



Northern Ireland
Assembly

**COMMITTEE
FOR EDUCATION**

OFFICIAL REPORT
(Hansard)

**Inquiry into School Councils:
Northern Ireland Commissioner for
Children and Young People**

16 November 2011

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Members present for all or part of the proceedings:

Mr Mervyn Storey (Chairperson)
Mr David McNarry (Deputy Chairperson)
Ms Michaela Boyle
Mrs Jo-Anne Dobson
Mrs Brenda Hale
Mr Conall McDevitt

Witnesses:

Mrs Patricia Lewsley-Mooney) Northern Ireland Commissioner for Children and Young People

Mrs Marlene Kinghan) Office of the Northern Ireland Commissioner for
Dr Alison Montgomery) Children and Young People

The Chairperson:

Patricia, you are very welcome and it is good to see you all again. Our apologies for the delay; we overran badly in dealing with our correspondence. Thank you for the information that you have supplied to us. An issue was raised earlier in the meeting about a particular child and parent. We will forward you a copy of the letter.

Mrs Patricia Lewsley-Mooney (Northern Ireland Commissioner for Children and Young People):

I already have a copy of it. I will pass it to my legal and casework team, which will correspond

with the parent.

The Chairperson:

Let me say to members that I have noticed that, on a number of recent visits to schools, it is interesting that many schools have included their school councils. Last week, we met the school council at Harberton Special School, which was very interesting. So this is a timely piece of work. I hand over to you, Patricia.

Mrs Lewsley-Mooney:

Thank you very much, Mr Chairman. Let me first apologise; I have a bit of a cold. I hope that I do not start coughing in the middle of the presentation.

The Chairperson:

If it is only like this, that will be all right.

Mrs Lewsley-Mooney:

I think that you are far enough away.

I would like to begin by thanking the Committee for its invitation to attend. I am delighted to share details of the work that I have undertaken to promote and support democratic structures for participation in schools.

I warmly welcome the Committee's inquiry and its intention to take account of schools' experience of school councils and the contribution that such councils have made to school life and pupils' personal, social and educational development.

In this short presentation, I will highlight the key issues outlined in my written submission to the Committee, to which the Chairman has already referred. It will include some reference to relevant policies in international obligations which support school councils and democratic structures and a description of our Democra-School programme and feedback from schools. I will also outline what I feel needs to happen to take the issue forward and how the Committee, through its inquiry, can make the most impact for children and young people.

By way of introduction, I want to say that my office has been working on school councils and

democratic structures in schools for more than six years. That issue was first brought to the attention of the previous commissioner in 2005, and since then the office has undertaken research on the issue, worked with schools to support the establishment of school councils, gathered feedback from schools and engaged with a range of key stakeholders. Over that time, we have moved from research to practice to seek to influence policy. Indeed, we were working with the Department to develop policy guidance on school councils and were informed by Department officials that that was in draft in February 2011. Sadly, we were informed late yesterday afternoon that the Department has decided to await the outcome of this inquiry before progressing with the guidance. Therefore, while I believe that the inquiry is vital, it is important that the Committee is aware of the progress that has been made in supporting school councils and democratic structures and in drafting policy guidance, and it would, therefore, be deeply concerning if the work that has been done by teachers, pupils, previous Ministers and others over the past six years was lost.

I will outline the relevance of my powers and duties on school councils. I have a mandate to keep under review the adequacy and effectiveness of practice relating to the rights and best interests of children and young people by relevant authorities. Practice here includes what happens in schools and, therefore, relates to the opportunities that pupils are given to participate and to contribute their views.

Before I talk about school councils, it is important to say that although they are generally recognised as the most common means of involving pupils in decision-making, there are other forms of democratic representation in schools. One size does not fit all. For example, schools can identify class, form or year-group representatives to collect and communicate pupils' views to the senior management team in a school. Pupils may also be asked, through questionnaires or class consultations, about their views on issues that affect them. I am supportive of the different democratic structures in schools as long as they can meaningfully and effectively involve pupils. Research indicates that pupils overwhelmingly want to be involved in participative decision-making in schools. However, while they are likely to take a lead role in the running of the school council, it is vital, if it is to be successful, that everyone in the school community is committed to, and willing to play their part in, the operation.

It is important to highlight the relevance of the United Nations Convention on the Rights of the Child (UNCRC) to the development of school councils. Article 12 of the convention

enshrines the right of the child to have his or her views heard, listened to and taken seriously, and, by ratifying the UNCRC, the Government have an obligation to protect that right. Furthermore, in its concluding observations on the implementation of the UNCRC in the UK, the United Nations committee recommended that the Government strengthen children's participation in all school, classroom and learning matters that affect them.

The importance of listening to children and seeking their views on matters that affect them is emphasised in various government policies and strategies, including the 10-year strategy for children and young people in Northern Ireland 2006-2016 and the Education and Libraries (Northern Ireland) Order 2003. Moreover, guidance that relates to school development planning, which supports the Education (Northern Ireland) Order 1998, states:

“The quality and value of pupils' contribution to improving the life of the school is potentially very great, even among the younger children. It is dependent on the extent to which the Principal and staff are able to create opportunities and the climate for constructive and positive debate.”

It goes on to suggest that consultation can be organised in a variety of ways, including through the establishment of a school council. So, there is recognition by government of the importance of children and young people participating in decision-making and of the potential value of their contributions. That is encouraging, but we need to go further.

I will introduce Democra-School, and I hope that members have a copy of the resource. Democra-School was compiled by my office in partnership with teachers and pupils. It is guidance that also contains a set of standards, and it aims to help schools to establish and sustain school councils and democratic structures.

The decision to develop Democra-School arose from our awareness of the lack, or the inconsistent use, of participatory procedures and policies. Such procedures and policies are ways by which pupils can have a say in the school. Even were such structures existed, they were sometimes just tokenistic, were not taken seriously or were not managed effectively by staff. Pupils contacted the previous commissioner to raise concern about the issue. Teachers emphasised the benefits of school councils but were disappointed by the lack of guidance.

Democra-School was developed with the support of a steering committee that was set up in 2005. Discussions were also held with Angela Smith, the then direct rule Minister of Education.

She encouraged the project and was supportive of having a policy for school councils. In 2006-07, two major conferences of pupils and teachers were convened, and the information exchanged at them on the positive and negative practices was used to compile Democra-School guidance and standards.

Each section of the guidance identifies a key issue which pupils, teachers and other stakeholders recognised as important in the development of a school council. The guidance explores why the issue is significant and suggests how a school might think about how to address it. A simple checklist provides a reminder of different tasks that should be completed to achieve a standard. Throughout the document additional information and resources are signposted, and schools are encouraged to explore those.

Democra-School is designed to support schools at each stage of the journey from a school council's creation, through its development to evaluation and review. It takes a step-by-step approach that recognises that each school is unique, with its own particular strengths and requirements, and the resource is endorsed by School Councils UK. Following the conferences, my staff delivered additional workshops and training, and ongoing support is being delivered to schools that are interested in the Democra-School programme.

During autumn 2010, 20 schools that participated in the first Democra-School workshops were asked to complete a survey to review their experiences of having a school council. Pupils and teachers commented on many positive outcomes, which included council members becoming more confident, particularly in public speaking and decision-making; improved teaching in schools, because the school council was consulted about teaching tools or methods; and pupils having a more positive attitude to school because they felt more involved in decision-making.

Schools also reported that there was better communication between teachers and pupils. Teachers felt that pupils accessed and understood information more effectively when it was communicated through the school council rather than during school assembly or via class announcements.

There were also some challenges. A number of schools reported that it was difficult to find an appropriate time to meet. That was a particular challenge in rural schools, where pupils had to travel some distance home. Other schools mentioned difficulties in finding a suitable time to

meet the board of governors, adding that delays in arranging such meetings could lead to delays in decision-making. Many potential initiatives identified by school councils required additional funding that was not always available, although some councils were involved in fund-raising activities. Managing pupils' expectations was a challenge for some pupils who were not always fully aware of a school council's remit, and council members sometimes felt under pressure to deliver outcomes or to bring about change.

Although the consultation was not extensive, responses indicated that the positive outcomes far outweighed any challenges. However, it is important to acknowledge that those challenges exist. As the Committee noted, there is an absence of data in relation to school councils in Northern Ireland, and I am pleased that the Committee plans to collate more complete and accurate statistics. Doing so is essential to the setting of a benchmark.

As I said, my staff and I have engaged on the subject of school councils with a range of key stakeholders, including representatives from the five main teaching unions, school principals and academics from the school of education at Queen's University. We explored their views and experiences of school councils and discussed what they felt that the Department of Education's role should be in promoting and supporting school councils and democratic structures. Union representatives expressed their support, in principle, for the Democra-School programme. They also indicated their willingness to support schools in establishing school councils.

When I first considered how school councils might be more widely promoted, I considered ways of amending the draft Education and Skills Authority (ESA) legislation. Members may be aware that legislation relating to school councils was introduced in Wales in 2005. However, following discussions with the then Education Minister, Caitríona Ruane, I decided that it would be more expedient to work collaboratively with the Department of Education to support the development of policy guidance for school councils. The Department endorsed Democra-School guidance on its website in 2009. It also made reference to the role, benefits and usefulness of school councils in many policies, circulars and reports.

My staff and I have participated in ongoing discussions with various Education Ministers and Department officials since 2005. In 2010, the Department expressed its commitment to move the process forward and requested that we provided information about what should be included in policy guidance for school councils and democratic structures. In February 2011, the Department

confirmed that a draft circular of that guidance had been prepared for internal consultation. However, that was delayed due to the Assembly elections. Just late yesterday afternoon, I learned that the Department has now decided to further delay producing guidance, as it wishes to await the outcome of your inquiry.

Since the issue was raised with us, we have been working in a variety of ways to support the establishment, development and sustainability of school councils or alternative democratic structures. A timeline detailing our work is included with our written submission. My decision to work with the Department was, essentially, a compromise. I made that decision because I believed that that approach would enable pupils to access participation opportunities in their schools more quickly. I am, therefore, extremely disappointed by the Department's delay in producing policy guidance and the Minister's recent decision to postpone this again.

The Department has made many references in legislation, policies, reports and on its website to the benefits and importance of school councils and democratic structures. Despite that, it is not now going to provide schools with the appropriate departmental guidance to support them in developing democratic structures. I urge the Committee to call on the Department to produce the guidance for schools and to give consideration to the development of a policy on school councils. Introducing a policy would ensure that every pupil has the opportunity to participate in decision-making in their school. That protects children's right to participate as enshrined in article 12 of the UNCRC. It would also identify appropriate standards, which would seek to ensure consistency and quality in provision across schools. Crucially, it will also provide a means by which that could be monitored and evaluated.

I welcome the Committee's inquiry and believe that it will generate valuable quantitative and qualitative information. I sincerely hope, however, that come next September I will be joining the Committee in not only celebrating the best practice of school councils and other democratic structures but also welcoming the introduction of policy guidance for schools.

The Chairperson:

Thank you very much, Patricia. The information that you have provided to us has been a huge help. We are not starting here with a clean sheet. You have done a huge amount of work, such as the process that you have engaged in, the information and analysis, and the audit that you carried

out in 2010 that showed that fewer than 15% of schools have a school council. It will be interesting to see whether that has changed.

I will put this question to departmental officials when they come in. If the Department has postponed what it was supposedly producing, it might be good if the officials would even share with us at least what their starting baseline was. That would then help us in trying to develop and make proposals. That would be a different way to approach the policy agenda, rather than the Department always producing a policy and us scrutinising it. If there was collaboration between us and them, we may get better guidelines coming out the other end.

What do you see, Patricia, as the core problem in the legislative sweep from the convention to the Education and Libraries (Northern Ireland) 2003 Order? If you were in a position to do so, what would you say needs to be done legislatively to really help the process of the introduction of school councils?

Mrs Lewsley-Mooney:

Importantly, it is not about creating a separate piece of legislation. It could be easily added to some of the education legislation that is coming up the line. For instance, when we looked at how it could be added to the ESA legislation, we were told that that could not be done because it would need to go out for consultation. The compromise for us was that, if we at least got policy guidelines, there would be a hope that it would eventually move further down the line and be added to education legislation somewhere else rather than go through the House as a separate piece of legislation.

It is disappointing for us. The compromise at that time was to look at the policy guidelines. We had hoped that those would come to fruition and be put into use in January 2012. We have been delayed and delayed and delayed. The young people who have been involved in this process since 2005 were continually given support and promises, and they thought that it would happen. They have now left the Northern Ireland Commissioner for Children and Young People's (NICCY) youth panel and come out of university, and they are saying, "Still nothing has happened. What kind of Government does not listen to the voice of young people?" That makes it very difficult.

The Chairperson:

In the paper that you gave us, you mentioned the survey that was carried out. One principal made the interesting comment that school councils contributed to improving both teaching and learning. Is that a commonly held view, or do some teachers and management structures see school councils as an unwelcome interference in how they should best run the school?

Mrs Marlene Kinghan (Office of the Northern Ireland Commissioner for Children and Young People):

As Patricia said, feedback on the work that we have done since 2005 has been very positive, not just from children and young people but from teachers in particular. Most teachers probably do a lot of this every day. To be fair to the teachers, they do not cause the sticking point. It becomes a bit of a sticking point when they perhaps need a certain type of resource or a change in the timetable. This is not all about resources. Sometimes it may be just about changing the school timetable to alleviate one duty of a teacher to enable him or her to take on some of this work.

There were some problems around the lack of a constitution, proper guidance on how this would work and a system in which they could feed back and monitor and evaluate it. That is very important in respect of performance nowadays. Those are all issues that teachers felt would be well captured if they had some sort of policy. However, with the best will in the world, it is very difficult for a teacher to put those proposals forward in the absence of that policy. They cannot feed back as they would want and, at that point, may decide to come back to it another day. The will of the teachers and the unions back that up; the unions very much backed that up when we met them.

The Chairperson:

Marlene, did you or the organisation envisage the guidelines being about how the Department sees school councils operating? Or, were the guidelines more about helping pupils and teachers by setting out how school councils could be established or managed? Did you see the guidelines as being all-encompassing?

If all these things emanate from the bowels of Rathgael House or wherever, there can be a one-track approach. However, school councils are a two-way process. They are primarily about listening to the voice of young people, but they are also about ensuring that that structure is in place. It is a two-way process in which both sides of the debate should have an understanding of

what is expected of them in a general framework.

Mrs Kinghan:

From talking to the people who know about this — teachers, principals, pupils and officials — we know that it is a three-way process. The overwhelming feedback that we got is that it will only work if everyone, including the Department, officials and boards, gets involved and backs it. When we did the initial work, rather than lobbying for legislation or putting forward proposals for policy, we brought together a steering committee of interested parties. Those interested parties included principals who had worked in schools in which there had been bullying, graffiti, issues with pupil behaviour and issues between pupils and teachers, which created absenteeism and all sorts of other issues. When they came to us and said that they had an example of how they were able to get over some of those hurdles by involving the pupils, in consultation with the teachers, and moving this forward, they said that they were converts, wanted to tell others and asked if they could come onto the steering committee. We had very little difficulty in getting people to join; in fact, we were oversubscribed. When we ran the conferences, we had to put a limit on those who could attend the workshops. For us, it was clear that there was a major impetus out there.

We involved the Department by asking its officials to sit on the steering committee. We got representatives from the citizenship programmes of each of the five education and library boards. That was very useful, and it fitted in very well to their areas of work. From our point of view, it was a win-win situation for all three, particularly for the schools which had to move this forward and, ultimately, develop young people to become active citizens and to take their part in a democratic society.

Dr Alison Montgomery (Office of the Northern Ireland Commissioner for Children and Young People):

We provided substantial support to the Department in developing guidance. There were a number of issues to look at. First, we gave teachers the context of why this is important and how it is relevant to other departmental policies, strategies and so on. We also looked at the role of the council. We suggested that it was important to be clear about what the role of the council was within the school. It is also important to look at the key features of what makes effective school councils. In putting that information together, we pulled together information, advice and so on that we had been given from teacher unions, teachers and pupils.

We also looked at the role of different educational stakeholders and took them through the process of how a school council operates from the beginning, through its development to its evaluation and review. We also looked at positive examples of how you engage with pupils in the community and, obviously, referenced the benefits to that.

It was a very holistic type of input, and we talked it through in a lot of detail with the Department. The school council has to be supportive, and you have to be able to demonstrate how it has had a positive impact. It is also important to put it in the context of wider educational policy and legislation.

Mrs Dobson:

Thank you for your presentation. It is a relevant and important issue, and it is great that you are presenting to the Committee on it. I share your views on the protection of children's rights. That is an incredibly important issue. It is important that they are protected not only on paper, but in reality. I believe that school councils have the potential to play a major role in that protection.

I have a couple of questions, and my first follows on from points that Marlene made. What steps do you believe principals and teachers should take to ensure that, once set up, the school council retains members and actively encourages their participation on a range of issues across the school?

Secondly, I notice that public speaking improvements were noted by participants. That is extremely important, and it is brilliant to hear. Have you made contact with the Royal College of Speech and Language Therapists on that issue, as it may have interest in such improvements?

Mrs Lewsley-Mooney:

Your first question relates to the commitment of principals to school councils in the first place and how they are set up. Having the policy, guidance and standards in our packs was important to us. We want to have a standard of school council across the board. We have been to a number of schools, and we have seen cases where there has been a great use of school councils and where they have bedded into the schools and others where, as a token gesture, they meet once a term. We have also seen schools that do not agree with school councils. We have to get the message across. Sometimes we have brought those groups of people together to talk about how they can do that. Some of the young people who are involved in school councils have created forums of

school councils that come together to talk about the issues that they look at and about how they can share some of their skills and experiences.

Mrs Dobson:

Is that involvement retained and maintained through young people telling other young people? How would you encourage them to keep it going and encourage participation once it is set up?

Mrs Lewsley-Mooney:

The issue is the culture within the school and how it encourages young people to get involved. Very often, we hear about the great and the good always being picked for things, but we have found that a school council provides an opportunity for young people who normally would not get involved in things. As I said, I have been to schools where the whole process of the election has even been there, and young people who want to stand for election create manifestos and go out and sell what they would do for the class. So, you could have three or four people in the one class going for one position. That process leads to pupils getting their voting slips two weeks before the vote is to take place — if you do not have your voting slip you do not get to vote — doing PR and going upstairs to the sixth form room where the pupils are counting the vote. The announcement of the election is later down the line.

Mrs Dobson:

We saw a vote in Limavady, and it was brilliant.

The Chairperson:

The day that we were in Limavady, they were voting.

Mrs Dobson:

The atmosphere was brilliant.

The Chairperson:

The members tried to vote, but they could not produce identification, so they were not allowed to.

Mrs Lewsley-Mooney:

So, the issue is the culture within the school and how young people are encouraged. The more young people go forward, the more they are encouraged to go forward.

As I said, we have seen the positive outcome from school councils, such as the public speaking aspect, confidence building and self esteem. Having a voice that somebody listens to builds young people's confidence.

Mrs Kinghan:

Just to add to that, it is about building momentum and retention. That is where the standards come in. The standards include such things as getting the school's board of governors on board and getting the whole school environment involved.

Mrs Dobson:

That is how you keep the momentum.

Mrs Kinghan:

Exactly. It is an issue of winning hearts and minds. It is like anything we try to do: you can legislate all you want, but, at the end of the day, you have to win the hearts and minds. That was the big issue here. There were a lot of hearts and minds, but there were some people in the organisation saying that it would be too difficult. There are barriers and challenges, and we recognise that, but, keeping the impetus going requires leadership from the top. Having these standards and being able to support the board of governors to give it guidance on how to approach this is important, because it is not something that everybody may know about. This is useful for them.

The issue is also about making sure that the standards are in place and that people and pupils know the expectations, because there can be an issue of raising expectations beyond what the school can deliver. So, that very honest conversation needs to take place, and that would be built into the standards that, hopefully, they would be able to get out of it.

Mrs Lewsley-Mooney:

Your second question was about the Royal College of Speech and Language Therapists. We have a very good working relationship with that organisation, particularly in working together on speech and language services. I do not know whether we have ever asked them the specific question about school councils.

Mrs Kinghan:

One of the very positive things in this has been the work that we have done in special schools. So, there has been speech and language involvement there. People may think that you cannot have a school council in a special school, but very much the opposite is true. Again, we were inundated with responses from special schools with fantastic schools councils, and we were delighted to see that there were so many.

The Chairperson:

Harberton Special School was amazing.

Dr Montgomery:

You will see from our audit that 10 special schools indicated that they had school councils.

The Chairperson:

I saw that.

Have you ever had an example of a school council that sent a representative to the board of governors?

Dr Montgomery:

There is a mechanism whereby pupils can go forward to represent the views of the school council to the board of governors. That works in a more organised fashion in Ireland and in other jurisdictions, but it has happened in some schools in Northern Ireland, where pupils from student councils have gone forward to represent a view on a particular issue to feed in to the school governors' decision-making. So, that is quite an effective mechanism.

Mrs Dobson:

Have organisations, such as the Scouts Association or the Girl Guides, been in touch with you about providing badges or certificates of achievement through the school council? Is that a way of rewarding children that you could explore at some point?

Mrs Lewsley-Mooney:

Not through the school councils. However, we have worked with uniformed organisations around a number of things, including workshops. We are working on a badge to do with the

UNCRC that some of the uniformed organisations could obtain. It has been done already in Wales and other places, so we do not want to reinvent the wheel.

Mrs Dobson:

None of them have approached you through the school councils yet?

Mrs Lewsley-Mooney:

Not through the school councils in particular, but we work directly with the uniformed organisations, such as the Boys' Brigade and others.

Mr McNarry:

You are welcome. I was interested in your presentation. It was genuinely caring and certainly very knowledgeable. If you do not mind me saying so, it was robust where it needed to be. However, it was the robust bit that I picked up on, as I naturally would. Just to get it clear in my head, did you infer or say that the Department delayed policy guidance, awaiting the outcome of our inquiry?

Mrs Lewsley-Mooney:

Yes. The Department sent me an e-mail late yesterday afternoon. I do not have a hard copy of the letter yet, and I will take it up with the Minister. However, I received an e-mail late yesterday afternoon, which said that it would not be continuing with the guidance until the inquiry had done its work.

Mr McNarry:

It is rather flattering but, at the same time, I assume it is a cop-out.

Mrs Lewsley-Mooney:

There could have been a parallel process. The work on the guidance could have continued, and the Committee could have carried out its inquiry. As you said, Mr Chairman, you could have encompassed it. In fact, as you said from the outset, it might have helped you in some of your decision-making.

The Chairperson:

There will be an opportunity to put that to departmental officials in a few moments.

Mr McNarry:

It is always very interesting when someone else appears to know more than we do. I am inquisitive about how they know that and what else they know. Are you telling the Committee that the Department has prepared some papers but that it has put them on hold and, perhaps, it would be a good idea for the Committee to get a hold of them?

Mrs Lewsley-Mooney:

Yes. That is what the Chairman was saying earlier. We were told in February this year that the draft guidelines had been produced but that they had to go to officials and the Minister.

Mr McNarry:

I wanted to hear that a second time. I just wanted to be sure that that is where we are.

Mrs Lewsley-Mooney:

We then had the elections in the middle of that, which put it on hold for another while. However, we met the Minister, and we raised the issue of the guidelines, and he kind of said that it was not as big a priority as it might have been for the previous Minister but that it was still ongoing. Then we got the letter yesterday to say otherwise.

Mr McNarry:

May I go on to a separate point? I understand that the commission played a role when, I assume, it was asked to by schools that are facing the threat of closure. Did any of those schools have a school council involved in that approach to the commission?

Mrs Lewsley-Mooney:

We have been approached by a number of parents and others about a number of closures. I cannot really talk about individual cases or schools. However, my legal and casework team is looking at that. As far as I am aware, no young people have come forward. It has been the parents and some of the adults concerned.

Mr McNarry:

I know that you cannot talk about individual schools, and I would not want you to. Without mentioning any names, I have one such school in my own consistency, and that is how I know

about it. Are you able to give us details on the role that you do play when such contact is made? Keeping in the context of what we are discussing, would school councils have a role to play in, at least, having an opinion on the issue that their school might be closed? An awful lot of schools will be feeling the threat. I am wondering whether school councils could get involved when there is a threat to their school or even a threat to their neighbours.

Mrs Lewsley-Mooney:

There is certainly an opportunity for the voice of young people, whether they are in a school council, in a school that is threatened with closure, or they want to support children who attend a school that is threatened with closure. Very often in such debates, however, those are the last voices to be heard. We have a role in several ways; I will give you a short example of one way in which we have become involved. We will be seeking legal opinion, in light of the Minister's ongoing consultation, on a board's decision that pre-empts the outcome of that consultation. We will have the opportunity to ask for legal advice on that. As regards the bigger picture, we welcome the voice of young people in the whole process.

Mr McNarry:

How far do you take the pursuit of legal advice? I do not want to put words into anyone's mouth; I know that I am treading on issues on which legal advice has been sought and is probably still awaited. Would you support a school in a legal challenge on behalf of the children?

Mrs Lewsley-Mooney:

It would depend on the nature of the legal challenge and whether there was no other route to be taken. In that case, we would support a challenge. We would have to make sure that there was no other available process.

Mr McNarry:

That is a politician's answer.

Mrs Lewsley-Mooney:

It is a commissioner's answer. I have to make sure that there is no other process that those people can go through. It is in my legislation. I cannot step on someone else's toes. However, if, for instance, parents decided to take legal action, we could support them financially to help them to take the case if they could not draw down legal aid.

Mr McNarry:

That is what I wanted to hear. Thank you.

Mrs Lewsley-Mooney:

That would depend on my budget and the cost of the case.

Mr McNarry:

Now you are behaving more like a politician. You sound like John O'Dowd, talking about budgets.

Mr McDevitt:

You have been reviewing the Executive's performance against the United Nations Convention on the Rights of the Child. How do you assess things generally at the moment?

Mrs Lewsley-Mooney:

The commitment to children and young people has been rolled back hugely. In the first Assembly, there was the children's fund as well as this office and the children and young people's unit being set up. When the Assembly was suspended, we had the children and young people's package, which is now gone. The children and young people's unit has also gone. We believe that the Executive have an opportunity in the life of this Assembly to make a real difference. We hope that they will make children and young people in particular a priority in the Programme for Government. The piece of work that we launched last week helped to give us some of the evidence that we needed behind that.

Mr McDevitt:

What is your view of the Executive's capacity to fulfil their article 12 duties? Do you think that they are fulfilling those duties to children to give them full participation in decision-making?

Mrs Lewsley-Mooney:

Some work has been started, but there is a lot more to be done. We have asked each and every Department to sign up to a participation statement of intent, and all but one have done that. Our job now is to go back and ask exactly how they are doing that. The Executive will have the opportunity to find out how they are living up to their article 12 obligations by having people

such as the children's champions being answerable to the ministerial subcommittee, when and if it meets.

Mr McDevitt:

That is another matter. On the specific matter of school councils, I take it that what you are saying today is that guidance would be great, and there is no reason why we could not see it, but that you would still like to see those in a statutory body.

Mrs Lewsley-Mooney:

Yes.

Mr McDevitt:

I agree with the Chairperson that there is so much that we can build on and, potentially, be even braver about. If we were to put school councils on a statutory footing — picking up on the Chairperson's point about giving students a direct role in the governance of a school by giving them a seat on the board of governors — do you believe that student councils should have the right to nominate to the board of governors?

Mrs Lewsley-Mooney:

Yes. It would be a democratic process through which they would elect their chair or a member of their school council to represent them on that, and it is important that the young people would have the opportunity to do that.

Dr Montgomery:

I will clarify the previous point. Wales has associate governors, and up to two pupils from the school council can be elected to serve on that. That is in legislation in Wales.

Mr McDevitt:

What level of decision-making do you think should be devolved to a student council? How meaningful should its role be in decision-making?

Dr Montgomery:

As the commissioner said, every school will determine what its school council should be about. We are very much of the mind that every school is unique and has its particular needs. A primary

school, for example, will approach a school council quite differently from a post-primary school and from a special school. It is about focusing on that school's needs and on the relationship between teachers and pupils and how they wish to develop that. It is a fine balance between teachers' input, senior managers' input and managing a school council so that it works effectively and does not have too much control. That is a fine balance that needs to be worked at in schools.

Mrs Kinghan:

That is what we found. As Patricia said, there was a huge variance in the involvement of pupils and, in some cases, the involvement of teachers. In some schools, there was a clear involvement and an idea of the benefits that that could bring. That is where guidance would be useful in that there would be standards to which people could aspire. Perhaps not everyone would get there in the first year or the first five years, but at least they would have something to aspire to. We want a policy layer to ensure that that is taken forward.

Mrs Lewsley-Mooney:

Whatever young people's level of involvement, it is important that, if they ask for something that is impossible to give, as long as the opportunity exists to explain why that is the situation, at least they will feel that their voice has been heard.

The Chairperson:

Following on from David's point, Patricia, is there an obligation on education and library boards (ELBs) to consult with school councils or school pupils on development proposals, of whatever nature, including closures or changes to a school?

Mrs Lewsley-Mooney:

There is no specific remit, but, under article 12 of the UNCRC, there should be a remit for young people to have a voice in those types of decisions.

Mrs Kinghan:

The Education (Northern Ireland) Order 1998 refers to bullying policies, but that does not go across all policies. That is where there is a discrepancy in children's voices being heard. A UN committee has said that, when a decision affects a child, that child should be asked, if he or she has the capacity.

The Chairperson:

That is a very interesting point.

Patricia, perhaps at some stage you can convey to us examples of good practice in school councils. We were very impressed by those in Limavady and Harberton Special School. You mentioned some in Wales and some in the Republic. Perhaps you can give us some good examples, and the Committee will be interested in seeing them.

Mrs Lewsley-Mooney:

I certainly will.

The Chairperson:

Thank you. I have no doubt that we will come back to you. You are more than welcome to stay and hear the Department's presentation.