

CHILDREN & YOUNG PEOPLE COMMISSIONER

ACT Human Rights Commission

Submission to the ACT Legislative Assembly Standing Committee on Education, Training and Youth Affairs

Inquiry into school closures and reform of the ACT education system

1. Children & Young People Commissioner

The ACT Children and Young People Commissioner (CYPC) has a number of statutory oversight roles with respect to service provision to children and young people and their carers. In summary, the CYPC:

- Investigates complaints about the provision of services for children and young people;
- Consults with and listens to children and young people;
- Makes recommendations to government and non-government organisations on legislation, policies, practices and services that affect children and young people;
- Encourages and assists users and providers of services for children and young people to contribute to the review and improvement of service quality; and
- Conducts enquiries and reviews.

2. Summary of submission

The CYPC does not have a position on the ACT Government's decision to close schools. Rather, the CYPC is interested in the process of community consultation surrounding the proposed closure of a school.

Accordingly, this submission does not address the full Terms of Reference of this inquiry, but simply recommends that community consultations relating to school closures be designed to engage, and be accessible to, those children and young people affected by a school closure.

3. Consultation with children and young people

Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) states that children and young people have the right to give their opinion, and for adults to listen and take them seriously. The UNCRC is incorporated into the ACT legislative framework by sections 30 and 31 of the *Human Rights Act 2004*.

Additionally, recent amendments to the *Human Rights Act 2004* place a positive obligation on public authorities to act consistently with human rights.

In light of the above, the CYPC recommends that students be included in any future consultation processes relating to school closures. Even the youngest children will have opinions on the future of their school, and schooling, and it is important to listen to them, and to seriously consider their views.

Students also need to be kept fully informed about developments in relation to the closure of their school, including any plans regarding future schooling options. Doing so may assist minimise any uncertainty or distress that they may be experiencing. Targeted consultation activities can meet this purpose, as well as providing an opportunity for children and young people to have their say.

While some organisations view consultation with children and young people as unnecessary, or as too difficult, there are several ways to make consultation processes accessible to students. For example, when writing to the families of students to announce a proposed school closure, an additional, 'child friendly', version of the letter addressed to students could be included.

Similarly, there are a number of other flexible and creative forms of consultation and participation which might assist in engaging children and young people.

For example, special consultation forums specifically inviting students (with or without parental support) could be arranged. To be effective, a number of child friendly strategies could be adopted, including: engaging with participants in small groups and in environments suitable for children and young people; holding the forums at times of day suitable to children and young people; having the forums facilitated by people who can communicate effectively with children and young people; providing information and assistance to help students prepare before the meetings; and providing support and debriefing for the students after the meetings.

As with any consultation strategy, consultation with children and young people would also need to take into account the diverse nature of the children and young people being engaged. For example: limited literacy; a disability; lack of time and energy due to employment or caring commitments; difficulty communicating in writing; or reluctance to speak before an audience.

It is also important to provide full and transparent information to children and young people (and the broader school community) at both the beginning and the end of the consultation process.

For example, when announcing a consultation, it might be useful to clarify expectations, and explain to the community which decisions have already been made (and therefore cannot be changed through consultation), and which decisions may be influenced by the consultation process.

Similarly, when concluding a consultation it might be helpful to provide timely follow-up information to school communities summarising and acknowledging the comments received during the consultation, and outlining in detail any response or outcomes arising from the consultation.

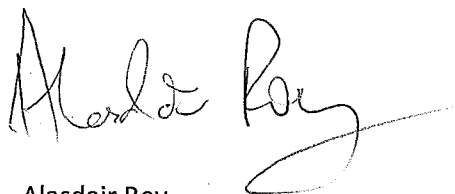
As with the consultation process itself, any such preparation or follow-up would need to be appropriately designed for a diverse range of children and young people.

There are a range of resources available to assist organisations who wish to involve children and young people in decision-making about issues that affect their lives. For example, the NSW Commission for Children & Young People publishes a practical resource kit called *TAKING PARTicipation seriously*, which is freely available through Commission's website, at www.kids.nsw.gov.au/kids/resources/participationkit.cfm.

Additionally, the CYPC anticipates developing a similar resource kit specifically for use within the ACT. While this is not currently available, the CYPC has experience and expertise regarding consultation with children and young people, and would welcome providing advice or assistance as appropriate.

By using the *TAKING PARTicipation seriously* kit, or by speaking with the CYPC, some of the common pitfalls that can easily occur when consulting with children and young people (such as tokenism, or failing to engage the audience) might be avoided.

The CYPC would welcome providing any further assistance to the Standing Committee, including providing additional comment regarding this submission.

A handwritten signature in black ink, appearing to read 'Alasdair Roy', with a long horizontal flourish extending to the right.

Alasdair Roy
Children & Young People Commissioner

31 March 2009