CHIEREN'S LAW CENTRE

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

ANNUAL REPORT 2011/2012

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"The Road to Rights -Using Rights for Change"

The highlight of youth@clc's work during the year was the redesign and delivery of the "Road to Rights" training programme to 10 young peer advocates from Belfast, North Down and Carrickfergus. With funding support from the Community Foundation NI and Lloyds TSB Foundation NI, CLC facilitated an 8 day training programme and outreach support workshops between April and November 2011. Using a unique peer advocacy toolkit designed by CLC, the training enabled participants to apply a rights based framework to identify and analyse

identify and analyse local children's rights issues which impact negatively on their lives.

The "Road to **Rights**" training programme culminated in a 3 day residential in Corrymeela, which gave the peer advocates an opportunity to explore their ideas for rights based campaigns in their own areas, to acquire the necessary skills and to build the confidence to take the next step in running their own campaigns. On the final day of the residential, when asked what they had gained from the "Road to Rights" training experience, comments from peer advocates included:

"I am very excited about the upcoming campaign and the opportunity to make a difference to other young people"

"I gained knowledge and confidence in the steps leading to our campaign and realised we won't be alone!"

Using Rights for Change

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"I got a better understanding of the work that will be involved in leading my project and who it will benefit...It's not just about us"

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Consultations

Article 12

During 2011 youth@clc participated in a number of consultations including the Department of Justice -"Building Safer, Shared and Confident Communities" and the Independent Youth Justice Review Team's "Review of Youth Justice in Northern Ireland." Youth@clc members unanimously agreed in their responses to these consultations that positive action is needed to improve relations between the police and young people in all communities and to end the demonisation of young people by many adults in our society.

S.75



COMBULTATION ON THE REPORT ON THE REVIEW OF THE YOUTH JUSTICE SYSTEM IN NORTHERN IRELAND

26 September 2011

A Guide for Commissioners

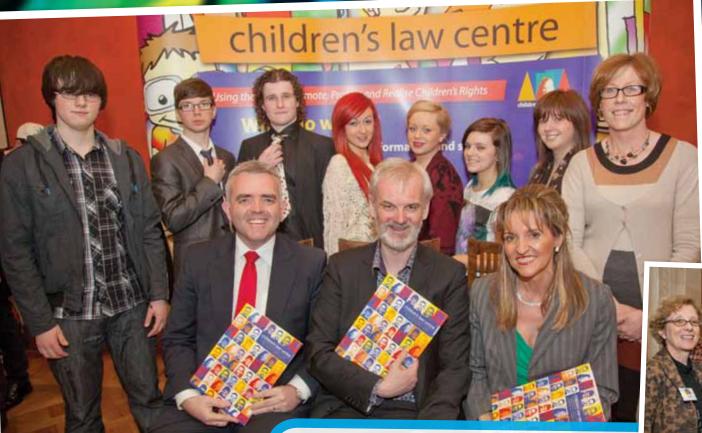
A DRAFT POLICY FOR

DEVELOPING ADVOCACY SERVICES

> Marital Capacity Lagistation Unit Datigopo 27 June 2011

Department of Justice -"Building Safer, Shared and Confident Communities."

Independent Youth Justice Review Team "Review of Youth Justice in Northern Ireland."



UNCRC: GENERAL COMMENT ON THE RIGHT OF THE CHILD TO BE HEARD

The Committee on the Rights of the Child's General Comment 12 on the "Right of the Child to be Heard" was formally adopted during the 51st session in June (2009).

he Road

to Rights

Using Rights for Change



Young people, representing five youth groups, are now leading separate "Road to Rights" campaigns in their local areas in an effort to bring about positive change. All five campaigns will enable young people to exercise their **UNCRC Article 12** Right to have their views heard and listened to on matters affecting their lives and the lives of many more young people.

The five campaigns were launched by Junior Ministers Bell and Anderson in the Long Gallery in Stormont on 20 March 2011. "Road to Rights" graduates were delighted by the strong support they received in Stormont from both Junior Ministers and over one hundred attendees including local MLAs, councillors, representatives from government departments, the youth and community sector, parents and their peers.

Building on that support over the coming year, they will be calling on government to realise the promises government made to all children by ratifying the UNCRC in 1991. CLC will be monitoring the progress of all of the "Road to Rights" campaigns in the achievement of their goals. A published report of campaign outcomes will be made available by June 2013.

The current Road to Rights Campaigns are:

Carrickfergus Youth Council - Community Safety Project

Ellen who is a "Road to Rights" graduate, speaking at the Campaign Launch in Stormont on behalf of Carrick Youth Council, outlined their concerns about community safety issues in "Love Lane" (a main access route for many young people getting in and out of Carrickfergus):

"We have been carrying out research to find out more about what we believe is a problem in the area...Our project also hopes to challenge the stereotype that young people don't care about their environment and are always the ones causing trouble - most want to work with the community not against it. As stated in Article 12 of the UNCRC, we have the right not only to have our say but also be listened to." Ellen

- 2 Youth@clc Supporting Positive Mental Health in School
- Lower Falls Young Women's Group Suicide Prevention in West Belfast
- Quaker Cottage Suicide Awareness in North and West Belfast

Youth@clc, Lower Falls Women's Group and Quaker Cottage all identified access to mental health support services and suicide awareness as their areas of concern.

Speaking on behalf of youth@clc at the launch, Chris Maguire, "Road to Rights" graduate, expressed the groups concerns that...





"...many of our peers in schools across Belfast and the SEELB area, are not aware of support for emotional problems in schools, or are afraid to ask because of the stigma attached to going to a counsellor... The 2009 Young Life and Times Survey (ARK), revealed that only 9% of the 26% of 16 year olds who said they had emotional problems, sought professional help for these problems. We want to know why."

5 Young NCB Advisory Group - Sectarianism and Young People

Beth from young NCB ("Road to Rights" graduate), outlined the campaign she would be leading:

"Our theme will be the impact of sectarianism on young people... we all felt it was still a major issue, even though violence has subsided, sectarianism is still very evident in today's society." Beth

CLC would like to thank all the organisations and individuals who contributed to the highly successful delivery of the "Road to Rights" programme in 2011 including the Lord Mayor, Northern Ireland Youth Forum, NICCY's Participation team, Headliners, NCB, Corrymeela, Claire Bradley, our funders and in particular the young people. Thanks are also due to the youth workers who are supporting the groups in their campaign work.

To keep up to date on the progress of all our "Road to Rights" campaigns or for more information about youth@clc please contact the Youth Participation and Advocacy Worker at the Children's Law Centre **deirdremcmahon@childrenslawcentre.org**

to Rights

Join us on ... The Road

Using Rights for Change



UNCRC Article 6

Survival and development Every child has the inherent right to life, and the State has an obligation to ensure the child's survival and development.

> THE MAC LIVE

.COM



As part of their campaign, youth@clc are planning to survey the experiences and views of Year 11 pupils across a representative range of schools to identify the key issues and develop recommendations for improving services to children. They will present their findings through writing and performing a play. The play will be performed in the MAC theatre in March 2013 reminding government and policy makers of their duty under Article 6 of the UNCRC to protect the right of all children and young people to survive and develop to the maximum extent possible.



Engaging with Decision Makers

Youth@clc member Chris Maguire attended the Children's Law Centre Annual Lecture in May in the Bar Library and took the opportunity to publicly voice his concerns about the non-incorporation of the UNCRC into our domestic law.









HILDREN'S LAW CEN







Coless'

Staff - Children's Law Centre

Emma Campbell
Aine Hargey (left 30.12.11)
Rachel Hogan
Cathy Johnston (left 28.10.11)
Paddy Kelly
Liam Mackle
Sarah McAuley (started 07.02.12)
Anna McBeigh
Stephanie McIlroy
Ann-Marie McLaughlin
Eamonn McNally
Christine Quinn (left 29.02.12)
Helen Rafferty
Kathryn Stevenson
Natalie Whelehan

youth@clc Members

Caitlin McManus Chris Maguire Clare Louise Mooney Clare Stevenson Erin Graham Niamh Kerr Niamh McAllistair Sarah Ferguson Siobhan O'Donnell Nicholas Hammond Frank McCaughey Anna Monaghan Rebecca Henderson Helen Monaghan





CHALKY Volunteers

David Bothwell: October 2011 - Present

MANAGEME

W CENTRE CHILDREN'S LAW CENTRE CHILDREN'S LA

Maedhbh McQuoid: May 2011 - Present

Rebecca Woods: October 2011 - Present

Eamon Gallagher: October 2011 – Present

Michelle Woods: November 2011 – Present

Patrick Kearney: November 2011 - Present

Jennifer Lynch: March 2011 – September 2011

Ciara McNally: June 2011 - September 2011

Julie McGovern: June 2011 - September 2011

Michael McGilligan: November 2011 - January 2012

Management Committee

Margaret Burke Belfast Health and Social Care Trust

David Hayes Queen's University, Belfast

Anne Marie Kelly MKB Russells, Solicitors

Mairead McCafferty West Belfast Partnership Board (left January 2012)

Vivian McConvey VOYPIC

Therese Moran Belfast Education and Library Board (left December 2011)

Patricia O'Kane Northern Ireland Guardian Ad Litem Agency (left December 2011)

Maura Ruoppolo Edwards and Co, Solicitors (left January 2012)

Suzanne Rice

Edwards and Co, Solicitors (maternity leave cover from May 2011, replaced Maura Ruoppolo January 2012)

David Simpson

DIRECTOR'S REPORT

It is not surprising but very regrettable that again in 2011-2012 CLC have to report an increase in demand for all its services and most notably in respect of its legal services. Calls to the Centre's free phone advice line continue to rise and reflect the cuts and in some cases axing of critical services for vulnerable children across all issues impacting on children's lives including special educational needs, child and adolescent mental health services and services for 16 and 17 year olds.



n Northern Ireland according to the Chief Medical Officer over 20% of children under 18 years of age suffer significant mental health problems and this comprises the commonest form of severe disability in childhood. Despite the scale of the need, the risk of young people taking their

own lives and the fact that children and young people under 18 represent approximately 25% of Northern Ireland's population, in 2009/10 only 2.65% of the mental health budget or approximately 0.16% of the overall health budget was spent on Child and Adolescent Mental Health Services. There is currently no forensic inpatient paediatric psychiatric provision in Northern Ireland and only limited inpatient adolescent facilities.

In this context it is incomprehensible to CLC that the Department of Health, Social Services and Public Safety (DHSSPS) and the Department of Justice (DoJ) are proposing to exclude the vast majority of under 16s from the proposed Mental Capacity (Health, Welfare and Finance) Bill. In practice this will mean that the Bamford Review will have failed to deliver for a significant number of children with mental health needs in this jurisdiction. CLC in addition to providing legal representation for children who have been unable to access critical mental health services have been very actively advocating for all children to benefit from the proposed new legislation. In addition to making detailed submissions to both Departments, appearing before the Health, Social Services and Public Safety Committee and engaging with key decision makers, CLC also sits as a member of both the DHSSPS's and the DoJ's Legislation Reference Groups. During the last year in all of its detailed and intensive representations to the DHSSPS, the DoJ and others, CLC has consistently detailed its concerns with regard to the particular circumstances and vulnerabilities of children with mental ill





health in Northern Ireland and will continue to do so as the DoJ consults on how to legislate for people with mental health needs in the criminal justice system. CLC will critique the forthcoming draft legislation against children's rights standards and continue to advocate strongly for legislation which will protect all those who live in this jurisdiction, especially the most vulnerable. It is CLC's view that one of the legacies of fiscal cuts has been an increased number of calls to our legal advice line in respect of homeless 16 and 17 year olds. Such was our concern about this issue that this year CLC took a judicial review on behalf of a homeless 17 year old young person who was refused suitable accommodation although he should have been entitled to such accommodation as a 'child in need' under Article 21 of the Children (Northern Ireland) Order 1995, *In the Matter of an Application by JR 66 (child in need accommodation duty) for Judicial Review [2012] NIQB 5*. The Trust conceded that the child was an 'eligible child' under Article 34A of the Children (Northern Ireland) Order 1995 during the course of the leave hearing.

A Regional Good Practice Guide on Meeting the Accommodation and Support Needs of 16 - 21 year olds was agreed by the NIHE and the Health and Social Care Trusts and was published in 2009. At the leave hearing for JR 66, the Judge directed that CLC and the legal advisers to the Northern Health and Social Services Trust should consult jointly to agree any amendments necessary to the Regional Good Practice Guide to fully reflect the legal requirement upon Trusts to provide Article 21 assessments to some children. Final judgment was issued by the Honourable Mr Justice Treacy on 10th February 2012. Paragraph 4 of this judgment sets out a 7 step legal test for assessment of 16 and 17 year olds' entitlement to be accommodated under Article 21 of the Children (NI) Order 1995. These 7 sequential questions were defined by Lady Hale in the House of Lords case of R (on the Application of G) (FC) v London Borough of Southwark [2009] UKHL 26 and include a duty to consider the child's wishes and feelings regarding the provision of accommodation by the Trust.

In a postscript to the JR 66 judgment, it is recorded that the Regional Homelessness Group (co-chaired by the Director of the HSCB and the Director of the NIHE) had agreed to consider the contents of any submissions or proposals made by the Children's Law Centre about the existing "Regional Good Practice Guidance on Meeting the Accommodation and Support Needs of 16 - 21 year olds." Following the judgment, CLC submitted its proposals including detailed suggestions for amendment of the Regional Good Practice Guidance to the HSCB and the NIHE. A majority of CLC's recommendations were subsequently incorporated into the revised guidance. CLC were also invited to participate



in a training session for senior practitioners from both agencies in order to raise awareness of the new guidance. CLC are now working closely with both the HSCB and the NIHE to ensure the effective implementation of the guidance.

Many years experience has consistently proven that children and young people are powerful advocates for children's rights. Recognising this and reflecting its commitment to Article 12 of the United Nations Convention on the Rights of the Child (UNCRC), CLC this year undertook a comprehensive rights based advocacy training programme "Road to Rights-Using Rights for Change" with 10 young people from 6 Belfast, North Down and Carrickfergus based groups. The programme equipped them with the knowledge of children's rights and advocacy skills to enable them to employ a rights based approach to bring about change in their local communities. Following an event in the Long Gallery in Stormont in March 2012, attended by Junior Ministers Anderson and Bell who have lead responsibility for children and young people, 5 of the groups are now undertaking rights based campaigns. We look forward to reading youth@clc's research on mental health provision in schools and working with them to advocate on their recommendations.

During the year a number of staff left the employment of the Centre. We wish Aine, Cathy and Christine well in the future. We welcomed Sarah to the Centre as a part-time Receptionist in February 2012. Sarah will be job sharing with Ann-Marie who gave birth to beautiful baby Daniel in April 2012. Congratulations to Ann-Marie and Gerard. Despite the departure of colleagues and friends, as Director of the Centre I remain fortunate to work with a small group of highly committed and talented people; staff, youth@clc, Management Committee and volunteers who are intent in proving that "a small group of thoughtful committed citizens can change the world" (Margaret Mead).

Thank you all for helping change the world for children.

PADDY KELLY Director

CHAIRPERSON'S REPORT

his year I have had the honour of serving as Chairperson of the Children's Law Centre (CLC). In this role as well as in my paid employment as Chief Executive of the Voice of Young People in Care (VOYPIC) I have had significant insight into the excellent work the staff, young people and volunteers at CLC undertake on a daily basis. VOYPIC staff and in particular our advocacy staff, work very closely with CLC staff to protect the rights of children who are looked after or who are otherwise in the care of the state. The legal information and representation provided by CLC to frontline VOYPIC workers has proved invaluable in securing children's rights and ensuring their voices are heard and taken into account when decisions are being made about their lives. The partnership working between VOYPIC advocacy services and CLC's legal services, which is a model of good practice, has accessed accommodation for homeless young people, secured services for children with mental health needs and has ensured the necessary support mechanisms are in place for children leaving the Juvenile Justice Centre. Together VOYPIC and CLC are making a real difference to the lives of these very vulnerable children at a time when austerity cuts are threatening already over stretched services. Evidence and research indicates that hearing the voice of the child is central to protecting children and vindicating their rights. Nowhere is this more critical than when decisions are being made in respect of our most vulnerable children. CLC is to be congratulated on their focus on ensuring that children's Article 12 Rights are vindicated including and importantly in the legal system. As a jurisdiction we have made huge strides in giving effect to Article 12 in our courts, but children tell us we still have a distance to travel. CLC's excellent seminar in February 2012 for legal practitioners on the Voice of the Child in Legal Proceedings, which focused on family law proceedings was an important event in allowing legal practitioners to reflect on their practice and consider how they might better ensure children's voices were heard. The participation of care experienced young people in the event brought a focus which sometimes gets lost in the cut and thrust of an adversarial legal system and is reflected in the evaluations of that event. Participants considered that listening to the views and experiences of a young person who had been in care was particularly beneficial. The comment of one participant reflects my experience of the ethos of all of the work of CLC "I was impressed that speakers kept the focus on the needs, wishes and rights of the child..."

As CLC Chair I had the privilege of hosting the Centre's 2012 Annual Lecture. The Centre's Annual Lecture continues to attract internationally renowned speakers whose insight into children's rights and the standards of protection required of our government benchmark our delivery of the United Nations Convention on the Rights of the Child in this jurisdiction. Professor Manfred Nowak, Professor of International Law and Human Rights at the University of Vienna, Director of the Ludwig Boltzmann Institute of Human Rights and former UN Special Rapporteur on Torture gave this year's lecture entitled "Protecting children against torture and while in detention. The right of children to personal liberty and integrity (Article 37 UNCRC)" in the Inn of Court in the Royal Courts of Justice. Professor Nowak's excellent lecture, which was very kindly chaired by the Honourable Mr Justice Stephens, focused on the definition of torture and cruel, inhuman and degrading treatment and outlined the frightening scale of the use of these practices against children at a global level. Professor Nowak also reflected on CLC's concerns in respect of local policing practices breaching international human rights standards and commented:

"Many issues raised by the Children's Law Centre in Belfast, such as the use of plastic bullets (attenuating energy projectiles), tasers, mosquito devices, or stop and search practices by the Northern Ireland police forces would fall in this category of ill-treatment. Whether these practices amount to cruel, inhuman or at least degrading treatment depends on whether they can be regarded as proportional to a legitimate purpose of law enforcement or as excessive use of force. The proportionality test might lead to differences between adults and children on the basis of their higher vulnerability. While the legitimacy of the use of tasers as a less intrusive weapon than fire-arms against adults is still disputed, the Committee on the Rights of the Child has taken the view that tasers and plastic bullets should never be used against children. Similarly, the Committee has expressed concerns at the use of mosquito devices, which are only targeting children and young people."

Securing children's rights compliance in respect of the use of these weapons will undoubtedly remain one of the many denials of children's rights CLC will continue to challenge in the future.

VIVIAN McCONVEY Chairperson

TRAINING & EDUCATION

This year our training strategy continued to focus on the areas of both domestic and international Children's Law and Policy most relevant to ensuring the survival and development of all children in this jurisdiction. All members of the CLC staff team either delivered or presented at over 40 training workshops and seminars during the course of the year. For the first time, nearly half of all participants were the "Rights Holders" themselves - children and young people (over 300). This increase in participation by young people in our training events was largely due to our re-launch of the "Road to Rights" programme for young peer advocates in April of this year.

etween April and November 2011, with funding support from the Community Foundation NI and Lloyds TSB Foundation NI, we delivered a revised 8 day "Road to Rights - Using Rights for Change" training programme to 10 young people from Belfast, North Down and Carrickfergus. Using a peer advocacy toolkit designed by CLC, the training enabled participants to apply a rights based framework to the identification and analysis of issues for young people in each of their local areas. Using the skills and knowledge gained and with the ongoing support of CLC's Youth Participation and Advocacy team, 5 youth led "Rights in Action" campaigns were up and running by December 2011 in association with Carrickfergus Youth Council, Quaker Cottage, Divis Young Women's group, NCB and our own youth@clc. The themes of the campaigns include mental health in schools, suicide awareness, community safety and the impact of sectarianism on young people.

Over the past year our annual training calendar events continued to raise awareness of the duties and responsibilities placed on government and public bodies by government having ratified the UNCRC in 1991, as well as their obligations to children under the ECHR, equality law and other domestic legislation. Against the backdrop of ongoing public sector cuts, we have continued to highlight the deficit in "rights based" service provision for children and young people with mental health needs, special educational needs and disability.

Feedback from other training events included:

"I have gained a more in-depth knowledge of human rights and how to apply them to children and to my role as a social worker in ensuring that the voice of the child is heard at a practical level ..."

(Northern Area Child Protection Committee - Multidisciplinary training - March 2012)

"I was impressed that speakers kept the focus on the needs, wishes and rights of the child…"

(Voice of the Child Seminar - February 2012)

When asked how they will use the knowledge and skills gained one manager commented:

"...by training staff in recognising and recording improvement in achieving children's rights and how to promote a positive view of children's rights to parents..."

(Eastern Childcare Partnership - February 2012)

TAILORED TRAINING

- Children's Rights workshops (16 April 2011)
- "Road to Rights" information session (18 April 2011)
- Presentation Forum Discussion on youth justice issues with Baroness
 Harris (19 April 2011)
- Presentation at QUB conference implementing the UNCRC (1 June 2011)
- "Road to Rights" Peer Advocacy Training including 3 day residential (8 days, July - September 2011)
- CHALKY information session and youth project with Young Radicals
 (Yorkshire based) (23 September 2011)
- Children's rights workshop pre "Road to Rights" campaign (19 October 2011)
- UNCRC presentation for Human Rights Consortium (24 October 2011)
- Children's Rights workshop (25 October 2011)
- Presentation on youth justice issues at Include Youth conference (27 October 2011)
- **"Road to Rights" Campaign workshops** (7 days November 2011)
- PILA/PILS Project Joint Annual conference (11 November 2011)
- Children's Rights workshop with Belfast Met students (17 November 2011)
- Children's Rights are Human Rights (9 December 2011)
- Children's Rights and Early Years (14 February 2012)
- Children's Rights and Youth Work (1 March 2012)
- Children's Rights and Age Discrimination workshop (10 March 2012)
- Children's Rights are Human Rights (14 March 2012)
- Launch of "Road to Rights" Campaigns (20 March 2012)

TRAINING CALENDAR

- Mental Health Law and Policy (10 May 2011)
- Children's Rights are Human Rights (20 May 2011)
- Advocating for Children in Need (1 June 2011)
- Children's Rights are Human Rights (15 June 2011)
- Autistic Spectrum Disorder and Mental Health A Children's Rights
 Perspective (26 October 2011)
- Special Educational Needs A Children's Rights Perspective
 (30 November 2011)
- Special Educational Needs A Children's Rights Perspective
 (25 January 2012)
- The Voice of the Child in Legal Proceedings (22 February 2012)

POLICY WORK

CLC made a very significant number of policy responses during the year across a broad range of issues impacting on children's lives. All responses are available on CLC's web site.

One example which illustrates the broad impact of CLC's multi-disciplinary strategic approach through the utilisation of policy and case work is the work undertaken by CLC in response to the South Eastern Education and Library Board's (SEELB) proposal to close Knockmore Primary School and Special Unit. CLC's advice line was contacted by a number of parents of children with special educational needs who attended the school and whose special educational provision would have been impacted upon by the proposed closure. CLC's policy and legal staff collaborated to draft a detailed submission to the SEELB highlighting among other breaches the SEELB's breach of their S75 Equality Duty. This submission significantly influenced a reversal of the Board's decision to close the school. This provided a speedy outcome for the children and parents directly affected by the decision and also circumvented the need for costly formal legal proceedings to challenge the Board's decision on behalf of individuals adversely impacted upon by the proposed school closure.

The ongoing Review of Youth Justice in Northern Ireland has been a major focus for CLC's policy work throughout the year. CLC had voiced its concerns that the Review established by the DoJ fell short of what had been envisaged in the Hillsborough Agreement. The fault lines exposed by the failure of the DoJ to adhere to what was agreed in Hillsborough continued through to the Review Team's Report. CLC in its response to the Youth Justice Review Team's Report again highlighted the lost opportunity to develop a children's rights compliant youth justice system that results from deviation from what was agreed at Hillsborough. CLC will continue to closely monitor the outworking of this Review.

At the request of the Health, Social Services and Public Safety Committee CLC's Policy Officer and Mental Health Solicitor gave evidence to the Committee and responded to the Department's Consultation on the Proposed Statutory Rule - the Mental Health (Private Hospital) Regulations in January 2012. CLC informed the Committee about the rights and needs of children and young people with mental health difficulties who require admission to hospital and the need to ensure that there is a robust system of checks and safeguards to assist those young people.

SOME KEY POLICY RESPONSES MADE IN 2011-2012

- Response to the Department of Justice Consultation on Building Safer, Shared and Confident Communities - A New Community Safety Strategy for Northern Ireland (Community Safety Strategy) (April 2011)
- Response to the Department of Justice's Consultation on the Retention and Destruction of Fingerprints and DNA in Northern Ireland (June 2011)
- Response to the Department of Employment and Learning's Consultation on Pathways to Success (NEET) Strategy (June 2011)
- Response to the Northern Ireland Assembly Youth Panel on its Proposals for the Creation of a Northern Ireland Youth Assembly (September 2011)
- Response to the Consultation on Clean Neighbourhoods and Environment Act (NI) 2011: Guidance on Fixed Penalty Notices (September 2011)
- Response to the DHSSPS's Consultation on its Draft Policy for Developing Advocacy Services (October 2011)
- Youth@clc Response to the DHSSPS's Consultation on its Draft Policy for Developing Advocacy Services (October 2011)
- Response to the Northern Ireland Law Commission's Consultation on its Equality Impact Assessment of the Reform of Bail Law and Practice in Northern Ireland (October 2011)
- Response to the South Eastern Education and Library Board's Consultation on its Proposal to Close Knockmore Primary School (November 2011)
- Response to the Department of Education's Equality Scheme (November 2011)
- Response to the Report on the Access to Justice Review Northern Ireland (December 2011)
- Response to the Department of Health, Social Services and Public Safety's Consultation on the Proposed Statutory Rule the Mental Health (Private Hospital) Regulations (January 2012)
- Response to the Independent Youth Justice Review Team's Report of its Review of Youth Justice in Northern Ireland (January 2012)
- Response to the Northern Ireland Executive's Consultation on the Draft Programme for Government 2011 2015 (February 2012)
- Response to the Department of Health, Social Services and Public Safety's Consultation on the Draft Service Model Child and Adolescent Mental Health Services (March 2012)

LEGAL Services for Children

As can be seen from calls to CHALKY there has been a significant increase in the demand for CLC's Legal Services over the last year. There would appear to be a clear correlation with a reduction in funding of services for children most notably in respect of education and health. With a CAMHS budget of only 2.65% of the total mental health budget the Centre is also seeing increasing numbers of children who are being denied critical mental health services.

Special Educational Needs and Disability

CLC remains the sole provider in this jurisdiction of free legal representation for children at SENDIST appeals. Within the context of significant cuts to SEN provision the demand for CLC's strategic tribunal representation at SENDIST is outstripping capacity. CLC continues to provide legal representation in relation to SENDIST appeals and expert legal advice regarding access to SEN provision and the right to protection from disability discrimination in education.

The following represents only some of the cases CLC has undertaken in respect of children with SEN:

- Appeal against content of statement CLC negotiated a settlement whereby the child secured 10 hours classroom assistance per week; 10 hours supervisory assistance per week; and occupational therapy was recognised as both an educational and non-educational need within the child's statement of special educational needs.
- Decision to terminate a statement overturned The Education and Library Board (ELB) decided to cease to maintain a child's statement in April 2011. A SENDIST appeal was lodged and the ELB subsequently agreed to maintain the child's statement, to reassess the child's needs and to conduct an early annual review of the child's statement in January 2012.
 - Refusal to carry out a re-assessment of a child's special educational needs Following negotiations with the ELB, the child was

reassessed and was offered additional teaching support for the period from September to December 2011. It was agreed that the case would be reviewed in December 2011.

Appeal against school named at Part 4 – This case concerned a child with Down's Syndrome. The ELB had recommended a special school and parental preference was for placement in the local primary school. An appeal was filed with SENDIST against the school named on the child's statement at Part 4. The appeal was settled prior to hearing.

Refusal to carry out a statutory assessment – This case concerned a child with Asperger's Syndrome who had stopped attending school. This was due to the Board's failure to identify the child's needs, to put in place the necessary supports and to establish the type of school environment which would best meet the child's needs. CLC's SENDIST Representative drafted a detailed Case Statement for appeal. The Board conceded prior to hearing and agreed to provide a statutory assessment at the child's home.

Mental Health Provision for Children and Young People

CLC's Mental Health Solicitor continues to provide free legal advice and representation to children and young people and their families in respect of children's rights and mental health law. The Mental Health Solicitor has in the last year represented children and young people at a number of Mental Health Review Tribunals and has undertaken Judicial Review proceedings in the High Court. He also continues to represent CLC on the Department of Health, Social Services and Public Safety's (DHSSPS) and the Department of Justice's (DoJ) Reference Groups which are considering the development of the proposed new Mental Capacity (Health, Welfare and Finance) Bill.

The following are examples of case work undertaken by the Mental Health Solicitor:

He represented a young person in relation to an application to the Mental Health Review Tribunal to be discharged from hospital under the Mental Health (NI) Order 1986. The young person was released from detention in hospital with a package of community support. The package included access to a careers advisor, a placement on a community education programme, being classified as an 'eligible' child under the Children (NI) Order 1995 thereby entitling the child to support services until the age of 21, the appointment of a personal advisor and the preparation of a pathway plan, access to appropriate benefits and an assessment of the caring needs of the young person's carers for additional services.

The Mental Health Solicitor assisted a child with severe healthcare needs who required a high level of support. After being assessed by her local Health and Social Care Trust (HSCT) she was awarded a package of support which failed to meet her needs. CLC applied on behalf of the child to have the decision of the Trust reviewed and a package of support was put in place for the child and her carers which is at a higher level to that previously awarded.

Judicial Review

CLC has had cause to take a number of Judicial Review applications during the year:

L's Application [2012 NIQB] 18 - CLC acted for a 9 year old child with dyslexia who took a judicial review against the SEELB in relation to its decision to refuse to provide direct teaching support to the child (L). In October 2010, L was assessed by the Board's educational psychologist who recommended that a referral be made to the Board's outreach support service for pupils with specific literacy difficulties and in the interim he should continue to receive a high level of literacy and numeracy support within the school's own special needs arrangements. Following this assessment, L was put on the Board's waiting list to receive direct teaching support. However, due to the limited financial resources available to the Board to provide literacy support, it applied a new set of criteria for allocation of its services and the applicant was not allocated direct teaching support for 2011/12. The case proceeded to full hearing on 1st February 2012. Both a summary judgment and the final judgment (dated 14th March 2012) are available to download on the Northern Ireland Court Service website. His Honour Judge Treacy concluded in his

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judgment that "the SEN System does require Boards to find some fair way to prioritise demands for specialist support for children at Stage 3" (of the Code of Practice for Identification and Assessment of Special Educational Needs) and recommended that L should receive direct support from a literacy specialist as indicated by the Educational Psychologist and without further delay. Shortly following this judgment, the Board gave effect to the Court Order by implementing direct literacy support provision for the Applicant. The child initially received two half hour sessions of direct teaching support per week, delivered in a small group setting in his own primary school. He was subsequently allocated a fulltime placement at a reading support unit in September 2012.

It is CLC's view that this judgment will have much broader implications not only for children with dyslexia who are currently awaiting appropriate and timely literacy and numeracy support from ELBs, but potentially for all children who are awaiting stage 3 service provision, including for example, ASD support, emotional and behaviour support, therapeutic interventions via board services such as MAST, and educational psychology assessments. The SEELB have lodged an appeal against this decision which is due to be listed for hearing by the Court of Appeal in early 2013.

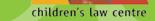
JR 64 - CLC continues to act for a 17 year old young person in judicial review proceedings relating to a decision by the Western Health and Social Care Trust to reduce the young person's care package. Leave was granted in this case for a judicial review to consider the Trust's Family Support Panel procedures and the decision making process in relation to reviewing the Applicant's support package. Since the Leave hearing, further respite provision has been allocated by the Trust amounting to 3 weeks over-night respite over a 6 month period. This case proceeded to full hearing on 16th February 2012.

JW (Judicial Review against SENDIST Decision) - This case concerned a judicial review of a decision of the SENDIST Review Panel in January 2012. The grounds for judicial review were firstly that the findings of the Panel were non-specific as they had failed to specify and quantify speech and language and occupational therapy provision. Therefore, the panel's decision could not be transferred into a statement of special educational needs to give effect to the SENDIST Order. Secondly, no written reasons were given for the Tribunal's decision making as is required under the statutory regulations governing SENDIST procedure. The case was resolved at the Leave hearing stage by way of an Order of Certiorari, quashing the decision of the SENDIST Review Panel. SENDIST consented to this Order. The Court also made an Order against SENDIST for reimbursement of the Applicant's legal costs. The case was remitted to a newly constituted SENDIST for re-hearing of the Appeal.

Additional Outcomes for Children

Although formal legal proceedings were not issued in the following cases, there were a number of significant outcomes which have had and continue to have a very real impact on children's lives:

- Transition planning for a young person with mental health needs and learning disabilities - Following intervention by CLC, the young person was assessed for placement in an adult residential unit when he is transferred to adult mental health services.
- Request for UNOCINI and Carer's Assessment CLC's Mental Health Solicitor was successful in securing the completion of both assessments on behalf of a child with Autism. The Trust also agreed to fund an Applied Behaviour Analysis (ABA) Programme for a period of 3 months for the child, which would then be subject to review.
 Emergency Carer's Grant secured for a child with ASD - Following CLC's intervention, the Trust agreed to provide a Carer's Grant of £250 to assist the family in making direct payments to a family friend. The emergency request was processed within 48 hours.
 Provision of accommodation for a homeless 16 year old girl - The decision of the Trust not to provide accommodation for a 16 year old girl was overturned following CLC's intervention.
- Appeal to the Social Security Commissioner CLC provided advice and assistance regarding an appeal to the Social Security Commissioner following an unsuccessful appeal to the Social Security Tribunal in respect of a DLA claim. A similar fact decision by the Social Security Commissioner indicated that the Social Security



Appeal Tribunal may consider the impact of providing care on the carer as well as the disabled person when considering DLA appeals. The case was referred out to the Citizen's Advice Bureau who agreed to provide representation at the appeal hearing.

- Placement secured in supported accommodation for a 'delayed discharge' mental health patient – CLC provided representation at meetings regarding arrangements for the child's supported accommodation and retention of a specialist educational placement. Both placements were secured for the child. CLC had also agreed to provide representation at a Mental Health Review Tribunal which was subsequently withdrawn.
- **Direct Payments secured as part of a Care Package for a child with Autism** - CLC provided advice and support to the family who were negotiating an uplift of their care package with the Trust. As a result of these negotiations, the award of 12 hours direct payments per week was uplifted to 42 hours in non-term time and 32 hours in term time.
- Advice and support provided in respect of an Admission Appeal Tribunal - The family were represented at the appeal and were successful in securing a place for their child at the preferred school. Extension of Placement in a Children's Home - (CLC working in partnership with VOYPIC). This case concerned a young person who had expressed a wish to remain in a children's home beyond her 18th birthday. The young person had experienced a secure and stable placement and she wanted to maintain this stability while she was in the process of completing examinations. The Trust initially advised the young person that she could remain in her placement until September 2012. She was later advised that she must move home by the end of March 2012. The young person was allowed to remain in the children's home until after completion of her exams.
- Suspension of Tax Credit Following CLC's intervention with Tax Credit Appeals Branch in England, this Tax Credit claim was re-instated and a back payment was secured for the Claimant in the sum of £5000.

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ADMINISTRATION & EINANCE UNIT

The Administration Unit at Children's Law Centre has had a busy year supporting the entire CLC team. The work of the Administration Unit is core to the efficient operation of CLC through providing financial management, human resource support and assistance with planning and organising of all CLC training, lectures and seminars. Administration is the backbone within all organisations and here at CLC we have a strong backbone that is critical for the effective working of the entire CLC team.

he daily administrative support structure of CLC is provided by a very small but highly effective and efficient administration team - Helen Rafferty (Head of Administration and Finance Unit), Ann-Marie McLaughlin (Receptionist/ Admin. Assistant) and newly appointed Sarah McAuley (Receptionist/Admin. Assistant) job sharing. Sarah joined our dynamic team in February and has already proven to be a real asset. The Administration Unit is also supported by Stephanie McIlroy (P.A. to Director and Head of Legal Services). Additional maternity cover was provided by Meadhbh McQuoid, Rebecca Woods and David Bothwell; Ann-Marie having taken time off to have her second baby, a beautiful little boy - Daniel who was born in April. Congratulations Ann-Marie and Gerard. Many thanks to David, Meadhbh and Rebecca for all their volunteer work and for bringing their own special dynamic to our team with their lively and helpful approach. We hope they have gained valuable experience through working with us. We have certainly benefitted from their work.

This year also saw a review of our IT systems and we benefitted from a very kind donation of a Server from McCartan, Turkington and Breen Solicitors, facilitated and installed by our IT support service - Leaf Consultancy. This has vastly improved our IT systems and as a result enabled the entire CLC team to provide a fast, efficient and high quality service to help improve the lives of all children and young people in Northern Ireland.

3	General Issues April 2011 - Mar	ch 2012
,	Information	6%
	🛑 Care	5%
	Human Rights/Justice	5%
1	Special Education	16%
	Other Education	20%
	Other Family Law	15%
	Contact/Residence	15%
	Social Security	3%
	Mental Health	2%
	General	13%

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The Advice and information line

for kids and young people

FREEPHONE

0808 808 5678

or Write to 'CHALKY'

Email: chalky@childrenstawcentre.org

FREEPOST Belfast BT15 1BR

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ПАПА 'CHALKY' Freepost BEL 3837 Belfast BT15 1BR

Email: chalky@childrenslawcentre.org

CLC's CHALKY advice service has continued to provide legal advice and information to increasing numbers of children, young people, their parents and professionals working with children. During the year from April 2011 to March 2012 the service dealt with some 2106 issues, an increase of 4.5% on the previous year.

Concerns raised covered the full range of legal issues which may arise throughout a child's life, from registration of births and parental responsibility to ensuring access to benefits and accommodation for homeless 16 and 17 yearolds. Education accounted for 36% of all issues raised with Special Educational Needs accounting for over 16% of all enquiries. Other key concerns within Education included Pupil Welfare (raised 79 times), Admissions (raised 72 times) and School Exclusion (62 times). Family Law accounted for 30% of all enquiries with Contact/ Residence (313 calls) accounting for just over half of the total. The General category accounted for 18% of the total with some of the main issues being Social Security (72), Child Protection (42), Mental Health (43), and At What Age? (33). Human Rights and Justice issues accounted for 5% of the total and the Care category 5%. There were also 132 (6%) requests for information during the year.

Children's Law Centre Limited Financial information for the year ended 31 March 2012



2011

Total

Funds

£

8,375

8,375

STATEMENT OF FINANCIAL ACTIVITIES (INCLUDING INCOME & EXPENDITURE ACCOUNT) for the year ended 31 March 2012					BALANCE SHEET at 31 March 2012		INCOMING RESOURCES			
U	2012 nrestricted Funds £	2012 Restricted Funds £	2012 Total Funds £	2011 Total Funds £		2012 £	2011 £	20 Unrestrict Fun	ed Restricted	2012 Total Funds
Incoming resources	Ľ	z	Ľ	Ľ	Fixed assets				£ £	£
Incoming resources from					Tangible assets	27,717	23,233	Voluntary income:		
generated funds:					5			Donations and grants		
Voluntary income:								Donations 21,7	50 -	21,760
Donations and grants	21,760	-	21,760	8,375	Current assets					
nvestment income	7,276	-	7,276	7,460				21,7	50 -	21,760
Incoming resources from					Debtors	11,222	17,693			
charitable activities:					Cash at bank and in hand	367,502	219,321	Activities for generating funds:		
Grants received	-	574,688	574,688	557,497						
Other income	11,951	54,597	66,548	30,348		378,724	237,014	Investment Income		
					Creditors - amounts falling			Bank interest 7,2	/6 -	7,276
Total incoming resources	40,987	629,285	670,272	603,680	due within one year	(105,389)	(5,699)	In coming recourses from sharitable activities.		
					N	272 225	221 215	Incoming resources from charitable activities: Grants received		
Resources expended	25 200	505 040	(21.240	((0.207	Net current assets	273,335	231,315	Department of Health, Social Services		
Charitable activities	25,399	595,849	621,248	669,387	Natarata	201 052	254 540	and Public Safety	- 71,969	71,969
Governance costs		2,520	2,520	2,250	Net assets	301,052	254,548	Health and Social Care Board	- 109,985	109,985
		2,320	2,320	2,230				Save the Children		-
Total resources expended	25,399	598,369	623,768	671,907	Funds			Comic Relief		-
					i ullus			The Atlantic Philanthropies	- 368,500	368,500
Net incoming/(outgoing)					Unrestricted general funds	109,182	151,121	Children in Need	- 19,199	19,199
resources for the year	15,588	30,916	46,504	(68,227)	Designated redundancy reserve	77,086	-	Big Lottery Fund		-
· · · · · · · · · · · · · · · · · · ·	,	, , , , , , , , , , , , , , , , , , ,			Restricted funds	114,784	103,427	The Atlantic Philanthropies/NICVA		-
Transfer between funds	19,559	(19,559)	-	-				Belfast City Council		-
		<u> </u>			Total funds	301,052	254,548	Northern Ireland Electricity		-
Net incoming/(outgoing)								Tesco Charity Trust		-
resources after transfers/net								Community Foundation NI	- 4,000	4,000
income/(expenditure) for the year	35,147	11,357	46,504	(68,227)	The financial statements have been	n prepared in ac	cordance with	Lloyds TSB	- 830	830
					the special provisions of the Com	npanies Act 20	06 relating to	King George Award	- 205	205
Total funds brought forward at					small companies.					
begining of year	151,121	103,427	254,548	322,775					- 574,688	574,688
					A complete set of the Children's					
Total funds carried forward at end of yea	i r 186,268	114,784	301,052	254,548	accounts for 2011/12 is availab	le on request.		Other Income		11.051

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 incoming 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.

Activities for generating funds:				
Investment Income				
Bank interest	7,276		7,276	7,460
Incoming resources from charitable of	activities:			
Grants received				
Department of Health, Social Services				
and Public Safety	-	71,969	71,969	71,969
Health and Social Care Board	-	109,985	109,985	109,985
Save the Children	-	-	-	12,500
Comic Relief	-	-	-	6,000
The Atlantic Philanthropies	-	368,500	368,500	296,000
Children in Need	-	19,199	19,199	23,248
Big Lottery Fund	-	-	-	5,020
The Atlantic Philanthropies/NICVA	-	-	-	30,000
Belfast City Council	-	-	-	800
Northern Ireland Electricity	-	-	-	1,000
Tesco Charity Trust	-	-	-	975
Community Foundation NI	-	4,000	4,000	-
Lloyds TSB	-	830	830	-
King George Award		205	205	
	-	574,688	574,688	557,497
Other Income				
Sales	11,951	-	11,951	15,727
NI Legal Services Commission income	-	54,597	54,597	12,430
Miscellaneous income	<u> </u>			2,191
	11,951	54,597	66,548	30,348
TOTAL	40,987	629,285	670,272	603,680
IVIAL	40,307	029,203	0/0,2/2	003,080