literature going back decades advocates the benefits of HRE for instilling empathy for the situations of those less fortunate (Covell & Howe, 2001, p. 31; Howe & Covell, 2010, pp. 99-100), for nurturing rights-respecting attitudes within school and beyond (Alderson, 1999; Covell & Howe, 2001, pp. 38-39), and for encouraging the taking of action to promote and defend human rights (Howe & Covell, 2010, p. 100; Jennings, 1994). However, there is not much focus on the particular issue of facilitating children's recognition of rights violations that happen to them.

Monisha Bajaj is perhaps the most notable exception to this, having written extensively on the transformative potential of HRE. In her book *Schooling for social change*, she reports that the provision of HRE with young people in India resulted in children identifying abuse in their own lives, and either confronting their abusers or threatening to do so (2012, pp. 81, 86). The book contains some powerful quotes from children in the study who recognised abusive situations after receiving HRE, including the following:

> I learned about my rights and that there are so many boys and girls around the world whose rights are being violated. I realized we should not keep quiet. I used to think that nobody was there to help me and whatever torture I was facing in my family, I thought that it was my fate and I deserved it. But once I started reading the human rights education books, I knew I had to stand up and fight for my rights. So one day I told my stepfather to stop and showed him the books, saying that I would report him to the authorities listed in there. He got scared and my teacher helped find a residential home for abused girls for me to go live in. (Bajaj, 2012, p. 86)

Some other studies have also touched upon the issue of HRE enabling children to recognise and address rights violations in their lived experiences. For example, Susan Roberta Katz and Andrea McEvoy Spero found that through HRE, students in the US with experiences of poverty, violence and discrimination were better able to connect human rights with the experiences of their lives (2015, p. 17). And the link between HRE and rights recognition had similarly not gone unnoticed by some of the teachers that I interviewed for the qualitative aspect of a previous socio-legal empirical project (Struthers, 2020). This project explored English primary teachers' perceived barriers to HRE provision through data gathered in 760 quantitative surveys and 98 qualitative interviews in two tranches of data collection in 2014 and 2017. One interviewee in particular was forthcoming, with an example of a learner in her class recognising and speaking out about human rights violations in her home life after receiving HRE at school:

Children don't know if they're being abused, because that's their family life…but when we're feeding that information that it's your right to be treated well, I'm hoping that children are less likely to be abused… I get really upset about it, because…my family went through it. My husband did it to me and my boys, and you just don't think you dare say to anybody, because nobody will believe you… [S]o…[we have to keep]…planting the seed,…[and] telling…them 'this is your right to be treated well'… [W]e had a year 6 child who left us last year, and she was able to say something… All of a sudden she just…said 'so if somebody is doing X, this isn't right, is it?' and I said 'no, it's not love, so what are you going to do about it? You have a choice and we'll support you'. (Struthers, 2020, p. 1)

Other interviewees in this study similarly stressed the importance of HRE as integral to safeguarding children in schools:

From a safeguarding point of view, I think it should be introduced really early… [E]ven toddlers should know of the right to say no if something makes you feel awful…

[I]thelps them to understand maybe some of the things that happen to them that possibly shouldn't be, and giving them that vehicle to help themselves out of certain situations if they can, but also to know that the adults in the school…have a knowledge of it and can help them. (p. 83)

And some teachers in particular considered that empowering children to stand up for their rights through the provision of HRE was of considerable importance:

There's a boy in my class who's challenging and a girl who adores him, but he can bully her… One time he pushed her up against the wall and she pushed him back, and she was made to feel it was partly her fault by management… [I]f she's being told that…, I know it's quite extreme thinking, but you never know what's going to happen. What if she gets into an abusive relationship and thinks 'it's my fault'… I definitely say 'you need to stand up for yourself'. (Struthers, 2020, p. 150)

[I]t's about empowering…[learners] to take charge of what they do in life,…but to also recognise when they're feeling a bit uncomfortable with situations.

[T]here's one thing I always teach them from day one: if someone does something you don't like, it's fine to say 'stop it, I don't like it' and tell an adult… [T]his is the basis of…[empowerment]. (Struthers, 2020, p. 150)

Informal conversations with academics working in the field of human rights in education and with former and current teachers have further revealed numerous anecdotal examples of

children recognising and speaking out about rights violations after receiving HRE. It follows, therefore, that if through the provision of HRE children are better able to recognise and act upon human rights violations in their own lives, then HRE arguably has a beneficial role to play in school safeguarding processes. Why, then, is the connection between HRE and safeguarding not more readily made either in the academic literature in this area or in education policy in England?

The inherent passivity of current safeguarding training and delivery

Safeguarding referrals in England have increased considerably over the past two decades. Between 2007 and 2018, for example, there was a 78% increase in initial contacts made to children's social care, and a 22% increase in referrals to social care (Association of Directors of Children's Services: Leading Children's Services [ADCS] 2018 p.8). And the COVID-19 pandemic has resulted in family stresses and children's vulnerability further increasing at a time when protective services have been at their weakest (National Society for the Prevention of Cruelty to Children [NSPCC], 2020). It is perhaps unsurprising, therefore, that following a number of high-profile tragedies resulting partially from perceived failures of relevant services to appropriately protect children from serious harm (including Victoria Climbe [Lord Laming, 2003] and Peter Connelly [Haringey serious case reviews, 2008]), safeguarding training and procedures are mandatory in English schools (Department for Education [DfE], 2021, p. 3).

Local authorities and maintained schools are under a duty to ensure that their functions are exercised with a view to safeguarding and promoting the welfare of children (Education Act 2002, section 175, and regulations made under section 157), and independent schools similarly must make arrangements to safeguard and promote the welfare of pupils (Education [Independent School Standards] Regulations 2014, Part 3). Most schools will therefore have implemented measures: a designated safeguarding lead; internal school guidance and policies on identifying and monitoring safeguarding concerns; and regular staff training on safeguarding. Such training is often provided through independent trainers or external contractors, with the nature and extent of safeguarding training varying depending on the type of school and its location (Baginsky, Driscoll, Manthorpe & Purcell, 2019, p. 476). The patchwork nature of safeguarding training means that whilst some schools or professional trainers (including NGOs such as the NSPCC) may be offering instruction that includes discussion of human rights, many, if not most, will not.

There are two government publications relevant to safeguarding in schools. The first, 'Working Together to Safeguard Children', is a guide to inter-agency working for safeguarding and promoting the welfare of children but applies in its entirely to all schools (HM Government, 2018), and the second, 'Keeping children safe in education', contains detailed advice and

information specifically for all schools, whether maintained, non-maintained or independent (DfE, 2021). Safeguarding and promoting the welfare of children is defined in both documents as:

- protecting children from maltreatment;
- preventing impairment of children's mental and physical health or development;
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes (DfE, 2021, p. 7; HM Government, 2018, p. 7).

'Working Together to Safeguard Children' guidance applies more broadly. It advises that schools, colleges and other educational providers have a pivotal role to play in wider inter-agency safeguarding arrangements, but does not contain direct instructions to schools in this regard (HM Government, 2018, p. 79). 'Keeping children safe in education', on the other hand, includes detailed safeguarding advice for schools and colleges, advising that staff should receive appropriate safeguarding and child protection training that is regularly updated ('as required, and at least annually') (DfE, 2021, p. 9). The guidance explains that safeguarding is the responsibility of everyone who comes into contact with children and their families, and that they have a role to play in identifying concerns, sharing information and taking prompt action (p. 7). It advises that school staff be in a position to identify concerns early, provide help for children, and prevent concerns from escalating (p. 7), and that they should be prepared to recognise children who may benefit from early help (p. 8). There is an instruction that all staff should know what to do if a child tells them that they are being abused or neglected (p. 9), and it is made clear that knowing what to look for is vital for early identification of abuse and neglect (p. 10).

Whilst 'Working Together to Safeguard Children' mandates that 'anyone working with children should see and speak to the child: listen to what they say; take their views seriously; and work with them and their families collaboratively when deciding how to support their needs' (HM Government, 2018, p. 10), the emphasis in 'Keeping children safe in education' is largely on early recognition of signs of abuse and neglect. Some sections do reference children's voice, including an example of poor safeguarding practice being identified as the failure to listen to the views of the child (p. 21) and advice that systems should be in place for children to 'safely express their views and give feedback' (p.25). However, the guidance does not require that children's views be actively sought or encouraged throughout the safeguarding process, thus ostensibly failing to reflect a more holistic approach to the child's right to be heard under Article 12 of the UNCRC (Lundy, 2007). Nor does it advise that children be empowered to recognise and report safeguarding issues in their home or school lives. The

guidance overall can be described as passive or reactive, with teachers instructed to identify and act upon safeguarding concerns, but without any requirement for them to equip children with the language and understanding for recognising abuse and neglect in their own lives and being able to vocalise that recognition.

And it is not just at this stage of the safeguarding process that children's voices may not be encouraged. Where abuse or neglect of a child is known or suspected and that child has either died or has been seriously harmed, a serious case review (SCR) will be carried out if there is cause for concern regarding the way in which relevant authorities worked together in the safeguarding process (DfE, 2020, p. 12). In the DfE's triennial analysis of SCRs from 2014 to 2017, it is noted that very few of the SCR reports analysed captured the lived or day-to-day experiences of any of the children (2020, p. 78), further emphasising that:

> One of the crucial aspects of all safeguarding work…is to understand the lived experience of the child. Children of all ages need to be empowered to express their experiences, and make their voices heard, even when they are not able to verbalise their stories. (DfE, 2020, p. 74)

It is unfortunately the case that the elements of passivity inherent in the current school safeguarding procedures in this country have too often failed children. This is less a reflection on the competency of teachers or other school staff and more a reflection on the reactive nature of safeguarding processes. Some high profile child protection cases have revealed shortcomings in the abilities of staff to identify cases of abuse or neglect before they escalate to tragedy. For example, school staff in the tragic case of Daniel Pelka, murdered in 2012 at age four by his mother and her partner, had observed injuries to Daniel's face and neck and were troubled by his obsessive nature around food. However, they neither consistently recorded his injuries nor reported their concerns to the police or social services (Coventry Safeguarding Children Board [CSCB], 2013, pp. 5, 26). Whilst Daniel and his older sibling did not fit the image typical of neglected children (they were clean, well-presented and had packed lunches, albeit very frugal ones in Daniel's case) (CSCB, 2013, p. 45), the case underscored that reliance on passive teacher observation in safeguarding processes can be problematic. Various injuries were observed by teachers at different times during Daniel's short time at school, but inconsistent recording meant that neither the frequency nor the severity of the injuries was appreciated. The SCR into Daniel's death noted that 'the school did not have clear protocols to enable the compilation of information and concerns', resulting in 'a lack of clarity about when exactly injuries were seen, how many there were, and of the response to them' (CSCB, 2013, p. 59). It emphasised that 'no professional tried sufficiently hard enough to engage him to enable him to talk about his experiences at home' (p. 32), and he is described as having been '"invisible" as a needy child against the backdrop of his

mother's controlling behaviour' (p. 6).

Daniel's case is unfortunately not unique. The NSPCC's database of recently published serious case reviews contains numerous examples of signs of abuse and neglect being missed and of failures by professionals, including school staff, to encourage or support the exercise of children's voices in safeguarding processes (NSPCC, n.d.). The case of Child J, for example, is another particularly stark example of various injuries being noticed over time by school staff, but a lack of consistent recording and reporting, combined with a failure to elicit the child's voice, resulting in tragedy (Wiffin, 2017, Section 3). Another SCR reveals that 'despite all the potential signs of abuse, no professional gave Isobel the opportunity or space to describe what was happening in her world', and the report highlights that professionals 'do not always recognise when they needed to ask questions, share information or follow up with colleagues about a child's wellbeing' (Stobart, 2017, pp. 4, 8). What these cases emphasise is that current reactive safeguarding processes, that rely on adults observing and actioning signs of abuse and neglect, can be insufficient. As evidenced by Daniel's case and others, pupils may not show symptoms typical of abused or neglected children (North East Lincolnshire Local Safeguarding Children Board, 2017, p. 8); indeed, Daniel's mother went to great lengths to portray herself as a caring mother with concern for her son's wellbeing.

Academic commentators, myself included, have observed that HRE can be efficacious for safeguarding, by enabling children to understand their rights, identify violations of those rights and be empowered to take action in response to this recognition. Yet the link between HRE and safeguarding is not one that appears to have gained any traction at policy level in England. The next section outlines why this is likely to be counterproductive for the protection of vulnerable young people.

Why HRE should be included within safeguarding training and delivery

Lundy and Martínez Sainz acknowledge in their 2018 article that there are few legal scholars working in the field of HRE. Indeed, it could be said that there is little interaction between the disciplines of law and education more generally, and we particularly see this when it comes to the issue of educating children on the legal aspects of their rights. Whilst there is academic scholarship on legal education within formal school settings, and of course on the importance of young people receiving comprehensive education *about, through* and *for* human rights, what is missing is consideration of the importance of both of these for the purpose of enabling young people to recognise violations of their human rights within the school walls and beyond. Children need an understanding not just of legal mechanisms for rights protection, but also of the reality of human rights violations.

Lundy and Martínez Sainz observe that 'it appears less acceptable to identify and label

injustices and inequities as breaches of children's rights' (2018, p. 16), and it certainly seems to be the case that some teachers are reluctant to utilise human rights language in this way in their classrooms. This is, arguably, particularly true in the context of using that language to identify and address matters of human rights in practice in the school setting. Teachers in my previous socio-legal empirical study suggested that whilst children may be likely to understand the concept of rights at the level of how they ought to be treated in the classroom, they might not fully grasp the relevance and significance of human rights to their own lives (Struthers, 2020, p. 131). Other teachers in the study considered the language of human rights to be inappropriate or adversarial, potentially leading to a loss of teacher control and authority in the classroom (pp. 128-131).

When teachers receive little or no education on human rights within their own teacher training or Continued Professional Development (CPD), it is understandable that they may be uncomfortable utilising rights in the sense of identifying and addressing human rights issues in the classroom or encouraging young people to be able to recognise violations of rights in their own lives (Struthers, 2020, pp. 185-192). There is a tendency in education to locate denials of human rights in distant, less democratic lands (Osler, 2015, p. 250), despite the fact that 'human rights are obviously rooted in values, but are at the same time something different; rights claims can be asserted in both national and international courts of justice, whereas values cannot' (Vesterdal, 2019, p. 15). And my existing research has shown that teachers are more comfortable framing human rights in the context of values (Struthers, 2020, pp. 84-89). As Lundy and Martínez Sainz identify, however, 'adherence to a body of safe human rights "values" can dissipate as soon as it emerges that children's rights clash with the rights of others (such as their parents) or cost money or promote their self-autonomy' (2018, p. 15). Learning only about human rights values is likely to be of scant use to children who are suffering rights violations at home or elsewhere, and thus it is perhaps nowhere more important that children are aware of their human rights than in the realm of safeguarding and child protection. In safeguarding situations, understanding values such as dignity, respect and tolerance, whilst important, is in itself insufficient to enable children to take action to address rights violations in their lived experiences.

Understanding human rights values must therefore be accompanied by an awareness of the specific rights to which children are entitled, as well as of the protection mechanisms available to assist in any situations of rights denial. To borrow the terminology of the tripartite framework mentioned above, understanding of particular human rights as per education *about* human rights, must be accompanied not only by respect for rights in the classroom environment *through* human rights, but importantly also by a realisation on the part of young people that they are empowered to take action to address breaches of their rights in the form of education *for* human rights. Each of these aspects would have a significantly beneficial role

if embedded in safeguarding training and delivery.

As outlined above in section four, the current safeguarding guidance for schools in England is based more on reactivity than proactivity. It proceeds on the assumption that relying almost exclusively on teachers identifying signs of abuse and neglect is the most appropriate way to keep children safe. The system has been criticised on many occasions for neglecting to take into account the voices and lived experiences of the children it is designed to protect, yet the safeguarding guidance directed at schools does not adequately instruct teachers to do this. For safeguarding processes to truly reflect the lived experiences of those they are designed to protect, a transformation in the system is required. This is where HRE could be beneficial: what if safeguarding training and delivery in schools could be utilised more effectively to equip young people with the means to recognise when their human rights are being violated and to understand how to seek help if this is the case?

Safeguarding is taken seriously, for good reasons, both at policy level and in educational settings. Training in this area is mandatory, regular, and often comprehensive, and the relevant government guidance is detailed and routinely updated. With the most recent review of SCRs by the DfE recognising that 'teachers spend considerable time with school-aged children and the development of a trusting relationship enables children to talk about what is happening to them' (2020, p. 80), it would be efficacious for HRE to support and reinforce school safeguarding processes. Mandatory safeguarding education during teacher training and safeguarding training sessions at school prepare teachers to recognise signs of abuse and neglect. However, such instruction could also equip teachers with the tools to empower children to recognise and address breaches of rights in their own lives.

This would be true of any safeguarding processes in countries where passive teacher observation is currently the norm and would be efficacious for ensuring that children's Article 3 right within the United Nations Convention on the Rights of the Child (UNCRC) to have their best interests taken into account would be better protected in school settings. It would also necessitate teachers themselves being familiar enough with human rights to be able to equip the learners in their classroom with the tools for recognising when their rights are being breached and for taking action in response. If teachers were equipped with detailed knowledge about the rights contained within the UNCRC, for example, children in their classrooms would understand that they have rights. These include protection from all forms of physical or mental violence, abuse, neglect, maltreatment or exploitation while in the care of parents or other carers (Article 19), an adequate standard of living (Article 27), good quality healthcare, and nutritious food (both Article 24). Children would also recognise that they have the right, under Article 12, to express their views in matters affecting them. In other words, they would appreciate that they have a voice that is relevant and significant, and that they will

be listened to if they speak out (Lundy, 2007). This last point is important for, as identified by Bajaj in *Schooling for social change*, children were empowered to speak out about lived experiences of rights violations after receiving HRE only if reassured that adults were willing and able to intervene in situations of maltreatment (2012, p. 92). Child-friendly versions of existing human rights documents could assist teachers in explaining rights to children in age-appropriate ways (Council of Europe, n.d.; Queens University Belfast, n.d. United Nations Children's Fund & Child Rights Connect, n.d.).

In the aforementioned DfE review of SCRs, it is reported that neglect is one of the most pressing concerns in safeguarding and child protection in the UK. There was, for example, evidence of neglect in 75% of the SCR reports examined (208 out of 278 SCR reports) and the report reiterates that 'how we respond to and protect children from the harmful effects of neglect is one of the most pressing and challenging aspects of safeguarding work in this country' (DfE, 2020, p. 54). It notes that three particular issues stood out in the cases of neglect studied: 'poverty; the complex and cumulative nature of neglect; and the invisibility of some children and young people to the system' (p. 58). What the report also recognised, however, is that there is often a stigma around naming mistreatment as neglect, or around identifying poverty as an underlying issue for families where neglect is a problem. Equipping children with the language and understanding necessary to identify that they are experiencing neglect through, for example, insufficient food, housing or healthcare, and to vocalise their experiences and concerns, encourages their active participation in the recognition of their situation. If discussion of human rights in the classroom as a key component of safeguarding in schools were to happen regularly, this may prevent safeguarding cases from escalating to the point where teachers are observing visible signs of abuse and neglect. Such a change in approach may also prevent children who are experiencing breaches of their rights from feeling they are being singled out by teachers or being treated differently to their peers when observations of safeguarding issues are made. Children would ideally be equipped with the requisite knowledge and understanding of rights to speak in confidence to a member of school staff before they are observed to be at risk; though of course, many children who are subject to abuse or neglect will never feel empowered to speak out about their experiences for a number of reasons, including fear of reprisals from their abuser, of not being believed, or through not knowing that certain behaviours are abusive (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017, pp. 10-11).

Including HRE as an element of safeguarding would also be likely to have the additional benefit of overcoming some of the current barriers to the provision of HRE with primary school-aged children. As mentioned in section two, teachers in my empirical study identified both practical and attitudinal concerns about HRE: these included a lack of time, relevant training, and attitudinal anxieties around the appropriateness of human rights as a topic for young learners.

Many identified, however, that they would be more likely to teach about human rights in their classrooms if they were better trained in the topic and if they felt there was a mandate at governmental level for them to do so (Struthers, 2020, Chapter 7). One interviewee expressly recognised that safeguarding training is continuously reinforced and that if the same could be said for HRE, then teachers would be more confident in its provision (p. 193). Including HRE within existing safeguarding training at both initial teacher education and CPD levels would therefore be likely to offer the subject the space and legitimacy necessary for it to be taken seriously by schools and for education *about, through* and *for* human rights to be able to make a difference to the lives of vulnerable young people.

Concluding remarks

In England, HRE and school safeguarding currently exist in two distinct spheres. It is true that some of the existing human rights literature has danced around the issue of HRE being of relevance to child protection concerns, but this aspect of the current discourse has not been explored in depth, either in the UK or beyond. Yet in this area, across the globe, children's knowledge of human rights and their empowerment in the face of human rights violations are of monumental significance. Only through equipping children with accurate, detailed and comprehensive knowledge and understanding of their rights – and the protection mechanisms for those rights – will they be able to recognise and address violations of rights in their lived experiences.

Lundy and Martínez Sainz acknowledge the controversial nature of their proposals on the use of HRE to empower children to identify rights violations in their own lives, recognising teachers' fears about such education being disruptive to the learning environment, and they accept that their approach is in many ways radical (2018, p. 18). Yet, they remain keen to stress that this is fundamentally the point: 'giving children the legal knowledge and tools to address breaches and violations of their rights wherever they arise is not just a right itself but a seemingly undervalued way of educating them in human rights for transformation' (p. 18). And indeed, looking beyond the English context, improving the practice and processes of school safeguarding is itself likely to be an important means by which states recognise and respond to their duty under Article 19 of the UNCRC to protect children from 'all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.'

Too often, children have been failed by the English safeguarding system. A system that relies on the observations of those who come into contact with children assumes that each link in the chain connects effortlessly to the next; that every teacher who notices an unusual bruise

on a child will be suspicious enough of that isolated incident to record or report it, and thus help to identify a pattern of abuse. This did not happen in the case of Daniel Pelka, not through the fault of any one member of staff but through the failing of a system that relies predominantly on reactivity in the face of suspected abuse or neglect. In cases such as Daniel's, where a number of staff members witness different injuries over time, each teacher in isolation may not consider his or her observations significant enough to merit escalation. This is where children fall through the cracks, and this will happen in any safeguarding system that relies on passive teacher observation.

Whilst not a panacea, providing teachers with comprehensive education on HRE – that covers in detail each element of education *about, through* and *for* human rights – as part of their safeguarding training, both at the stage of their initial teacher training and during ongoing CPD, could inject an element of proactivity into the system. Schools could also involve children in drafting their safeguarding policies from a rights-based perspective (as is currently sometimes done with bullying and/or discipline policies), which would further alter the dynamic in safeguarding processes to one that actively involves children as participants. By equipping teachers with a fundamental legal understanding of the human rights to which everyone, including children, is entitled, as well as the mechanisms for their protection, and encouraging them to empower children to recognise and address rights violations in their own lives, the inherent passivity of certain school safeguarding systems may be challenged. This is unlikely to be a straightforward shift; practical and attitudinal teacher barriers will remain problematic, at least initially. However, even small changes in this direction would be positive.

It has been observed recently with regard to safeguarding in the American school system that 'most training programmes in education, (i.e., teacher preparation…) include some coverage of mandated reporting and child abuse; however, no empirical data exists that demonstrates that this training is adequate to prepare professionals for reporting child abuse' (Hall, Runion & Perkins, 2017, p. 375). And a recent study in Norway reported that teachers do not feel their teacher-training adequately prepares them to address harmful sexual behaviour between pupils (Draugedalen, Kleive & Grov, 2021, p. 5). These findings are likely to reflect the situation in other countries, including at initial teacher education and CPD levels in England where each higher education institution and school, respectively, offers its own training programme, principally enabling teachers to understand risk factors and recognise signs of abuse and neglect. Educating school staff in how to empower children to recognise and speak out about rights violations would give both themselves and their pupils improved opportunities to understand and act upon hidden maltreatment issues. And this is arguably particularly important in England, given that the number of young people in need of child protection is far greater than official data indicates (Bentley et al., 2016). If these silent voices could be empowered to speak up about the harm they are experiencing, then HRE will have served an

important purpose.

It almost seems too obvious a point to make that everything possible should be done at the level of school safeguarding to prevent cases either escalating to the point where multiple agencies become involved or ending in gut-wrenching tragedy where children have slipped through the net. Even prior to the Covid-19 pandemic, the strains upon child protection agencies in England were all too apparent. High caseloads and staff turnover combined with deep spending cuts had significantly impacted upon the sector, leading in particular to a shift from early intervention services, such as family support, to spending on late intervention services, such as children in care (Action for Children et al., 2020). And with these problems exacerbated by the pandemic, there ought to be as many opportunities as possible at other stages in the safeguarding process to prevent children from becoming invisible to those entrusted with their care and protection. It is here that there is definitely scope for HRE to better support and strengthen passive school safeguarding processes.

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