

children's law centre
Using the Law to Promote, Protect
and Realise Children's Rights
3rd Floor, Philip House
123 - 137 York Street
Belfast
BT15 1AB
Tel: 028 9024 5704

028
9024
5704



POSTAGE PAID
GREAT BRITAIN
0085
LPB844429



Children's Law Centre

ANNUAL REPORT

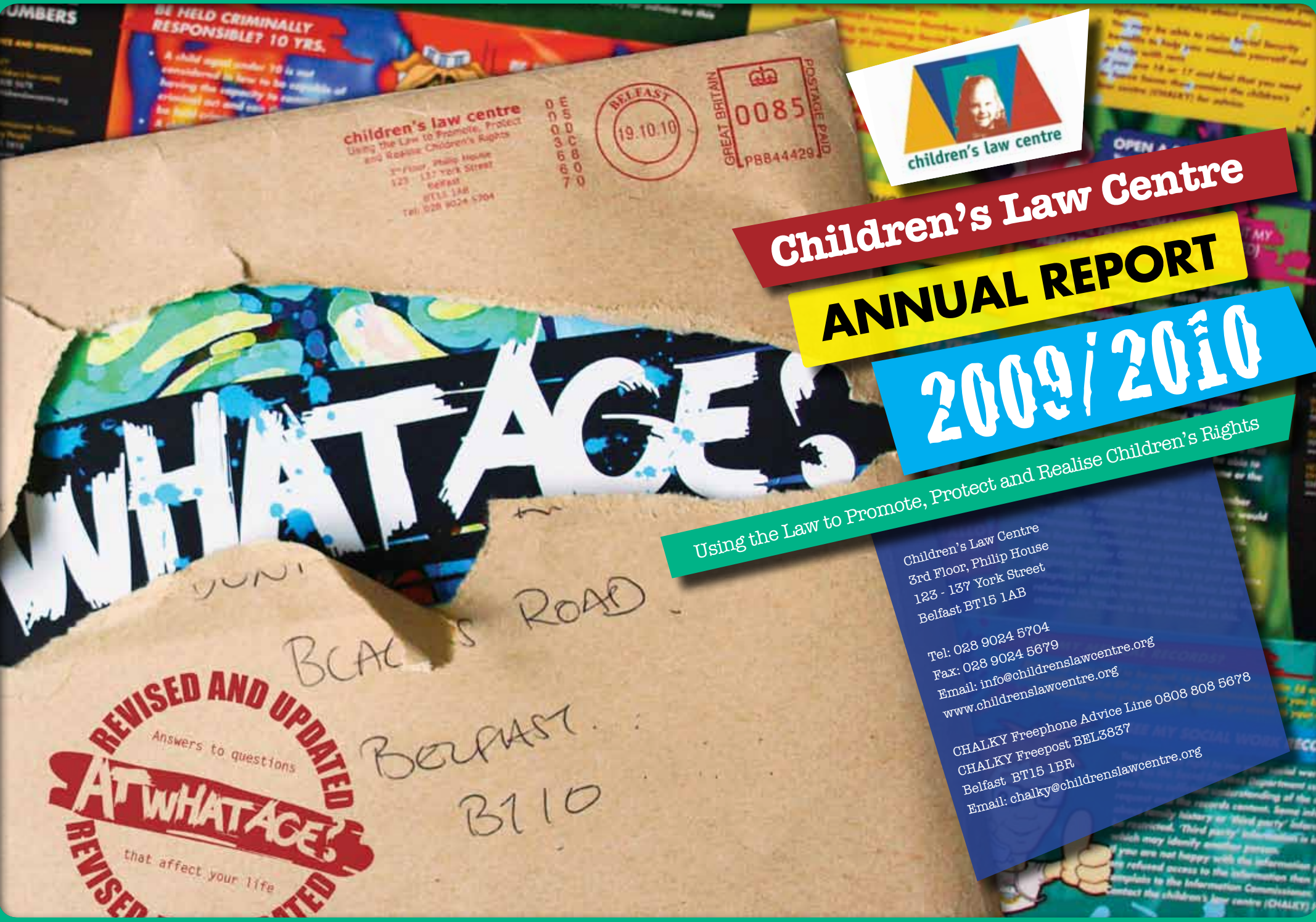
2009/2010

Using the Law to Promote, Protect and Realise Children's Rights

Children's Law Centre
3rd Floor, Philip House
123 - 137 York Street
Belfast BT15 1AB

Tel: 028 9024 5704
Fax: 028 9024 5679
Email: info@childrenslawcentre.org
www.childrenslawcentre.org

CHALKY Freephone Advice Line 0808 808 5678
CHALKY Freepost BEL3837
Belfast BT15 1BR
Email: chalky@childrenslawcentre.org



AT WHAT AGE CAN I...

Answers to questions that affect your life

GET A FULL TIME JOB? 16 YRS.

But only if you have left school and there may be some restrictions on where you can work until you are 18.



LEAVE SCHOOL? 16 YRS.

However you must have reached 16 before the 1st July in the year you want to leave school, otherwise you will have to complete another year at school. So, for example, if you want to leave school and your 16th Birthday is in November, you will not be able to leave school until the following June 30th. The only leaving date is the 30th June following your 16th Birthday.

GET A PART TIME JOB? 13 YRS.

There are only certain types of work that you can do.

- You cannot work for more than two hours on a school day.
- You cannot work before 7am or after 7pm.
- You cannot work before the end of the school day on any day which you should be at school.
- If you are under 15 you can work a maximum of 5 hours on Saturdays and if you are over 15 you can work up to 7 hours on Saturday.
- The maximum hours you can work in any week is 27 hours if you are under 15 and 37 hours if you are over 15.

The children's law centre has a leaflet about your rights in employment.



GET MARRIED? 18 YRS.

18 YRS. Without your parents consent.



- At 16 years you can get married if your parents or those with Parental Responsibility for you consent.
- If you are the subject of a Care Order then the consent of the local Trust is also required in addition to your parents.
- If you are a Ward of Court the consent of the court is required.
- In any case if consent is refused by your parents or the Trust you can apply to the Court for permission to marry.



GET A PIERCING?

There is no legal age and you would need the consent of your parents until you are old enough to fully understand the procedure and any risks involved.



APPLY FOR LEGAL AID?

- You can apply for Green Form Advice and Assistance from the age of 16
- However for full civil legal aid you must be 18 to apply in your own right.



MAKE A WILL? 18 YRS.

If you are under 18 you cannot make a valid will unless you are in a branch of the armed forces or are a seaman/seawoman.



SERVE ON A JURY? 18 YRS.

HOLD A TENANCY?



- You must be 18 yrs to hold a tenancy in your own name.
- Landlords, including the Northern Ireland Housing Executive, will usually require an adult to sign for the tenancy for a person aged under 18. Social Services will some times arrange a tenancy for young people aged 16 and 17.

BUY A PET?

You can buy a pet from the age of 12 yrs, if you are under 12 then you would need your parents consent to buy a pet.



CLAIM SOCIAL SECURITY BENEFITS?

BE THE SUBJECT OF A RESIDENCE OR CONTACT ORDER?

- Up to 16 yrs of age (unless there are exceptional circumstances).
- If you are concerned about any court proceedings or contact with a parent or where you will live or what school you will attend you can sometimes have your own solicitor. Contact the children's law centre (CHALKY) for advice about this.

- For most benefits you must be 16 yrs before you can claim in your own right.
- If you are still at school and have to move out of your parents home then you may be entitled to weekly Social Security payments to support yourself.

If you have any queries about Social Security Benefits please contact the children's law centre (CHALKY) for advice as this can be complicated.

SMOKE?

- Buy cigarettes or tobacco - 18 years.
- If you are under 18 and smoking in public, your cigarettes, tobacco and papers may be seized by a uniformed police officer.
- Smoking can seriously damage your health.



GET A CAR/MOTORCYCLE LICENCE? 17 YRS.

GET A MOPED/TRACTOR LICENSE? 16 YRS.



NR 59 33 56 P

GET YOUR NATIONAL INSURANCE NUMBER?

- In the months leading up to your 16th birthday or shortly after that date you should receive your National Insurance number in the post.
- If you do not receive it automatically you can apply for it at your local Social Security Office. You will need to have identification with you.
- Your National Insurance Number is important if you are working or claiming Social Security Benefits. Always keep your National Insurance Card in a safe place.



LEAVE HOME?

- If you are 16 or 17 and feel that you can no longer live at home then you can decide to live elsewhere.
- Social Services should be able to offer you support and advice about accommodation options.
- You may be able to claim Social Security benefits to help you maintain yourself and to help with rent.
- If you are 16 or 17 and feel that you need to leave home then contact the children's law centre (CHALKY) for advice.

CONSENT TO/ REFUSE MEDICAL TREATMENT?

- Young people under 16 are generally required to have the consent of parents for any medical, surgical or dental treatment, including for mental health problems.
- A young person under 16 may be able to consent or refuse treatment if they are considered competent i.e. they fully understand the implications and consequences of their decision.
- If you are under 16 and refuse medical treatment the matter could go before the courts and the court could overturn your refusal if it was considered that the treatment was in your best interests.

USEFUL NUMBERS

HEALTH

NATIONAL DRUGS HELPLINE:
FRANK
0800 77 66 00

BROOK BELFAST ADVISORY
SERVICE
028 9032 8866
www.brook.org.uk

FAMILY PLANNING ASSOC.
NI HELPLINE
0845 122 8687
www.fpa.org.uk

CARE/LEAVING CARE

VOYPIC
(Voice of young people in care)
028 9024 4888
www.voypic.org

PARENTING

PARENTS ADVICE CENTRE
0808 801 0722
www.parentsadvicecentre.org

GINGERBREAD NI
0808 808 8090
www.gingerbreadni.org

DISABILITY

DISABILITY ACTION
028 9029 7880
www.disabilityaction.org

N.I. DEAF YOUTH ASSOCIATION
028 9043 8566
www.nidya.org.uk

USEFUL NUMBERS

ADVICE AND INFORMATION

CHALKY
(The children's law centre)
0808 808 5678
www.childrenslawcentre.org

NICCY
(N.I. Commissioner for Children and Young People)
028 9031 1616
www.niccy.org

COUNSELLING

CHILDLINE
0800 11 11
www.childline.org.uk

YOUTHLINE/ LIFELINE
0808 808 8000
www.contactyouth.org

CRUSE BEREAVEMENT CARE
0808 808 1677
www.crusebereavementcare.org.uk

RELATE NI: YOUNG PEOPLE'S COUNSELLING
028 9032 3454
www.relateni.org

NSPCC HELPLINE
0808 800 5000
www.nspcc.org.uk



BE HELD CRIMINALLY RESPONSIBLE? 10 YRS.

- A child aged under 10 is not considered in law to be capable of having the capacity to commit a criminal act and can therefore never be held criminally responsible.
- A child under 10 who is alleged to have done something, which if an older child did it would be a crime, may be brought before the family courts for care/supervision proceedings if the child is thought to be at risk of significant harm.

BE PROSECUTED IN A YOUTH COURT? 10 YRS.

If you have to go to court make sure you have a solicitor to represent you.

BE TATTOOED? 18 YRS.

It is illegal to tattoo a young person under 18 years of age, even with the consent of their parents. The only exception is if the tattoo is performed for medical reasons by a medical practitioner.

BE SENT TO PRISON? 18 YRS.

BUY FIREWORKS? 16 YRS.

You must also obtain a licence.

BABYSIT?

The issue of babysitting is complicated and therefore it would be advisable to contact the children's law centre or the parent's advice centre for more information. The following are just general guidelines which may be of help.

- The law does not state an age at which young people can babysit.
- The law does not state an age when it is safe to leave children alone.
- The law does not state the youngest age at which a child should be left with a babysitter.
- If children are left with a babysitter it is important for parents to remember that they cannot delegate Parental Responsibility to anyone under the age of 16. Therefore parents remain responsible and could face charges for neglect should any harm come to a child in the care of someone under the age of 16.



BE OFFERED A TRAINING PLACEMENT? 16 YRS.

If you are not working and have left school.

BUY ALCOHOL? 18 YRS.

You can buy and drink alcohol in a pub when you are 18.

BE SENT TO A JUVENILE JUSTICE CENTRE? 10 YRS.

You can be sent to Juvenile Justice Centre from the age of 10 to 17 inclusive.

VOTE IN ELECTIONS? 18 YRS.

- You must register to vote and make sure that your name is on the electoral register.
- You will need to have photographic I.D. to cast your vote.



OPEN A BANK ACCOUNT?

You can open a bank account in your own name from the age of 7.

FIND OUT (INFORMATION ABOUT MY NATURAL PARENTS IF I AM ADOPTED) ABOUT ADOPTION? 18 YRS.

- If you are under 18 you have no legal right to know the identity of your birth parents. If you are under 18 and intending to marry you may ask the Registrar General if the person you intend to marry is related to you by birth.
- Once you reach 18 you can apply to the Registrar General for access to the original record of your birth, if you were adopted before the 18th December 1987 you must see a counsellor before you can obtain information from your original birth record. This is because in the years before 1987 some birth parents and adopters may have been led to believe that children being adopted would never be able to find out details about their original name or the names of their birth parents.
- If you were adopted after the 17th December 1987 you may choose whether or not you would like to see a counsellor before you are given information about your original birth record.
- The Registrar General also maintains at the General Register Office an Adoption Contact Register, the purpose of which is to put persons adopted in Northern Ireland and their birth relatives in touch with each other if that is their stated wish. There is a fee involved in this.



USEFUL NUMBERS

OTHER

HOUSING RIGHTS SERVICE
028 9024 5640
www.housingrights.org.uk

INCLUDE YOUTH:
028 9031 1007
www.includeyouth.org

BARNARDO'S SAFE CHOICES:
YOUNG PEOPLE'S LINE:
0808 801 0312
www.barnardos.org.uk

THE RAINBOW PROJECT:
028 9031 9030
www.rainbow-project.org

GAMCARE (GAMBLING PROBLEMS):
0845 600 0133
www.gamcare.org.uk

DOMESTIC VIOLENCE
24 HOUR HELPLINE:
0808 200 0247

EQUALITY COMMISSION:
028 9089 0890
www.equalityni.org

NORTHERN IRELAND COUNCIL FOR
ETHNIC MINORITIES (NICEM):
028 9023 8645
www.nicem.org.uk



AGE OF CONSENT TO HAVE SEXUAL INTERCOURSE?

The age of consent for boys and girls in Northern Ireland is 16.



RECEIVE CONTRACEPTIVE ADVICE AND SUPPLIES?

A doctor or other health professional can provide you with contraceptive advice and supplies. If you are under 16 the professional will have to be clear that you have sufficient understanding and maturity to fully understand the nature of the advice being given. The professional may encourage you to discuss this issue with your parents.

You may obtain free contraceptive advice, including condoms and advice about sexual health from the Family Planning Clinic and the "Ask Brook" Advice Centre.



CHOOSE MY OWN GP? 16 YRS.

- A child or young person aged under 16 should be registered with a GP by their parents.
- You can choose your own GP from the age of 16.

brook

AGE OF CONSENT FOR A HOMOSEXUAL RELATIONSHIP?

The age of consent for a homosexual relationship in Northern Ireland is 16.

GET A PASSPORT?

- **GET A UK PASSPORT:** If you are under 18 you need the consent of someone with Parental Responsibility to get a passport.
- If you are in Care you need the consent of the Trust and if possible a parent or someone with Parental Responsibility.
- **GET AN IRISH PASSPORT:** If you are under 18 both parents consent is required in all circumstances. This can sometimes be complicated. If you are unsure contact the children's law centre (CHALKY) for advice.



PLACE A BET? 18 YRS.

- You can buy a lottery ticket or take part in football pools betting from age 16.
- For all other gambling you must be 18 apart from some prize (but not cash) amusement and slot machines.



SEE MY MEDICAL RECORDS?

Generally you need to be aged 16 but if you are under 16 and obtain a declaration from a GP or other health professional that you have sufficient understanding, then you should be able to get access to your records.

SEE MY SOCIAL WORK RECORDS?

You have the right to see your social work records, as long as the Social Services Department considers that you have sufficient understanding of the nature of your request and the records content. Some information about family history or 'third party' information may be restricted. 'Third party' information is information which may identify another person. If you are not happy with the information provided or are refused access to the information then you may complain to the Information Commissioner. Contact the children's law centre (CHALKY) for advice.

GO INTO CARE?

- Care proceedings can be taken and a care order granted from birth until you are 17 yrs. old (or 16, if you are married).
- You have a right to know why the proceedings have been taken, how long you are likely to remain in care and under what part of the law you have been taken into care.
- At the beginning of proceedings a Guardian Ad Litem will be appointed to act in your best interests. A solicitor will also be appointed to act for you.



SEE MY SCHOOL RECORDS?

If you have sufficient understanding of the nature of your request and the type of information you are requesting, then you should be able to access information about you that is held by a school. As a general rule the Information Commissioner considers that children aged 12 or over have sufficient understanding to make such a request.

LEAVE CARE?

- A care order automatically lapses when you reach your 18th birthday, but you can apply to discharge it before then.
- If you are leaving care then Social Services have a duty to provide you with services to help you.
- You should have a Personal Adviser and a Pathway Plan setting out the help you will receive.
- In some circumstances, for example if you are in education, the Trust can provide assistance until you reach the age of 24.



Director's Report



2009/2010 was a year of significant change and huge challenges in the Children's Law Centre. After nearly 11 years working in CLC Tara Caul, Head of Legal Unit, left the Centre to take up a post as Senior Legal Adviser in the Northern Ireland Assembly. When Tara joined the Centre she was its first and only solicitor. Tara developed and grew CLC's Legal Services securing in the first instance a waiver from the Law Society to enable solicitors in the Centre to practise. She initiated the development of CHALKY, CLC's freephone legal advice service, which currently deals with 2000 issues a year across the full spectrum of legal issues which impact on children's lives. She grew a first class Legal Team to include Solicitors, a Barrister, an Advice Manager, an Advice Worker and a Legal Secretary who collectively provide a LEXCEL accredited legal advice and representation service at all levels in the legal system. That growth in the Legal Team was in no small part due to Tara's hard work and professionalism not just in her legal work but in many other ways - through writing proposals and reports for funders, engaging with politicians and decision makers, supporting her staff, developing policies and systems, providing training, writing and presenting papers to mention but a few of the many tasks she undertook in the Centre. We wish Tara every success in her new post.

CLC were very lucky in that Kathryn Stevenson who had previously worked as Education Solicitor in CLC for over 9 years successfully applied for the post of Head of Legal Services and since taking up the reigns of this very challenging post has successfully managed the Centre's Legal Services to meet the increasing demands for our services (20% monthly increase in calls to CHALKY) largely associated with the impact of the financial crisis. The financial crisis has also focused the strategic importance of CLC's training and policy work by highlighting the need for duty bearers to be aware of the children's rights implications of their practice, policy and legislative decisions to guard against any diminution of services and protections for children and young people.

In addition to Tara's departure, this year also brought the loss of other wonderful colleagues, Sinead Mulhern who had worked as Solicitor specialising in discrimination law, Diane Hammond our Advice Worker and Trevor Kilpatrick our Fundraiser. We have been very fortunate to have had the opportunity to work with Sinead, Diane and Trevor and are thankful for all the expertise, commitment and craic they brought to CLC. We wish them well in their future life choices. Our best wishes also go to Rachel, Jim and baby James who was born on 18th December 2009.

We were delighted that after much hard work this year we were successful in securing funding to recruit a full time Youth Support and Development Worker to support youth@clc. Since joining CLC in January 2010, Áine Hargey, ably assisted by Claire Bradley, has been supporting youth@clc in the development of a photographic exhibition challenging the stereotyping of young people and ensuring youth@clc's voices are heard in key policy and legislative consultations.

The challenges for CLC's small but super efficient Administration and Finance team have always been significant, however squaring the circle of reduced income and increased demand for services has imposed even greater strains on Helen and her team. As usual they have risen to the challenge with calm professionalism and managed to ensure the smooth running of CLC for another year helped in no small measure by Stephanie who provides indispensable support to the Director and the Head of Legal Services.

It is testimony to the work of CLC that our funders continue to recognise the unique contribution CLC makes to the lives of children and young people in Northern Ireland. We are extremely appreciative of their ongoing vote of confidence in CLC and their continued support. With such a strong, professional and experienced team and the ongoing support of our funders, CLC are confident that we are well positioned to challenge the growing threat to children's rights presented by the financial cuts.

Paddy Kelly
DIRECTOR

Chairperson's Report



One of the most concerning denials of children's rights in this jurisdiction remains the deficit of child and adult mental health services. Following the Bamford Review of Mental Health and Learning Disability Report, CLC has continued over the last year to engage with the DHSSPS on the development of the proposed mental health and capacity legislation. The DHSSPS is proposing that under 16s be excluded from the capacity part of the legislation despite the Bamford report suggestion that there should be a rebuttable presumption of capacity in children under 16. CLC are totally opposed to the proposal that the capacity legislation will not apply to children under 16 and that they are deemed solely by virtue of their age not to have the capacity to take decisions about their care or affairs.

I was privileged to share a platform on 26th November 2009 with Maria Herczog from the UN Committee on the Rights of the Child and Minister Newtown at an event in Stormont to mark the 20th Anniversary of the UNCRC. At the event Claire Bradley, former member of youth@clc and now volunteer support worker with the group, eloquently recounted her experiences of nearly 9 years advocating for children's rights as both young person and adult. The event, which was also attended by the Ministers for Education and Social Development, MLAs, lawyers, policy makers and senior representatives from the NGO sector, celebrated the huge achievements in the 20 years since the UNCRC came into being but also flagged up the challenges which lie ahead in securing the rights of children.

In March 2010, CLC through their highly regarded Annual Lecture again sought to focus local minds on developments internationally when Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe, delivered the 2010 lecture entitled "The Protection of Children in European Justice Systems" which was chaired by The Right Honourable Sir Declan Morgan, Lord Chief Justice of Northern Ireland. I was particularly struck by her opening remarks:

"How meaningful are children's rights without an effective access to justice and how can justice exist without proper respect of children's rights?... The extent of children's rights violations and the lack of adequate protection and prevention measures as well as the absence of effective remedies for child victims of violations of their rights show the long way we still have to go before the new legal paradigm displays all its consequences."

This for me is the essence of what CLC are trying to do, ensure children's rights through effective access to justice. This unique role that CLC plays in this jurisdiction will become even more important as the impact of the financial crisis deepens. We are already witnessing a reduction in vital services for children and young people clearly evidenced by the increase in the number of calls to CHALKY. CLC's strategic approach to children's rights will be critical in ensuring that budgetary cuts do not differentially adversely impact on our most vulnerable citizens, our children, who despite 20 years of the UNCRC still do not have a voice in their society.

Gráinne Brady
CHAIRPERSON

Administration Unit



The essential core structure of the Children's Law Centre is provided by the highly efficient and effective Administration Unit. Comprising of Head of Admin. & Finance Unit - Helen Rafferty and Receptionist/Admin. Assistant - Ann-Marie McLaughlin. In July 2009 the Admin. Team also welcomed the additional support of Cathy Johnston, who joined the team job-sharing as Receptionist/Admin. Assistant. Cathy, with her wealth of experience, has quickly become a vital member of our small but beautifully formed Admin. Team.

The Administration Unit has worked tirelessly during another busy and challenging year at the Centre, providing financial planning and monitoring, assisting with organising training, fundraising and annual CLC events and providing core administration support to the dedicated staff at the centre.

Legal Services

for Children and Young People



2009-2010 was a very busy year for CLC's Legal Unit and a period of change. The Legal Unit successfully secured the renewal of our Quality Standard, LEXCEL, in November 2009. The Head of Legal Unit resigned her post at CLC with effect from May 2009 and our Education Solicitor assumed the role of Acting Head of Legal Services from 1st June 2009.

She was then successful in her application to the post through a formal recruitment and selection process and commenced her employment as Head of Legal Services on 1st November 2009. As CLC's Education Solicitor had assumed the role of Head of Legal Services, CLC employed a solicitor on a short-term fixed contract basis to focus on education law. The previous post holder having resigned her position in January 2010, CLC also recruited a new solicitor to work part-time. The post holder took up her post in April 2010.

In addition to working closely with colleagues engaged in policy work and training and supporting the work of youth@clc, CLC's Legal Unit continues to deliver a range of legal service. The increase in demand for these services was marked in the last year. In addition to providing the free phone legal advice service through CHALKY, CLC also undertook an increasing amount of tribunal representation and casework.

Casework

The casework undertaken by CLC covers a wide range of legal issues which impact on children's lives. A major focus of our casework has been in respect of children with special educational and mental health needs. The following are examples of themes arising in strategic casework this year.

Mental health service provision for children, adolescents and their carers

We commenced a Judicial Review application to the High Court on behalf of a child with autism and psychotic tendencies. The child and his carers had various assessments carried out by their local Health and Social Care Trust including Carer and UNOCINI assessments, which identified a series of needs impacting on both the child and his carers. When asked to provide for the assessed needs of the child and his carers, the Health and Social Care Trust refused to do so, on the basis that they had no dedicated budget within the sub-directorate for child and adolescent mental health to provide a service to children with autism. Leave was granted to pursue the issue on behalf of the individual child and to seek an appropriate care package to meet the complex needs of the child. Leave was further granted in relation to the broader issue affecting all children with autism within that particular Health and Social Care Trust, namely, the failure of the Trust to put in place a dedicated budget to meet the assessed needs of children with autism and their families/carers.

Representation at the Expulsion Appeal Tribunal - We successfully represented a child with ADHD at an Expulsion Appeal Tribunal. The circumstances of the case were that the Appellant was expelled from school following the school's investigation into damage that had been caused to school property. The members of the tribunal panel were not satisfied that there was sufficient

evidence to show that the Appellant caused the damage and the expulsion was overturned.

Representation at the Special Educational Needs and Disability Tribunal

- CLC has successfully represented a number of children upon appeal to the SENDIST over the year. In one such case, CLC challenged an Education and Library Board's refusal to carry out a statutory assessment for a child with dyslexia. CLC was of the view that the Board were applying a blanket policy which required dyslexic children to reach a 'non-functioning' reading age before any further assistance would be offered. In practical terms, this would have required an eleven year old child to have a reading age of seven years in order to meet the criteria to be considered for additional support, thus severely impacting on the child's ability to access the curriculum and to reach his or her full potential upon transfer to secondary school. The appeal to the SENDIST was successful and it was ordered that a statutory assessment be carried out as a matter of urgency.

Representation at Admissions Appeal Tribunals - The CLC has successfully represented a number of children's interests upon appeal to Admissions Appeal Tribunals. In one such case, we acted for a child with dyslexia and dyspraxia at two admission appeals. We provided representation at the tribunal hearings. Dyslexia was accepted as a ground for application of special circumstances procedures and both appeals were successful on the basis of the evidence contained in an independent report. The outcome was that the child was transferred to the school of first preference. In another admissions case we successfully secured a place for a child in Year 1 in an integrated primary school. The admissions criteria were held by the panel to be improperly applied and we had identified a potential religious discrimination issue in the case.

School placement secured for a looked after child with special educational needs – We advised a foster mother and negotiated with the Education and Library Board to secure transfer to the child’s preferred secondary school. The foster mother had been advised not to enter the child to sit the transfer test. There were no legal grounds for appeal to the Admissions Appeal Tribunal as the school had properly applied their criteria for admission. The Trust had not proceeded with an appeal to the SENDIST against the Education and Library Board’s refusal to conduct a statutory assessment and so the child was not entitled to be placed at a particular school under a statement of special educational needs. Following CLC’s intervention, the Education and Library Board agreed to carry out an assessment of the child under ‘special provisions’ to ascertain how the child would have performed in the transfer test. The child was subsequently awarded a place at the school of first preference.

School transport secured for a statemented child - The child in this case was diagnosed with moderate learning difficulties and low cognitive ability. An educational psychology report indicated that the child was prone to confusion and had a limited awareness of road safety and got lost easily. In spite of these findings, transport provision was not included in the child’s statement. We intervened and secured school transport provision for the child on medical grounds.

Full-time literacy support secured for a child entering Year 7 - In this case, we successfully challenged the procedural lawfulness of the Education and Library Board’s criteria for allocation of full-time places for literacy support.

Access to services under articles 17 and 18 of the Children (Northern Ireland) Order 1995 (Kinship Care Payments) - We took a challenge against a Trust’s decision to refuse to provide a Residence Order Allowance to a child’s relative in respect of the child. The Trust agreed to conduct a Kinship Assessment and Kinship Care Payments were backdated in respect of the child.

Third Party Interventions - CLC has engaged in 3rd Party Intervention in High Court Proceedings in a number of cases which raise significant children’s rights issues. CLC have also been requested to intervene by a number of solicitor’s acting for applicants in Judicial Reviews.

JR 1 (Taser Case)

On 20th January 2009, CLC was given leave to intervene as Third Party Intervener in this case which was brought by a child seeking to challenge the introduction of Tasers into this jurisdiction. The hearing of the judicial review proceedings took place on 30th and 31st March 2009. We are currently awaiting judgement in this case. Article 2 ECHR (Right to Life) and Article 3 (Freedom from Torture, Inhuman and Degrading Treatment) are engaged in this case. CLC had undertaken a considerable amount of work in respect of the introduction of Tasers into this jurisdiction including in respect of compliance with the S75 equality duty. This work along with international children’s rights standards informed CLC’s intervention in this instance.



FREEPHONE 0808 808 5678

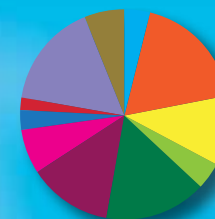
‘CHALKY’ Freepost BEL 3837 Belfast BT15 1BR

Email: chalky@childrenslawcentre.org

CLC’s freephone legal advice service, CHALKY, has continued to provide advice and information to increasing numbers of children, young people, their parents and professionals working with children. The service dealt with some 1965 issues during the year from April 2009 to March 2010, an increase of 21% on the previous year.

The issues raised by clients covered the whole range of legal issues involving children. Education issues accounted for 33% of all issues raised with concerns around Special Educational Needs the area causing most concern within this category, with one in three calls about education being about Special Educational Needs and accounting for 11% of the overall total. Other issues within education causing concern during the year were Admissions, raised as an issue 72 times, School Exclusion 61 times, and Discrimination, raised 46 times. Family Law issues were raised 570 times and accounted for 29% of issues raised with Contact and Residence issues accounting for over half the total within the Family Law category. The General category generated 21% (420) of all issues with general child protection issues (46), “At what Age?” issues (52), Social Security (68) and Mental Health (39) the main issues raised within this category. Human Rights and Justice issues (118) accounted for 6% of the total with Criminal Procedure raised 48 times, Care issues (74) accounted for 4%. There were 141 (7%) requests for information during the year.

General Issues April 2009 - March 2010



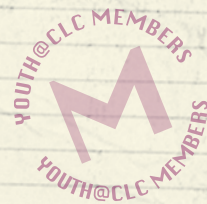
Care	4%
Education	18%
Special Education Needs	11%
Admissions	4%
Contact/Residence	16%
Family Law	13%
Information	7%
Social Security	3%
Mental Health	2%
General	16%
Human Rights/Justice	6%

Staff - Children's Law Centre

Sara Boyce
Emma Campbell
Tara Caul (left 31/5/09)
Diane Hammond (left 10/4/09)
Áine Hargey (from 11/1/10)
Rachel Hogan
Cathy Johnston (from 29/7/09)
Paddy Kelly
Trevor Kilpatrick (left 7/10/09)
Liam Mackle
Anne Marshall (from 6/1/10)
Anna McBeigh (from 22/6/09)
Stephanie McIlroy
Patricia McLaughlin
Ann-Maire McLaughlin
Eamonn McNally
Sinead Mulhern (left 31/1/10)
Helen Rafferty
Kathryn Stevenson
Natalie Whelehan
Claire Bradley (Sessional Youth Worker)

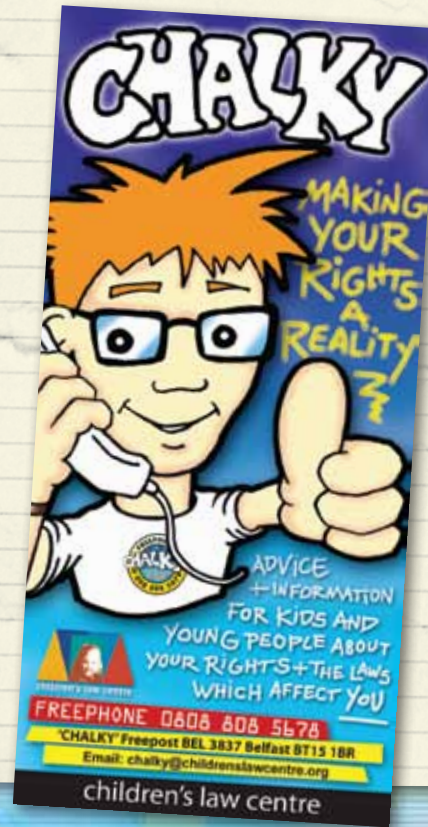
youth@clc Members

Matthew Bradley
Nicholas Hammond
Claire Rafferty
Roisin Brunty
Cathal Rooney
Deepak Sharma
Terence Donaghy
Aoife Gordon
Chris Maguire
Claire Withers
Erin Graham



CHALKY Volunteers

Rosalind Dunlop
Deirdre Vincent
Victoria Williamson
Andrew Kirke



Management Committee

Gráinne Brady
Sheridan and Leonard, Solicitors

Anne Marie Kelly
MKB Russells, Solicitors

Paddy Mooney
Include Youth

Margaret Monaghan
Belfast Education and Library Board

Linda Guilfoyle
VOYPIC (left January 2010)

Vivian McConvey
VOYPIC (from January 2010)

David Hayes
Queen's University, Belfast

David Simpson
Save the Children

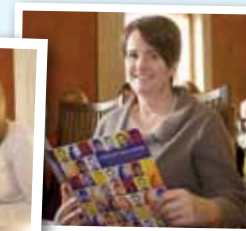
Margaret Burke
Belfast Health and Social Care Trust

Theresa Donaldson
NI Legal Services Commission (from August 2009)

Patricia O'Kane
Northern Ireland Guardian Ad Litem Agency

Maura Ruoppolo
Edwards and Co, Solicitors

Mairead McCafferty
West Belfast Partnership Board (from January 2010)



Children's Human Rights Advisor

Recognising that the Bill of Rights for Northern Ireland represents a unique opportunity to enshrine children's rights at a constitutional level and to consolidate the protection of children's rights into one binding and enforceable document, for over ten years CLC and Save the Children (SC) have led the children and young people's sector in advocating for a Bill of Rights that includes the maximum legal protections for children and young people's rights. From that perspective, CLC and SC responded to the NIO consultation on the proposed Bill of Rights in March 2010 noting that the NIO's consultation paper was not in keeping with either the spirit or the letter of the Good Friday/Belfast Agreement. The proposals contained in the NIO consultation paper threaten to most seriously compromise and undermine the mandate for and commitment to the Bill of Rights for Northern Ireland. CLC and SC's expectations regarding what the NIO consultation document might contain were high, but with good reason, given both organisations' engagement in the Bill of Rights process over the past ten years, the large degree of consensus that exists regarding children's rights protections, and the Northern Ireland Human Rights Commission's (NIHRC) statutory advice. The NIO's consultation document was therefore not only immensely disappointing and entirely unacceptable from a children's rights perspective, it also flies in the face of all of the evidence and the expert advice that exists in



relation to the need for the Bill of Rights for Northern Ireland to provide effective protections for children's rights. We recommend that the NIO redraft its proposals, this time using the NIHRC's statutory advice as its starting point.

Following on from our widespread dissemination of the 2008 Concluding Observations from the UN Committee on the Rights of the Child, coupled with the provision of written and oral briefings on the Concluding Observations, the Children's Law Centre was instrumental in getting the Concluding Observations tabled for discussion by the Assembly All Party Group in November 2009. The Children's Law Centre was invited to give a presentation to this All Party Group on the Concluding Observations and the follow up required. CLC also clarified for the Children and Young People's Unit how the Concluding Observations, which fall under the General Measures of Implementation could be integrated into the Children's Strategy Action Plan. Despite having requested and received this advice, OFMDFM along with other NI Departments have failed both to act in respect of delivery of the 2008 Concluding Observations and to discharge their responsibilities in respect of both the UNCRC and the Children's Strategy. The challenge ahead, as this jurisdiction faces into financially straightened times, is to ensure that the NI Executive and Assembly continue to place children's rights at the heart of government and in so doing discharge their duties under the UNCRC and address the 2008 Concluding Observations and outstanding Concluding Observations from 1995 and 2002.

POLICY WORK

A significant number of consultation responses were submitted during 2009-2010. Some of the key responses included:

- Response to the Department of Health, Social Services and Public Safety's consultation on its Proposed Mental Health and Mental Capacity Legislation - 31st March 2009
- Response to the Department of Education's consultation on its Transfer 2010 Guidance - 27th April 2009
- Response to the Northern Ireland Policing Board's Children and Young People's Thematic - 31st July 2009
- Response to the Home Office's consultation on DNA Retention - 7th August 2009
- Response to the Office of the First and Deputy First Minister's consultation on the UNCRC Draft Priorities for Northern Ireland - 25th September 2009
- Response to the Northern Ireland Office's consultation on the Proposed Merger of Community Safety Partnerships and District Policing Partnerships - 14th October 2009
- Response to the Legal Services Commission's Consultation on its Proposals for the Northern Ireland Funding Code - 16th October 2009
- Response to the Police Service of Northern Ireland's consultation on its Screening of its Test Purchase Powers for Alcohol policy - 19th October 2009
- Response to the Department of Education's consultation on its Review of Special Educational Needs and Inclusion - 30th November 2009

A full list of written consultation responses can be accessed on the Children's Law Centre's website - www.childrenslawcentre.org/submissions.htm.

A number of consultation exercises continue to be carried out with youth@clc. Their views inform and input into the responses submitted by the Centre and are presented directly to government. Examples of responses which included the views of youth@clc include CLC's responses to the Northern Ireland Policing Board's consultation on its Children and Young People's Thematic, to the Department of Education's consultation on its Guidance on Transfer 2010 and to the Police Service of Northern Ireland's consultation on its Screening exercise on Test Purchase Powers for Alcohol.

In addition to consultation responses, briefing papers were prepared, and disseminated on a number of pertinent issues. These briefing papers were designed to inform political parties, international bodies, NGO colleagues, NDPBs and IHRIs on key children's rights issues.

CLC provided written evidence to the Committee on Standards and Privileges' Inquiry on the Appointment of an Assembly Commissioner for Standards, on Maintaining the Northern Ireland Assembly's Code of Conduct and Guide to Rules Relating to the Conduct of Members (the Code of Conduct) and on Handling Alleged Breaches in Relation to the Code of Conduct in December 2009.

CLC attended all of the 5 main Northern Ireland Party Political Conferences and made representations to political party members, both at a local and central Government level as well as at Northern Ireland Executive level, with regard to proposed and actual policy and legislative issues impacting on children and young people.

CLC's Policy Officer works in partnership with other relevant organisations and agencies and makes an active contribution to membership bodies and events. Groups on which the Policy Officer represents CLC are: the Equality Coalition, the CINI Policy Sub-Group, An Múna Tober's Traveller Education Advisory Group, the Equality Commission's Advisory Group for its Revised Section 75 Guidance, the Equality Commission's Advisory Group for developing section 75 Compliance Standards, Save the Children's Child Poverty Alliance, the Department of Education's Taskforce on Traveller Education, the Northern Ireland Policing Board's Human Rights and Professional Standards Committee NGO Roundtable Group and the All Party Assembly Group on Children and Young People.

TRAINING and EDUCATION

During 2009-2010 the Training and Education function at CLC continued to meet the increasing demand from both adults and young people, for seminars and workshops on different aspects of children's law and children's rights issues. All events were well attended by a diverse range of participants from across the voluntary, statutory, youth and legal sectors.

From oral and written feedback, received both during and after these events, we can evidence an increasing level of concern amongst NGOs and statutory sector stakeholders alike, that in particular, the rights of children with special educational needs and mental health difficulties, continue to be compromised. By raising awareness of these important issues and facilitating time for debate and scrutiny of legal policy, practice and relevant case law, we have enabled key stakeholders to both review their own

practice from a children's rights perspective and to challenge non-rights compliant policy and practice by government and public bodies.

To ensure that we target both adults working for and on behalf of children, as well as young people themselves, we continue to adopt a three strand approach to the delivery of training, seminars and information sessions namely a Training Calendar, Tailored Training and Information Events/Seminars and Conferences and Training and Education for Young People. Significant outcomes/feedback from these events included: Following his participation at a training seminar and in response to the presentation by CLC which identified the legal obligations on government to place international Children's Rights standards at the core of decisions affecting the lives of children with ASD, a District Judge commented "There seems to me to be no good reason why these principles should not

be applied specifically to children with ASD whose cases appear in the Family Courts and indeed there is every reason why they should be so applied."

He went on to summarise the key learning points for him:

"...I hope I gained at least a little insight as to the kind of problems faced by young people with ASD, how to recognise at least some of the signs and how to be more aware as to their likely requirements in any cases involving this condition in the Family Proceedings Court."

A participant at CLC's "Protecting Children and Young People from Discrimination" event, on 10 February 2010 commented:

"A really practical session and helped mobilise me in providing support for disabled children and carers."

To ensure that the training needs of individual organisations are met, and to increase awareness of current children's rights issues with key stakeholders, CLC have continued to respond to requests for tailored training on a strategic basis. Over the past year CLC has also proactively organised seminars and conferences to raise awareness of specific areas of concern, amongst policy makers and practitioners.

youth@clc

Consultations

Youth@clc responded to a number of consultations throughout the year including the Community Safety Strategy. Proposals of this strategy included fixed penalty notices for the parents of young people found to be engaging in anti-social behaviour. Youth@clc made a positive and constructive contribution to this consultation and hope that our opinions are taken on board by decision makers.

Having our voice heard

Youth@clc attended the BBC Children in Need Panel Debate to mark the 20th anniversary of the signing of the United Nations Convention on the Rights of the Child. The discussion was chaired by BBC journalist William Crawley and the panel included the Head of Programming for the BBC and representatives from children's rights organisations. Discussions included the negative image of young people in the media, the highlighting of positive youth projects in the media, the impact young people have on the community, dealing with the legacy of the conflict and the problems around the lack of communication from central government on the rights contained within the UNCRC.

Youth@clc attended the Children's Law Centre's event in the Long Gallery, Stormont, to mark the 20th anniversary of the United Nations Convention on the Rights of the Child. Claire Bradley, our one time member and current youth worker, spoke at the event and made an excellent contribution to the day by examining the progress of the UNCRC over the last 20 years.



Forward Planning

Youth@clc members received interview training and sat on interview panels for the Youth Support and Development Worker and the Head of Legal Services.

Youth@clc have continued to develop images for our photography project, "The Hood is Down", which challenges stereotypes of children and young people in the media. We are currently making plans for the launch of the exhibition in July 2010..... so watch this space!

Youth@clc are also on the look out for new members to fly the flag for children's rights. We plan to hold a recruitment day for young people in April and are busy contacting schools, youth groups and community organisations to let them know about our group and to hopefully get some new members through the door!

Engaging with decision makers

Youth@clc members Chris, Erin and Nicholas attended the Children's Law Centre's Annual Lecture in March in the Bar Library. They met The Right Honourable Sir Declan Morgan, Lord Chief Justice of Northern Ireland, and voiced their concerns and opinions on the youth justice system. It made for a very interesting conversation!



The future

The future is looking bright for youth@clc, as well as a new youth worker and new members we are also embarking on a number of new projects.

Once we have completed the photography exhibition we will start work on our drama project and will create our own play with Tinderbox Theatre Company. Our play will focus on a variety of current children's rights issues and will be both thought provoking and challenging to watch. We can't wait to get stuck in to working on this one!

We also hope to kickstart the "Road to Rights" training programme for young people in 2011 and will be on the look out for participants!

Welcome Áine!

Youth@clc would like to welcome Áine Hargey, our new Youth Support and Development Worker and wish her all the best for the year ahead.

Financial information for the year ended 31 March 2010



STATEMENT OF FINANCIAL ACTIVITIES (INCLUDING INCOME & EXPENDITURE ACCOUNT) for the year ended 31 March 2010

	2010 Unrestricted Funds £	2010 Restricted Funds £	2010 Total Funds £	2009 Total Funds £
Incoming resources				
Incoming resources from generated funds:				
Voluntary income:				
Donations and grants	9,480	-	9,480	50
Investment income	11,157	-	11,157	15,874
Incoming resources from charitable activities:				
Grants received	-	575,929	575,929	618,503
Other income	13,493	33,147	46,640	41,284
Total incoming resources	<u>34,130</u>	<u>609,076</u>	<u>643,206</u>	<u>675,711</u>
Resources expended				
Charitable activities	30,213	644,948	675,161	616,124
Governance costs	86	2,352	2,438	2,358
Total resources expended	<u>30,299</u>	<u>647,300</u>	<u>677,599</u>	<u>618,482</u>
Net incoming resources for the year	3,831	(38,224)	(34,393)	57,229
Transfer between funds	4,510	(4,510)	-	-
Net Movement in Funds	8,341	(42,734)	(34,393)	57,229
Total funds brought forward at beginning of year	<u>136,008</u>	<u>221,160</u>	<u>357,168</u>	<u>229,939</u>
Total funds carried forward at end of year	<u>144,349</u>	<u>178,426</u>	<u>322,775</u>	<u>357,168</u>

The above Statement of Financial Activities includes all information as required to be disclosed by the Companies Act 2006 and includes all recognised gains and losses.

All of the activities of the company are classed as continuing.

There is no difference between the net outgoing resources for the year stated above and their historical cost equivalents.

The company has no other recognised gains or losses and therefore no separate statement of total recognised gains and losses has been presented.

BALANCE SHEET at 31 March 2010

	2010 £	2009 £
Fixed assets		
Tangible assets	<u>29,952</u>	<u>35,827</u>
Current assets		
Debtors	30,268	9,436
Cash at bank and in hand	<u>269,642</u>	<u>327,965</u>
	299,910	337,401
Creditors - amounts falling due within one year	<u>(7,087)</u>	<u>(16,060)</u>
Net current assets	<u>292,823</u>	<u>321,341</u>
Net assets	<u>322,775</u>	<u>357,168</u>
Funds		
Unrestricted funds	144,349	136,008
Restricted funds	<u>178,426</u>	<u>221,160</u>
Total funds	<u>322,775</u>	<u>357,168</u>

The financial statements have been prepared in accordance with the special provisions of the Companies Act 2006 relating to small companies.

A complete set of the Children's Law Centre audited accounts for 2009/2010 is available on request.

INCOMING RESOURCES

	2010 Unrestricted Funds £	2010 Restricted Funds £	2010 Total Funds £	2009 Total Funds £
Voluntary income:				
Donations and grants				
Donations	<u>9,480</u>	-	<u>9,480</u>	<u>50</u>
	<u>9,480</u>	-	<u>9,480</u>	<u>50</u>
Activities for generating funds:				
Investment Income				
Bank interest	<u>11,157</u>	-	<u>11,157</u>	<u>15,874</u>
Incoming resources from charitable activities:				
Grants received				
Department of Health, Social Services and Public Safety	-	71,969	71,969	70,214
Health and Social Care Board	-	111,339	111,339	104,012
Save the Children	-	18,000	18,000	32,500
Comic Relief	-	18,000	18,000	45,977
Dept of Education/OFMDFM	-	53,400	53,400	50,800
The Atlantic Philanthropies	-	296,000	296,000	315,000
Children in Need	-	<u>7,221</u>	<u>7,221</u>	-
	-	<u>575,929</u>	<u>575,929</u>	<u>618,503</u>
Other Income				
Sales	13,493	-	13,493	8,206
NI Legal Services Commission income	-	33,147	33,147	32,723
Miscellaneous income	-	-	-	355
	<u>13,493</u>	<u>33,147</u>	<u>46,640</u>	<u>41,284</u>
TOTAL	<u>34,130</u>	<u>609,076</u>	<u>643,206</u>	<u>675,711</u>