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EDITED BY
Brahm Norwich,
University of Exeter, United Kingdom

REVIEWED BY
Kevin Cahill,
University College Cork, Ireland
Joseph Mintz,
University College London, United Kingdom

*CORRESPONDENCE
Roseanna Bourke
✉ r.bourke@massey.ac.nz

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Children's rights and their evidence as a force for inclusion in uncertain times

Roseanna Bourke*

Institute of Education, Massey University, Palmerston North, New Zealand

Although education is a basic child's right, and in many countries is protected through legislation, children with disabilities or support needs are not always afforded their right to experience an education at their local school alongside their peers. There is even less evidence that their 'voices' are sought or heard when decisions are made for them. This silencing of children in education results in their views being invisible in practice. When making decisions about children's education and opportunities, an evidence-based model could feasibly address this, if the child's right to have a say was afforded the same weighting as that of the input from practitioners, and research findings. Evidence-based practice in education typically relies on three forms of evidence: (i) systematic research that has been published or disseminated, (ii) specific practitioner knowledge and experience of children and their needs, and (iii) the children's and their family's experience of their own lived lives and capabilities. Combined, these forms of evidence can illuminate the decisions made for an individual child, and forge the pathway for interventions, actions, and solutions that are most likely to 'work' for the child, their culture, and their context, all things considered. However, there remains a tension when weighing up the relative status of these forms of evidence, where 'research' or 'expert opinion' is given more credence than the child's capabilities: that is, less weighting is given to an individual child's expression of their circumstance, their context, their ethnicity, and the opportunities afforded to them. The recent global pandemic became a catalyst for listening to children about their learning and education, in part because the 'shut down periods' meant classrooms and schools were closed for periods of time. Children had views on what this meant for them and their learning, and for the first time, practitioners did not really know what was in the best interest of the child. A case study is presented to foreground their views and goals for learning during this time. This means that while practitioners' expertise be afforded a place in decision-making around inclusion or educational options for the child, the child's own experiences must be included if *evidence-based practice* is realised. Placed against rights-based practice, it becomes even more critical to give every child *their* 'voice', and to act on their views, as the children are the key informant for their own solutions, and of their own interpretation and expression of the 'problem'.

KEYWORDS

children's rights, student voice, inclusive education, learning, UNCRC, evidence-based practice, COVID-19

Introduction

This article argues that understanding and enabling children's rights under the United Nations Convention on the Rights of the Child (United Nations, 1989) is fundamental for effective educational inclusion, and that in a post-COVID-19 era, children's voices and rights need to be more visible than ever. Understanding 'student voice(s)' is based on understanding children's own aspirations, motivations and experiences of education and the context within which they learn. Irrespective of how that 'voice' is gained, for example through actions, words, technology, or creative outlets such as music or art, it is how we come to understand and act on that voice that matters most.

Children are keen and curious learners when they have a purpose and active interest in what and how they learn. Even during times during the national lockdowns where schools were closed for long periods, children will have experienced new and novel ways of being, and of learning. They can capably express their views and experiences of learning, and of their barriers to learning, which become valid forms of evidence to incorporate in decisions and actions around their education and learning. Taking into account children's evidence enables practitioners and teachers to plan for inclusive educational classrooms and systems, and ensures these children's rights are upheld. In a recent review of the experiences on inclusion from children and youth with disabilities and special needs, Paul et al. (2022) note how competent children are when reporting on their own needs: 'children and youth with disabilities and special needs, when provided opportunities, demonstrate profound personal understandings of their strengths and needs, their conditions and how these impact their lives, leading to insightful information that can enhance inclusive education practice and policy' (p. 1).

This article explores children's rights, how to ensure their voice is heard, and why understanding learning through the children's lens reconceptualises what it means 'to learn' especially when that learning is not necessarily measured or outcomes-driven, and cannot be observed in a typical developmental trajectory. The global pandemic where school closures across the globe was experienced, meant this did 'not only impact children's rights but also their right to participation as the traditional spaces, structures and forms of being heard were severely impacted' (Donegan et al., 2022). Affording children their right to education and to support them in directly influencing the decisions that impact on their education and social lives, is critical if inclusion in classrooms, schools and communities is authentic and honest. It paves the way to enable children to thrive in uncertain times.

The Convention on the Rights of the Child of United Nations (1989) has been ratified by 196 countries and compels governments and their agencies working across the health, social services and education sectors to ensure the child's rights are upheld. As an international treaty it recognises the rights of the child up to the age of 18 years. This means children and young people have extensive rights with regards their education, health, living conditions and identity, and significantly have the right to express their views in matters that affect them, and have information shared with them (United Nations, 1989). Although these rights are fundamental when making educational decisions for and with young people, they are not an explicit component of evidence based practice.

It is ironic then, that the most influential source of evidence when creating futures for children—evidence from the children themselves—is often missing. Young people are not often afforded their right to participate in decisions around their educational opportunities and educational inclusion, whether as part of specialist assessments, reviews, and educational planning meetings. When children are left out of significant decisions around their inclusion at school, the validity of decisions must be questioned. As a child expressed in a survey undertaken by the New Zealand Office of the Children's Commissioner (2017), 'I am a library. Quiet but filled with knowledge—it's dumb [that I'm not asked]' (p. 14). When the goals and aspirations of young people are included in educational decisions even in small and developmental ways, this becomes an important form of evidence. This is particularly so, because there is no one right solution for every child, and each child will have a different notion of what they need to thrive. Noddings (2016) for example, observed that 'when we force all children to take exactly the same courses, we are likely to increase, not decrease, differences' (p. 196). The question is, 'what would happen if these goals and child voice were foregrounded as 'evidence' to influence adults' perspectives of what is 'right' for the child?' While the role of adults is critical for supporting children in their educational inclusion, rebalancing the nature of *whose* 'voice' leads, and what constitutes evidence, requires adults to take new approaches for including children and eliciting their views as their basic right.

All children have rights and capabilities

Policies in education are influenced by international human rights bodies (Byrne, 2022); one being the United Nations Convention on the Rights of the Child (United Nations, 1989). As Jaffé (2020) observed, we are all privileged to be in 'the trenches of child rights' (p. vii). He traces the child rights' movement back to Eglantyne Jebb who led the team to lobby for the 1924 Geneva Declaration of the Rights of the Child. This subsequently became a precursor to the work that took place to embed the United Nations Convention on the Rights of the Child (United Nations, 1989) to ensure human rights dedicated to children was foregrounded. This enabled UNCRC to stipulate a pathway for children's rights through 54 Articles, although the enactment of these rights in education has proved challenging.

Both policy and practice frameworks across government departments that influence the children's lives, are increasingly aware of, and inclusive of children's views. Translating these views into actions is less convincing. As argued by Jaffé (2020, viii), adults alone cannot know what children need.

> Not only should adults no longer ever automatically assume that they can decide for children, they must also build a different rapport with children, make sustained efforts to inform children on matters that concern them, and authentically solicit their views.

The Convention on the Rights of Persons with Disabilities (CRPD, 2006) is another international convention that necessitates

the importance of listening to the experiences of children with disabilities and their 'evidence' when enacting educational inclusion policies and frameworks. This convention also identified disabled children's rights, yet these are often not upheld, and children's evidence is silenced (Byrne, 2022). The recent New Zealand Ombudsman report (2014–2019) of the independent monitoring mechanism of the convention on the rights of persons with disabilities, identified a red flag (i.e., for immediate attention) with regards inclusive education. As the New Zealand Ombudsman's Office (2020) report notes, 'This is despite recent years of reform, which unfortunately has not been co-designed effectively with disabled people, nor has it addressed systemic concerns for inclusivity'. Given that research has shown that by including children and young people in school reform initiatives, the systemic inequalities can be addressed (Mager and Nowak, 2012; Mitra, 2018, 2022), it is critical that action is taken with these young people.

Article 24 (United Nations, 2006) states that the right for 'persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live'. Despite this, there remain examples across the globe where children remain marginalised *within* schools, and excluded *from* schooling whether through disability, gender, or additional needs (McCluskey et al., 2015; Middleton and Kay, 2019; Byrne, 2022). Article 23 states that the disabled child 'should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitates the child's active participation in the community'. However Byrne (2022) points out some serious lack of basic children's right in evidence-based educational inclusion. Given the nuanced and multiple ways inclusion is understood and enacted, children with the most profound disabilities are silenced as there becomes 'a hierarchy of disability, and prioritising those who can – in relative terms and in the eyes of duty-bearers – be more easily supported to become part of an ableist world' (Byrne, 2022, p. 316).

A study completed by McCluskey et al. (2015) involving children in Wales in school exclusions and alternative education options, noted that children are not afforded their rights in education, yet 'this is not a privilege to be awarded to some, and it does not depend on where a child lives, their family circumstances or even their behaviour' (p. 606). They argue a children's rights framework is missing, but so too is a children's capability framework.

> *The critical position, to see children as beings and not becomings, fostered another normativity, which sometimes contemplates children's agency as attached to them (as much as to adults), as if this would give children more recognition. By contrast, the capability approach helps situate agency as a reality constructed in the relationships between individuals* (Bonvin and Stoecklin, 2014, p. 8).

As argued by Bonvin and Stoecklin (2014) children are already *beings* in their own right, and have their own rights identified through international convention. Children with additional or complex needs are neither needing to be 'normalised' nor fixed. They also possess capabilities and strengths that must be recognised and celebrated, yet it is often through a normative-based school system that focuses attention on what is 'not there'.

Evidence based practice: what constitutes evidence for inclusion?

Evidence-based practice (EBP) can only be authentic, valid and reliable when it also includes the children's right to have a say, and make decisions, and then upholds those children's rights. While there is increasingly interest in identifying this as important (e.g., McCluskey et al., 2015; Nastasi et al., 2020), there remains a chasm between rhetoric and action. One young child's comment in the survey undertaken by the New Zealand Office of the Children's Commissioner (2017) sums it up: 'just talk to us, do not see us as too hard' (p. 41).

When weighing up the available information to make decisions for, and with children, key questions to be considered include: '*what constitutes evidence*?' '*whose culture is foregrounded in this evidence*?' and '*who provides the evidence*?' Traditionally the role of research for educational practice has been used to consider 'what works' and 'when' (Hargreaves, 1996), but this is only a small component of EBP. Three fundamental forms of evidence used by practitioners are increasingly being employed, as depicted through an evidence-based practice model for education. When working with children and families, practitioners typically incorporate three key forms of evidence: (i) research, (ii) practitioner experience, expertise and knowledge, and (iii) the children and their families knowledge and context. If considered as a Venn diagram with each component representing one circle within the diagram, the intersection between all three components constitutes the basis for evidence-based practice (Figure 1). Evidence from only two sources from the three platforms of evidence means that decisions made for the child are neither fully valid, nor authentic. An 'expert model' would be presented in situations where decisions for the child were based only on research evidence and practitioner knowledge, but not the child's experience or views. A different scenario where practitioners used their own knowledge and experience (one section of EBP model) along with the views of the family (another section of the EBP model), would reflect a 'trial and error' approach to creating a solution. Similarly, if the families only used research (and often 'google' is used to explore presenting behaviours, diagnoses, and action plans), then this misses the 'mediation' of available information that the practitioner can provide, and their knowledge of the research.

An evidence-based model of practice relies on all forms of evidence, and at times each may hold different weighting; however no two sources of evidence can be stand-alone when using an evidence-based, rights-based approach. While research and practitioner knowledge (arguably dominant and typically privileged knowledge) have an important role in supporting inclusion, a child's right perspective would adjust the focus and provide the clarity when making decisions with, or for the child.

Rights-based practice for educational inclusion

As United Nations (1989) Article 12 identifies, along with the comprehensive rights under UNCRC, a rights-based practice is both about listening to the child, but also about understanding their broader rights that they may not understand or know. Although it should not need to be stated, this includes their right to have a name, to be able to develop their talents, to be included in education and this is picked up later in the article.

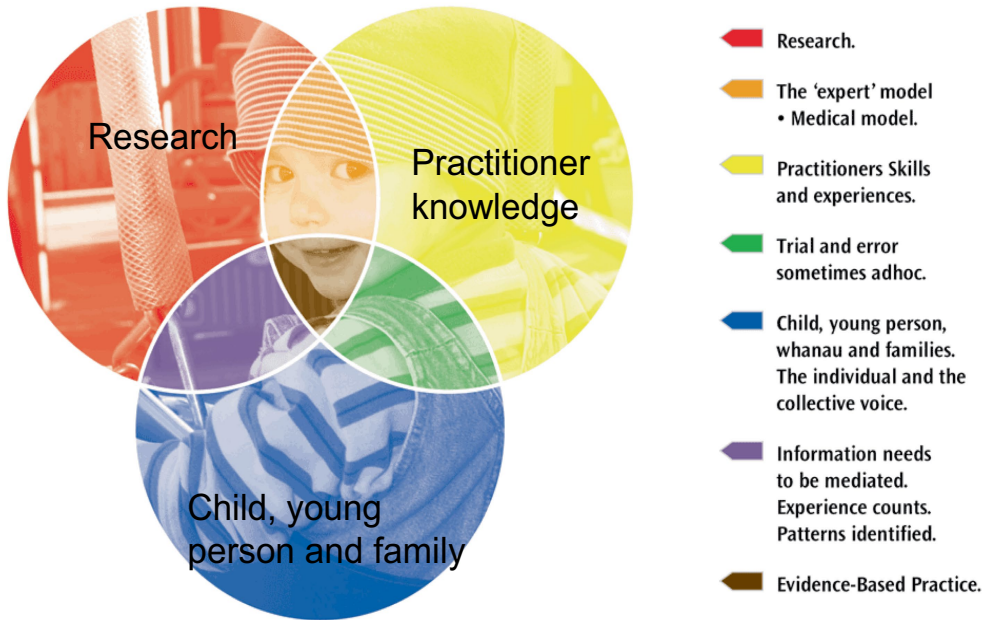

FIGURE 1
Evidence-based practice for inclusive education (Bourke et al., 2005).

While the evidence-based practice framework is a solid reminder that there are multiple forms of knowledge, it can also challenge the notion that only traditional western knowledge, or 'research hierarchy' (where the gold standard of research is objective, and focuses on randomised control trials and studies) constitutes evidence. Given the historical tension between 'scientific' or technical knowledge and that of the creative, artistic expression of knowledge in practice (Schön, 1987), the importance of an individual in context becomes evident. Schön (1987) for example, explained the importance of practitioners' reflection-in-action, in order for them to instantly access knowledge from several sources to make sense of a situation. The 'improvisation' practitioners learn through their practice is evident when their decisions utilise both their professional expertise with their creativity. When making evidence-informed decisions for inclusion and inclusive practices, there are always going to be multiple perspectives and views of what is important, so arguably improvisation, creativity and kindness are as important as scientific evidence and research. As Lane and Corrie (2006) state:

> *We need frameworks for developing creative and analytical skills, but the quest for accuracy has sometimes obscured the extent to which we have to invent new maps and tools. The art of telling psychological stories, manifest in formulation, requires an ability to improvise and invent because there are multiple ways through which we can come to know the world* (Lane and Corrie, 2006, p. 205).

Biesta (2007) also cautioned the limitations of evidence-based education, in that it may 'limit severely the opportunities for educational practitioners to make such judgements in a way that is sensitive to and relevant for their own contextualised settings' (p. 5). In more recent years Biesta (2013) explored the 'medicalisation of education' and argued that children are required to fit a system that does not question whether it is the child or society that needs the intervention. Individual and local contexts, indigenous knowledge, and family experiences and values, all become forms of evidence that hold as much weight as an argument based on the research evidence of what 'works'. This includes research into inclusive education, and the type of interventions and assessments that are deemed best for particular groups of students. As Norwich (2022) has argued 'educational research about inclusive education is not just empirical, it also involves value and norm clarification, a process which has been too often ignored' (p. 1).

The refocus also includes an understanding of children's informal and everyday learning as distinct from school-based or curricula driven outcomes. Inclusion means the child has a right to have their say within their own context, be listened to and have their views and aspirations acted on, and can 'see' themselves in the decisions made about them, and for them. Ultimately this requires that decisions around inclusion are made with the child. Dimitrellou and Male (2020) reported that the voices of the students in their study with special educational needs were often unheard, even though they had 'perceptive ideas about what makes a positive school experience for them and if schools and teachers acted more on their suggestions, enhancement of inclusive practice would be possible' (p. 95). All children can express their aspirations and experiences, even if not able to articulate their views. The idea is that children and young people need to be able to 'express' these views, and will want to do so. Hwang (2014) noted that in relation to understanding the views and experience of children with autism 'The first step is to acknowledge that some learners with AS and cognitive difficulties can communicate their inner experience when they are empowered to communicate on their own terms' (p. 1598).

A rights-based approach to education aligns with the capabilities approach to inclusive education and equity orientated educational

pursuits. It focuses on what opportunities are afforded to the young person to develop their talents and identity, within their cultural context. However Bonvin and Stoecklin (2014) identified the important distinction that 'resources or commodities are not equated with capabilities' (p. 3), and the distribution of resources, as so often happens for inclusive education and special education is always an issue, and even where there is 'an equal distribution of goods' it does not translate or result in 'an equal distribution of capabilities' (p. 3).

Nussbaum (2011) has defined the capabilities approach as comparative and based on social justice, rather than on normative measures or what is 'expected' of an individual. She notes that a critical question when using a capabilities approach is '*What is each person able to do and to be*?' (Nussbaum, 2011, p. 18). Complementary to this is the further question when exploring inclusionary policies and practices: '*what is this child's right?*'. The latter question necessitates a focus on United Nations (1989) and the 54 Articles, rather than foregrounding questions around 'what resources are available?' or in relation to external policy and resourcing such as placement, or provision of support. For example, United Nations (1989) Article 12 identifies a child's right to express their views, and Article 13 identifies a child's right to 'include freedom to seek, receive and impart information and ideas of all kinds'. Children's rights are subtly diverted, or they are silenced (Byrne, 2022), and often in the day-to-day practice of teachers, educational specialists, and researchers, there is disregard, albeit unintentionally at times, of a child's rights. For example, a child's right is simply to be given their own name at birth. Article 7 states that 'The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents' (United Nations, 1989, Article 7.1). A subtle but evident denial of this right is that children's names that educators find difficult to pronounce are often changed to a shortened or abbreviated name, and this most often happens with indigenous names. In Aotearoa New Zealand, a study undertaken by Berryman and Eley (2018) reported that a child noticed this, and said 'when I started at this school I had a Māori name but none of the teachers could say it. So now I am Tania' (p. 108). Educational inclusion needs to align with the children's rights and their cultural values, as much as it currently does to resources. Indigenous understandings of evidence, and what constitutes 'success' is an important factor for educational inclusion. For example, Webber and Macfarlane (2020) identified five specific areas related to Māori (the tangata whenua or indigenous people of Aotearoa New Zealand), especially with regards the child's family, school and community to maximise their success. These indigenous understandings form the foundations of their Mana Model: 'Mana Whānau (familial pride), Mana Motuhake (personal pride and a sense of embedded achievement), Mana Tū (tenacity and self-esteem), Mana Ūkaipo (belonging and connectedness), and Mana Tangatarua (broad knowledge and skills)' (p. 26).

A child's right approach to evidence-based decision making

Inclusionary school-based policies and practices reflect the understanding that all learners can belong, participate, and contribute as members of a classroom and school, premised on both a pedagogical rationale, and on a human rights platform. Given equity in education is a fundamental 'right', it foregrounds the importance of teachers being able to assess, include, and teach diverse learners in a range of contexts. Diversity within a classroom cohort means that what is appropriate for one child, is not necessarily appropriate for another, and this can be challenging for teachers given 'the increasing cultural, linguistic, and developmental diversity of today's classrooms demand more inclusive approaches to schooling' (Florian, 2012, p. 275). This means the application of an evidence-based practice framework needs to incorporate children's own evidence for decisions to be made in the best interests of the child. Norwich (2022) explored the research identifying the effects of inclusive education with children resourced as having special educational needs and noted the variation of how inclusive education is defined, how young people are identified, and the different types of support and services that inclusive education constitutes in different contexts, including whether it involves a special education or main school setting. Given the multiple policy positions, Norwich (2022) identifies 'the importance of people having a degree of freedom to decide where they want to be included and with who they associate' (p. 6). Under the United Nations Convention on the Rights of the Child (United Nations, 1989) children's 'right' to have a say in decisions about their lives, has been minimised in discussions around inclusion, inclusive education, and access to learning environments that maximise their chances to success *on their own terms*. There are no 'degrees' of right, or labels that identify a child as having more or less rights than another, so inclusive education discussions and research needs to begin with understanding the child, and asking, *what is this child's right? What evidence (voice) does this child bring to decisions about their learning and education?*

Recognising that children and young people have ideas that need to be listened to has a long history in child development (Piaget, 1929, 1979) and children's rights (Jaffé, 2020). For Piaget, children's thinking is not inferior to adults; it is qualitatively different, and therefore this argument challenges the idea that children's views on their own lives and experiences do not have the same weighting as adults. Children have *qualitatively different* views, and these are as important as adults' perspectives on what they think is 'best' for a child. It is this qualitative difference around 'thinking' that can be explored with young people to better understand them and their learning, and when working from a rights-based evidence approach to inclusion, children's views on their own learning is critical. Children's capabilities need to be foregrounded in decisions around them. As argued by Takeuchi et al. (2022), 'children's capability can only be optimised through a holistic approach that allows them to make valued choices for their own well-being as well as to achieve their own wishes and goals within their society' (p. 1).

The concept of student voice then, essentially means listening to what young people say and mean, although the research has shown that the use of 'student voice' ranges in terms of power levels afforded to the students and their views (Mitra, 2022). Implications for research and educational practice involving children and young people, has necessitated a move away from engaging children to 'give their views' and more towards an authentic agentic, influential role. As Mitra (2022) argues, 'when students are invited to collaborate with adults to improve their learning environments, the results are more equitable practice at the school and classroom levels' (p. 143). This ultimately means, that in the same way that research and practitioner expertise is considered important to evidence-based decision making, so too is

the expertise of children: 'It is an advantage to regard children as experts when it comes to their own lives' (Langsted, 1994, p. 42).

In terms of the way adults approach student voice initiatives in the classroom, Skerritt et al. (2021) have argued that 'student voice customs can be rhetorical, perhaps even exaggerated by some, and peripheral to others' (p. 12). Their research in Ireland, showed there was a difference in views around the role of student voice between principal or leadership views, and that of the teaching staff (Skerritt et al., 2021). However, even in classroom and school contexts where teachers are encouraged to, and actively try to listen to the views of students on conceptual and pedagogical matters, they tend to retranslate student views into official curriculum discourse, often resulting in a clear mismatch between student aspirations and that of the curriculum demands (Bourke and Loveridge, 2018), or of attending to what is easy to change on the surface rather than deep pedagogical changes to teaching and assessment. Increasingly through the evidence and voice of the young people, alongside the evidence created through other means (assessments, specialist views, parental views, teacher and school expectations) when children's views are foregrounded, they show what inclusion means for them (Nastasi et al., 2020). Fielding (1999) identified the importance of 'radical collegiality' where student voice will question, unsettle and challenge the status quo, and subsequent research with children showed possibilities of children reshaping their educational experiences (e.g., Berryman and Eley, 2018; Flynn, 2018; Black and Mayes, 2020).

The critical nature of children's evidence means that there is a clear need to build the capability of children and young people to understand, and claim their rights. In addition, those that work with these young people need to ensure four key aspects of voice are present: (i) create the space, (ii) enable the child to have a voice, (iii) have an audience to hear those views, and (iv) influence the outcomes or decisions that are made, and act on them (Lundy, 2007). With regards to Lundy's seminal framework, creating the space for children to have a voice and have their say are typically factors that are increasingly evident in education; however the other two components of the participation framework—having an audience and influencing change are not.

Case example for including children in learning: the effects of the COVID-19 pandemic on inclusion

In this section, a specific example of inclusive practice by listening to children about their learning, ironically emerged because children globally were *excluded* from attending school. The effects of being unable to attend school meant all children experienced a sense of social isolation and of learning 'in their bubble'. This situation arose with the global pandemic from 2019 that continued through to 2022, and subsequently resulted in a game-changer for education and in understanding learners and their learning. In this section, I draw on the Evidence-Based Practice model to identify how research, teachers experience, and children and young people's experiences of the COVID lockdowns and challenges for learners and teachers, impact on how learning and inclusion changed for young people, their family and teachers.

First, the context for learning changed. When children require additional support for their learning or to reduce barriers to accessing the curriculum, they may attend inclusive educational contexts, specialised centres for learning, or special school units. Even so, the focus for their learning is often pre-determined through Individual Educational Plans, or needs-based specific curricula, often individualised for the child's specific needs. While this may support some of the learning goals for the child, or often as determined by adults round the child, children's learning in *out-of-school* contexts is often overlooked but this came into immediate sharp relief during COVID lockdowns. What happens for the child 'outside of school' plays an influential role in understanding the child as 'learner', and of their own identity *as a learner*. As an example, the first ever national COVID-19 lockdown occurred in Aotearoa New Zealand over a 6-week period towards the end of school Term 1 and into Term 2, 2020. Schools pivoted quickly to new forms of teaching including the Ministry of Education in New Zealand creating two television channels for school-based teaching and interaction to occur from home. In collaboration with schools, distributed learning devices and resources were sent into homes to support children's learning. However, internet connectivity became an urgent issue for many children, and both national and local solutions had to be quickly sourced. Hawes (2020) wrote of this time, 'principals and teachers stepped up and set free every neuron of creativity they could muster' (p. 8), in order to ensure the school-learning for children could continue. As many principals have explained through their school and teachers' experiences (NZ Principal June 2020, 9–28), school-based learning and home-learning took many turns in response to the range and types of resources that schools and households could draw on.

Children's conceptions of learning are more inclusive of their informal and everyday learning, and of the challenges they face in their lives, than the structured formal learning that is presented and measured in a school-based context (Bourke and Loveridge, 2018; Bourke and O'Neill, 2018). However, the opportunities and resources available for children do play a key role in them being able to meet their own potential. This position means that 'optimising children's capability is built upon the relationship between society and the understanding of children's will, i.e., what they want to 'be', 'do', or 'become" (Takeuchi et al., 2022, p. 1). More importantly, as Takeuchi et al. (2022) argue, children need both choice and freedom of valued opportunities if this is to be fully enabling.

The New Zealand Education Review Office (2020) documented at the time the sharp shift for learners and teachers, when learning through 'schooling' as they knew it, was moving to home:

> At 11.59 pm on Wednesday 25 March 2020 all schools in New Zealand had to close their doors and move teaching and learning from the classrooms to the bedrooms, dining room tables, and living rooms across the country. New Zealand entered Alert Level 4 (lockdown) in response to community transmission of the COVID-19 virus. All non-essential personal movement was restricted, and all schools and other educational facilities were closed (p. 2).

The report later states that the lockdown was an 'unprecedented shift, impacting on both student and teacher wellbeing, and the continuity of learning' (p. 2).

This is part of the context when considering the way children adapt to change, one where the phenomenon of learning is broadened in terms of place, context and focus (Bourke et al., 2021). Although the global pandemic COVID-19 created change in health, social and

educational services throughout the world, including in the move from face-to-face care and education, to online approaches, the gradual shift back into schools continued to face disruptions as teachers became ill and were absent, schools were closed partially, or a hybrid model of education was adopted for periods of time.

In a post COVID-19 era, where the global pandemic prevented children from attending schools, and where communities and countries were 'locked down' for months periodically over a 2 year period, the way education and learning is understood has gone through significant change, given the educational disparities including for indigenous populations, and those children with disabilities that were highlighted (Cansell and Marples, 2020; O'Hagan and Kingdom, 2020; Álvarez-Guerrero et al., 2021). This shift in learning and schooling paradigm is arising because of the growing concern with regards children's learning 'loss' during the COVID-19 global pandemic (Engzell et al., 2021; Blaskó et al., 2022). However, there will also be additional learning 'gains' that broaden the concept of learning, as shown in a New Zealand study of children's experiences of learning during lockdown (Bourke et al., 2021). The research on the impacts of COVID-19 on education for school-aged children and adolescents has grown, based on the perceived negative impacts on children's academic performance (e.g., Engzell et al., 2021; Afifi et al., 2022; Blaskó et al., 2022). Some studies suggest that around one-third of students did experience negative effects from the lockdowns, or from components of their school closures (Afifi et al., 2022). In Afifi's study, after the lockdown period students identified the areas that would help them reintegrate into schooling life and these included support in re-establishing social connections, accessing resources to help them improve their grades or catch-up on work missed, develop strategies to manage their screen time and have opportunities to increase their physical activity.

Cansell and Marples (2020) argue that the pandemic and school closures has created the 'opportunity to reconsider fundamental questions about education and society, and to remake schools as more vital, life-enhancing, humane and creative places dedicated to benefitting the child rather than fitting the child to the system. What is education's purpose?' (p. 373). There is a groundswell urging increased attention to children's psychological wellbeing and reduce barriers for learning as documented in recent research (e.g., Allen et al., 2020; New Zealand Education Review Office, 2020; Alabdulkarim et al., 2021; Álvarez-Guerrero et al., 2021; Agung et al., 2022). Considering the effects of psychological wellbeing and access to resources and technology (Agung et al., 2022), the idea of learning outcomes is shifting to a combination of psychological, and emotional wellbeing factors, that includes the needs and views of the child, with less of a singularly determined focus on learning outcomes in isolation. Even the simple act of returning to school was a major issue globally due to parental concerns for children's safety, and children's anxieties that were heightened (e.g., O'Hagan and Kingdom, 2020).

At the time of the first national lockdown in New Zealand, the great uncertainty for schools, children and their families was how the teaching and learning would continue for 6-weeks out of school. However the children continued to learn, were curious about their learning, and brought new evidence to challenge conservative views of school-based learning and assessment. In a study working with children after the lockdown, seven themes emerged from qualitative analysis of interviews with children, and these included: (1) children learned new structures and routines in their home environment 'bubbles'; (2) children used their own families for learning, resulting often in intergenerational learning (i.e., grandparents included); (3) children used their own language, culture and identity in their learning; (4) children learned new ways of being through life events (such as birthdays, Easter, and family bereavements); (5) children learned, and used emotional dimension of learning (joy, anger, and fear); (6) children learned about, and through, digital technologies; and (7) children learned to become more self-directed and self-regulated in their learning (Bourke et al., 2021). These findings showed that all children experience events and activities outside of school that challenges and enables them to learn. These informal and everyday learning experiences contribute to the child's sense of self, and their identity as a learner; often in marked contrast to their school-based identities where learning in formal, structured contexts may prove more difficult, and where assessment systems so often portray the child with multiple and complex needs as a 'failed learner'. The child who learns to manoeuvre their wheelchair independently down a ramp in wet conditions uses maths and strategy as part of their everyday life, but may not perform well in a structured maths tests. A child with learning support needs may be able to recite word-perfect poems, readings, and movie texts but not read well on a reading test. If these children were asked about their learning more holistically, their portrayal would reveal their capabilities in new ways. These children's 'voice' when acted on, can lead their learning.

Summary

Children's right to participate and have their views influence their learning pathways is an important part of evidence-based and rights-based practice for educational inclusion. In periods of uncertainty and change, such as the global pandemic showed, an evidence-based practice model ensures that although there is a degree of evidence through practice-based understandings, and of research findings, individual children in their own context, have an integral role in shaping both the reactions to new events, and the responses to new approaches in learning and inclusion. While research plays a role in determining what works and when, it becomes just a small part of the process in taking an evidence-based and rights-based practice stance. The practitioners bring a range of expertise and expertise to their role in working with, and alongside children, but ultimately it is the children's understanding of their own learning, their aspirations and their *right* to have a voice and be included in decisions about them, that will determine whether evidence-based practice for inclusion is the reality in classrooms and schools.

Author contributions

The author confirms being the sole contributor of this work and has approved it for publication.

Conflict of interest

The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

Publisher's note

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