

Case study 2: Administrative Proceedings

Case scenario

Tristan (8) boy has recently been subject to a physical attack from John (9) in the school playground. When he comes home one day with a black eye and a broken nose, his mother goes into the school principal and demands that some form of disciplinary action be taken against John. This is not the first time that John has attacked Tristan physically and he regularly taunts him in class when the teacher is not looking.

Unbeknownst to most, Tristan has been sending social media messages in the evenings to John which has caused him much hurt and upset which is why he lashes out each time he sees Tristan.

The Principal of the School calls John's parents into the school to tell them that the School is suspending John pending further investigation. John's parents demand to know if Tristan is also being suspended but the principal asserts that there is no evidence to support such action.

Questions for consideration:

1. How do you think this issue would be addressed from the point of view of ensuring the boys views are considered in your respective jurisdictions? Share your experiences and choose one experience which you think is the most Article 12 compliant – explain why.
2. From an Article 12 CRC perspective, what are the appropriate actions to be taken here by the School Principal as decision-maker?

Solution

In this scenario there is a decision going to be made by the school principal which will directly affect the lives of two young boys here – John and Tristan. This, under the circumstances, once each boy is deemed capable of forming views, each boy should be provided with the opportunity to express those views and have them considered by the decision maker. Neither boy should be forced to contribute views on the matter in question.

It is important that both boys are facilitated in contributing their views in a safe space and initially in a confidential environment. Furthermore, each boy should have the circumstances surrounding the decision explained to each of them in a manner that they each understand including the potential consequences for each of them. It should also be explained to each of them that they can choose the manner in which they contribute their views to the process – this can be directly with the principal or indirectly through their parent or a teacher perhaps, whichever way makes them feel comfortable. Furthermore, they are not expected to contribute solely through speech, they can contribute their views in a variety of ways such as through art or letter.

Once a decision has been made, this should be communicated back to the two boys in a manner that is appropriate to their age and understanding with a clear explanation as to how the decision in question was reached under the circumstances.