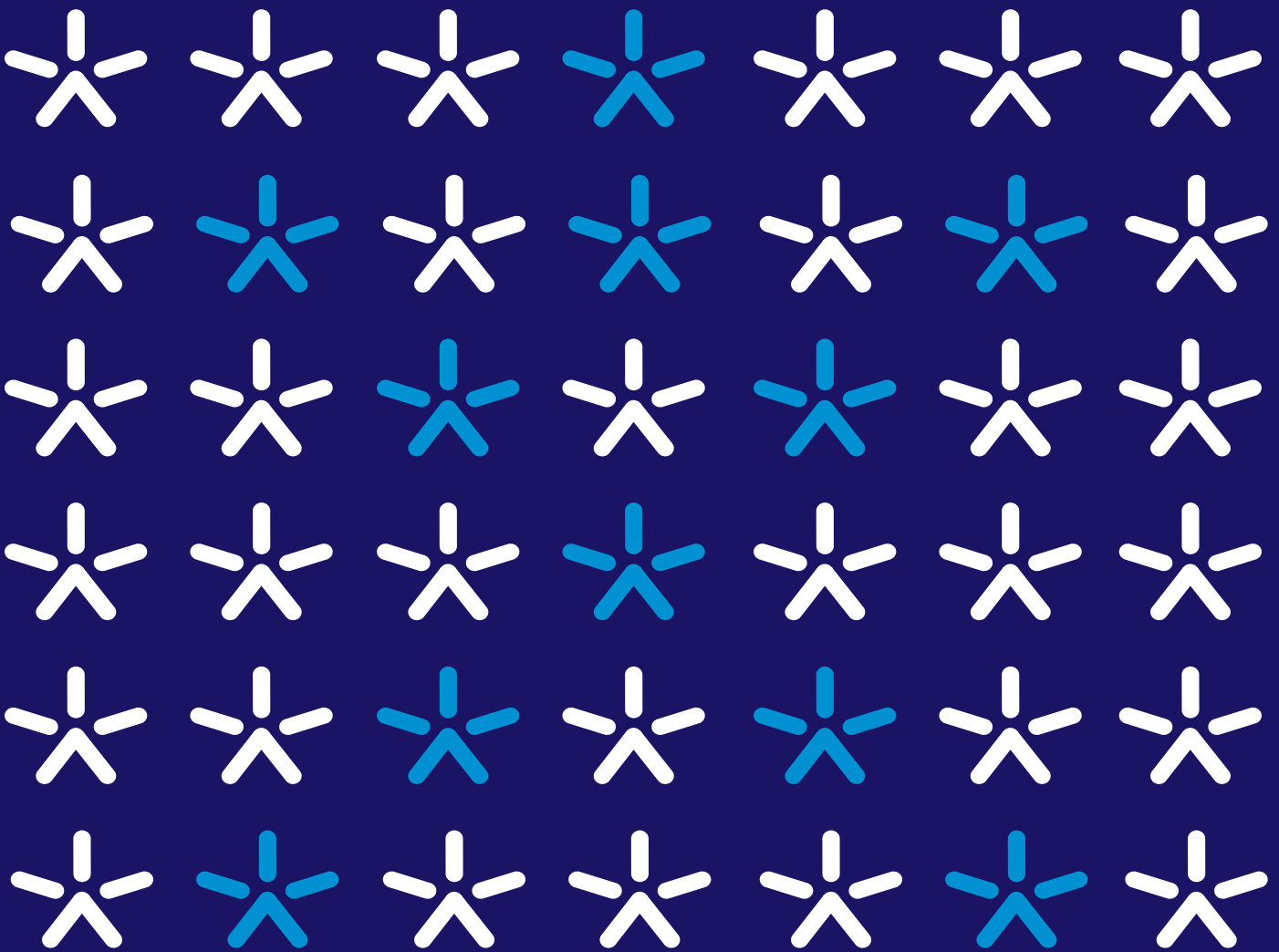


# British Academy – Focus Groups Report



# Executive Summary

This report explores what children and young people in the United Kingdom think about their rights in the context of relevant UK policy that affects them. From 11 focus groups, 80 children and young people aged 11–18 shared their views, knowledge and experience of the rights set out in the United Nations Convention on the Rights of the Child (UNCRC). We wanted to understand how young people understand their rights, with a view to better understanding how state policy affects young people's experiences.

Discussions with young people revealed the following key findings:

- Young people did not have strong knowledge about their rights. They were more likely to say that they had not heard of specific rights and they did not often use rights based language.
- Young people could confidently talk about why people have rights, and could talk about what things they should have a right to, but they could not confidently say whether they actually had this right or not.
- Similarly, young people understood the balancing of different rights, and could express their reasoning for balancing certain rights.

## Introduction

This project aims to provide a Nations-wide snapshot into the views and experiences of young people on their rights. Young people from across England, Wales, Scotland and Northern Ireland took part in a series of focus groups that explored young people's knowledge and attitudes of rights.

This report makes reference to young people's knowledge of rights. For the purpose of analysis, knowledge has been broken down into three themes:

- Content of rights, otherwise referred to as hard knowledge
- Normative or philosophical knowledge
- Interactions with rights, otherwise referred to as balancing

## Methods

This project used focus group methodology to gather young people's views on their rights. Data collection took place between October and December 2019.

11 focus groups were conducted with 80 children and young people. These children and young people identified as both male, female and non-binary, were aged 11–18 and were from England, Northern Ireland, Scotland and Wales. The focus groups were facilitated by NCB's Participation Officer and Associates based in the Nations, with support from the host organisations. The children and young people were representative of the overall population with 6% identifying as having special educational needs or disabilities and 15% being from Black and Minority Ethnic Groups.

Each focus group was scheduled for approximately 90 minutes. A session plan was created to

shed light on the following topics:

- What are rights?
- Balancing rights
- Prioritising rights

The focus groups were audio recorded and transcribed. NVivo was used to analyse the focus group discussions thematically and draw out themes to evidence young people's knowledge and experiences.

## Findings

The discussions with young people revealed three main themes which ran through the focus groups:

- Most young people had little hard knowledge of their rights
- Most young people were able to articulate an understanding of the concepts of rights
- Most young people were able to engage in debates around rights balancing, i.e. the ways in which people prioritise different rights in a single conflicting case

**YP:** "I don't know my rights."

**Facilitator:** "You don't know your rights?"

**YP:** "Don't know my rights and don't know where to go."

**Young people, England**

"It's the United Nations Convention for the Rights of a Child, so it just outlines all the rights that young people under the age of 18 have and a bit separate from the universal human rights."

**Young Person, Northern Ireland**

"So in my opinion rights are something that someone gives to them that sticks to them for the rest of their lives, if they signed a contract for it"

## Hard knowledge of rights

The majority of groups had little hard knowledge of their rights. When asked if young people had heard of the UN Convention on the Rights of the Child, only one group could positively confirm and evidence this. When pressed, one young person gave a good explanation of what the UNCRC is, using rights language to do so.

The other groups could not explain what the UNCRC is, and were more likely to reply saying that they had not heard of it, with much of the technical language surrounding rights coming across as jargon to them. However, some young people were able to talk about rights in an abstract way. This is despite the obligation in Article 42 of the UNCRC which asks that the 'States Parties undertake to make the principles

"Necessities that people need to move safely in their life and to sustain their lives properly"

and provisions of the Convention widely known, by appropriate and active means, to adults and children alike' (UN General Assembly, 1989).

In some cases young people could identify why rights and legislation were important for children and young people and others in society, and demonstrated understanding of government protections afforded to children and young people in the UK.

"...so you've come into care and you definitely have all of your human rights when you're in care, because social care makes sure you get your human rights."

"Like immigrants coming into the country, they need rights, they need to have a home and a place to live. They need rights to do what they want, they need people to listen to them."

When asked whether children and young people received enough information about their rights, participants felt that rights had not been explained sufficiently to them and because of this they felt like they could not communicate about them. There appeared to be a mix across the Nations, with children and young people in Scotland most frequently stating that they had heard about the UNCRC and having some understanding of the concept of rights. This may be correlated with a VCS and schools based rights approach adopted by the Holyrood government. However, they did reflect that being taught about their rights, and understanding how to exercise them within their own lives were not the same thing.

Young people also reflected that they had not formally been taught about rights, suggesting that one of the ways in which they thought they could learn about rights was within the education system. This was also true from data within the accompanying survey from this project (NCB, 2019) where young people demonstrated their desire to learn more about rights and their support for a more flexible school system.

"In primary school we spoke about it but it hasn't been mentioned since then at all and it might not be in every primary school so I think there isn't really sufficient information."

**Young Person, Scotland**

"But lots of kids wouldn't know they have a right to education or to social security or participate and things like that, they wouldn't necessarily understand that without being told."

"Because no one hardly speaks to people about their rights. They just, they should assume that people, that children know their rights."

**Young person, England**

"I agree with you on like not, children aren't really informed about things, they have to watch or ask someone to know about rights in the world and stuff"

"If I didn't come to these sessions, I would not know what my rights were"

**Young person, England**

It was clear when talking to young people that they considered it to be the responsibility of adults to educate them about rights, most notably within school youth and faith settings but also from parents and guardians. The young people tended to view rights as something that were 'given' to them by adults and therefore also limited by adults.

"We are a lot smarter than they think, they think the younger generation do not know anything, you're too young, you shouldn't involve yourself in this. That's the kind of right we're entitled to but they disregard that."

**Young person, England**

Participants considered this to be because of the image that young people had, drawing on negative connotations that are associated with "youths". This notion of "youths" consisted of being viewed as having less capacity than adults while simultaneously being viewed as deliberately acting against society through anti-social behaviour. Here we can see parallels when we consider the current policy debates surrounding school exclusion or serious youth violence, where children can be seen as both perpetrators and victims; in need of help or requiring punishment.

"There's always the assumption that the youths aren't going to be as professional or they're not meeting the certain standards that [the] older generation would have met. And it's just that constant assumption that we're not going to do well enough to do certain things."

**Young person, England**

"And I just think we don't have a lot of rights in the first place and we're really judged as youths."

**Young person, England**

This was prominent throughout all nations, which fits prevailing discourses around children's capacity. While the participants were able to recognise that younger children were more vulnerable, they did not think that this dialogue changed when the children grew older. Young people were more likely to see childhood and adulthood as opposing times in their lives, rather than as a natural and smooth transition.

In contrast, government policy frequently refers to the "welfare" and "best interests" of children and young people, as seen in The Children Act 1989 (Part 1, Section 1.1). Increasingly in health and education policy where children are recipients of services from the state, and active citizens within society there is reference to children and young people's right to voice an opinion. Young people's often negative experiences of being listened to and heard therefore do not appear to fully reflect the evolving and growing trends and ambitions in more recent legislation and guidance. For example section 19 of The Children and Families Act (2014) states that local authorities should pay due accordance to the views and wishes of the child, and provide age appropriate support in order for children and young people to have their say.

"Because so many young people haven't had their voice heard and they never really have and you never see anything saying like a young child's given their opinions..."

**Young person, Wales**

"I'm not sure if being listened to is a human right or just a children's right but I feel like as an adult I will be able to fend for myself and be listened to... whereas as a child, I don't think they have the maturity or authority comparatively."

**Young person, Northern Ireland**

However, some young people had heard of formalised structures that allow young people to have their say in decisions affecting young people.

"...like parliament youth and they, they make decisions too and they're like a gigantic community"

## Conceptual understanding of rights

By relating rights to examples from young people's lives and by thinking about what they needed to live happily and develop, all groups could compare this with what they should have as rights.

In these terms, participants across all focus groups identified a wide range of rights such as food, housing, education, leisure & technology, information, freedom of expression, participation in decision making, feeling safe, relationships & family, laws to protect them, a clean environment, faith and a future.

Whilst the young people would often talk about their experiences using passive language e.g. "children and young people should..." or "I think this should", much of their thematic discussions reflected rights that currently exist, such as right to education and healthcare.

"Because, without healthcare, there is a very high chance that you will spend a lot of your life suffering and you may die early"

"I think it's also about opportunity because some people obviously they have the right to have a future but they don't necessarily have the opportunity to have a future that they choose which is different."

"And miss out on education."

**Young people, Scotland**

"Choice is one, I know it's going to sound really weird, but having choice is always quite nice. Because it allows for you to have a little bit of freedom, although your parents are still looking after you and whatever, they're trying to make sure you go the right path, but if they give you a choice for what do you want to have for dinner, what do you want to have for lunch. What do you want to do today? And it just allows you to feel like you have that little bit of control, and when you do become an adult and you go out into the world you understand that there are many different choices that you take on and there's not just one route that you have to take."

Education and healthcare were the most cited needs for young people, and these rights feature strongly in national strategies for children, for example the "Every Child Matters" in England or Scotland's "Getting it right for every child" framework. Also often referenced was the need to have connections with people, support, and entertainment, which was often mentioned when discussing technology, identified via Article 31: the right to play, leisure and culture (Article 31).

## Prioritising rights

Conversely, when asked to prioritise rights, young people were far more likely to prioritise negative obligations over positive. The right to life, Article 6, was overwhelmingly chosen as the most important right along with other absolute rights such as Article 37, the right to be free from inhuman treatment and detention. This trend was seen amongst all the focus groups and split evenly amongst the four nations.

Some differences were noted in this response from groups in Northern Ireland, where abortion was mentioned alongside this right. The recent decriminalisation of abortion in Northern Ireland through the repeal of sections of the Offences Against the Person Act 1861 in October 2019 has created space for a debate around the right to life; as such it is understandable that abortion would be mentioned in Northern Ireland in this context due to the relevance of the recent policy changes.

**Facilitator:** "What are the barriers to stopping people having that right [to life]?"

**YP:** "Abortion."

**Young person, Northern Ireland**

"How are you meant to fulfil the rest of your rights without living?"

"...because if you're dead, you don't have these kind of rights."

**Young people, England**

## Rights in action

Young people could also engage with debates around balancing rights. Simple rules such as proportionality, and to a lesser extent legitimate aim, were expressed when thinking about balancing. For example, young people expressed that someone could fulfil their right to free speech, without it being discriminatory. In this scenario, the right to non-discrimination was valued higher than the right to free speech, but it was recognised that there are degrees of fulfilment, and the person could engage in free speech without being discriminatory. Despite not mentioning any rights balancing tests, the fact that young people recognised that there was a specific reason for limiting a right and there are less onerous ways of fulfilling rights demonstrates their understanding of the principles behind proportionality.

"I think there's, in both examples, there's a person who if their rights are being broken will suffer more than the other person because if Sally, I think, is feeling discriminated against it might have a bigger effect on her than John"

**Young person, Scotland**

"I think the rights of freedom of expression has always been a bit flawed, in the sense that the actual rights should be the right to freedom of expression that doesn't degrade someone else's existence. So in this scenario he is degrading her, this and creating hate speech. Whereas he should be allowed to express his views as long as they don't degrade another person."

**Young person, Northern Ireland**

"It's a criminal offence to make somebody feel belittled or harassed or threatened in any way, so the way that he's saying it is definitely wrong, but it is his right to say it in the first place"

"Obviously, ideally you'd be able to either find a middle ground which doesn't impact, either of us is right, so be able to avoid the situation where the rights clash entirely."

**Facilitator:** "Is there anything that anyone wants to say about whose rights get listened to when there are more than one person's rights to consider?"

**Young person:** "Maybe the more vulnerable person in the situation."



This recognition is reflected in national policy settings, and young people's concern surrounding hate speech is not unique to their age group. The exponential growth of social media technology has fast outpaced government policy, and we now see efforts by policy makers to limit what are referred to as 'online harms'. The UK Government has consulted on this through the Online Harms White Paper in 2019, and is looking to 'shape an internet that is open and vibrant but also protects its users from harm' (DCMS and Home Office, 2019). The aims of this consultation appear to reflect the desires of young people, as both see that there is a balance between allowing people to speak to openly while protecting against hate speech.

**YP:** "there's a lot of negatives that come with it as well like bullying and stuff. So that affects people's wellbeing and mental health."

**Facilitator:** "Like social media?"

**YP:** "Yeah."

Participants stated that some people would be better placed than others to decide on how to interpret rights. There was a consensus that as long as the child was not being unnecessarily harmed (best interests), then interventions can be made on a child or young person's behalf by their parents or guardians.

"I think as long as the child does not get deprived of anything, that's like a basic necessities that we really need, such as food and whatnot I think it's OK"

**Young person, England**

## Conclusions and recommendations

Whereas other research suggests that young people's understanding of rights is solely context dependant (Ruck et al 1998, p. 416), this project considers young people's knowledge of rights to be grounded in a strong understanding of the principles behind rights. While the young people did not use rights related language, this should not be taken as them having no understanding at all. Instead, young people should be considered as having the foundation to discuss rights when framed accessibly.

Despite the lack of hard knowledge, young people were eager to engage in discussion about rights and could relate those to their life experiences. They also appeared eager to learn more about these rights. There is a strong opportunity to build upon the understanding that young

people have on their rights. This can then go some way to addressing the perceived power imbalance mentioned between young people and people in positions of responsibility.

Based on the feedback from young people, this paper suggests some recommendations to strengthen young people's rights knowledge:

1. Build upon young people's normative understanding of rights by **providing explicit and continuous education on rights**. This can be provided in schools and other youth settings.

"Literally at the beginning when you asked us, we didn't really know what was going on, because we weren't, we're not really educated about that, we're just, it's all just subjects and what not we're not really educated on rights"

**Young person, England**

2. Professionals should **use rights based language** to explain decisions that affect young people's lives to make rights less abstract and more tangible to young people's lives. This is particularly true for Article 12, where there are many opportunities for a young person to have express their views 'in all matters affecting' them.

"I think it's just like, they'll think that we're just children that we don't understand. But deep inside I know that I do understand, and that I have the right to be heard whether it's right or not."

**Young person, Wales**

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- **Youth Matters, Leeds**
- **Cultures Youth Club, Wrexham**
- **RAY, Ceredigion**
- **Ventures, Edinburgh**
- **Woodcraft, Glasgow**
- **Woodcraft, Stirling**
- **Scotch Street Youth Club, Portadown**
- **St. Paul's High School, Bessbrook**

## Appendix A: Participant Data

	Number of	Average age	Gender	Geographic	SEND	Care	Ethnicity
England	33	14.5	Male: 39% Female: 61%	City: 70% Town: 21% Village: 9%	Yes: 6% No: 82% Prefer not to say: 12%	Yes: 9% No: 88% Prefer not to say: 3%	White UK: 45% White Irish: 3% Caribbean: 3% Asian UK: 33% Pakistani: 3% Asian other: 9% British Turkish: 3%
Scotland	21	13.5	Male: 27% Female: 55% Non-Binary: 9% Gender Fluid: 5% Prefer not to say: 5%	City: 95% Town: 5%	Yes: 5% No: 86% Prefer not to say: 9%	No: 100%	White UK: 62% White Scottish: 14% White EU: 14% Asian UK: 5% I don't know: 5%
Wales	10	14.5	Male: 56% Female: 44%	Town: 20% Village: 50% Rural area: 30%	No: 100%	Yes: 40% No: 50% Used to: 10%	White UK: 70% White Welsh: 30%
Northern Ireland	16	14.5	Male: 7% Female: 87% Trans: 7%	Town: 44% Rural area: 56%	Yes: 20% No: 73% Prefer not to say: 7%	Yes: 13% No: 81% Used to: 6%	White UK: 56% White Irish: 11% White EU: 22% Polish: 11%

# Appendix B: Methodology

## Focus Groups

The focus groups were designed to be semi-structured. This allowed conversations to be focused but also gave participants room to expand on points that were important to them. A session plan was designed to direct the discussions towards the following subjects:

- How do young people view the state of rights in the UK? How does this reflect policy positions in the UK?
- How do young people view rights as a concept?
- How do young people view rights as interactions?

## Participants

The participants involved in the research were children and young people aged 11–18. We worked with existing groups and associates across the Nations, and during recruitment targeted groups that would best help us reflect a wide range of demographic such as age, gender, ethnicity and geography. Through our relationships with various gatekeepers, we access groups in schools, VCS youth settings, and local authorities. The participants took part in one of eleven focus groups, with four in England, three in Scotland and two in Wales and Northern Ireland respectively.

A breakdown of the participants, as shown by averages across the four nations, is as follows:

33% identifying as male  
62% identifying as female  
5% identifying as trans, non-binary or gender fluid  
  
6% identifying as disabled and/or having special educational needs  
94% identifying as not disabled and/ or having special educational needs  
  
15% identifying as being from a minority ethnic group.  
85% identifying as not being from a minority ethnic group.

## Co-production

The areas of focus for the session plan were designed collaboratively with participation practitioners from each of the Nations. A young person was present and actively involved throughout this stage to ensure that the planning drew on different people's experience of the topic. Including representatives and partners from the four nations was vital to ensure that circumstances unique to each nation were considered in the session design. The strengths and differences of each nation's rights frameworks were considered in planning, which allowed the session plan to be tailored in a way to allow flexibility. The questions in the session plan were largely open ended to encourage young people to talk about rights in a way that felt natural to them.

## Scope

For the final subject of rights as interactions, the session made reference to rights balancing. By balancing we mean the process of 'comparing the weights of the competing principles in the concrete cases' of a conflict in rights. In other words, we discussed the ways in which people prioritise conflicting rights in a single specific case, and the tests which are used to come to these conclusions.

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