

# CHILDREN'S LAW CENTRE

Using the law to promote, protect and realise children's rights

## ANNUAL REPORT 2013/2014



The Children's Law Centre is a charity and can accept donations to support our work. If you are a UK taxpayer, Gift Aid your donation and we can claim back an extra 25p from your taxes for every £1 you donate. Donate securely on-line at [www.cafonline.org](http://www.cafonline.org) by selecting Children's Law Centre under "find a charity" or send your donation directly to Children's Law Centre. Children's Law Centre is a company limited by guarantee, No.NI33998 | Charity No. XR24365

**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](mailto:info@childrenslawcentre.org)  
[www.childrenslawcentre.org](http://www.childrenslawcentre.org)

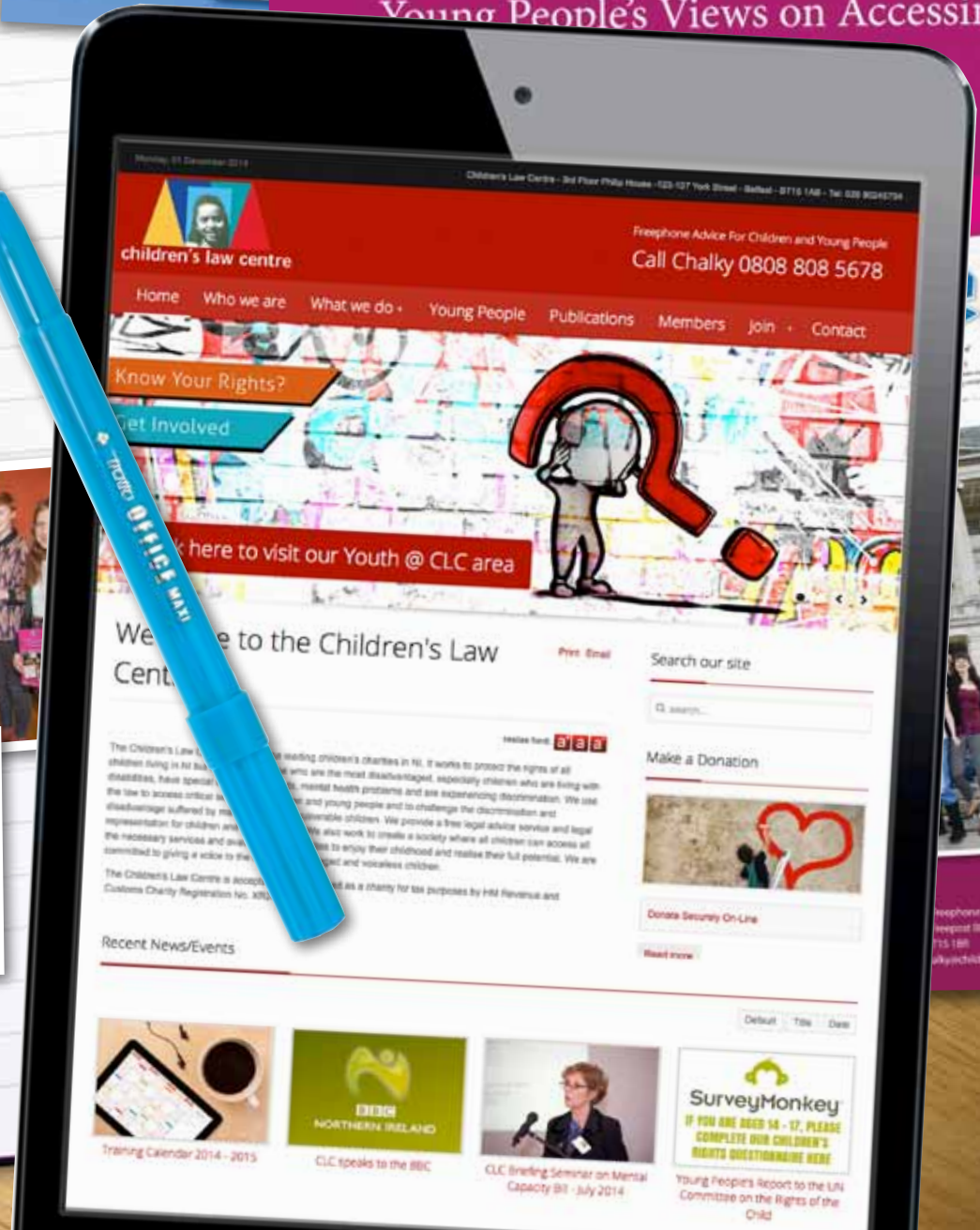
**CHALKY Freephone Advice Line:**  
0808 808 5678  
Email: [chalky@childrenslawcentre.org](mailto:chalky@childrenslawcentre.org)



children's law centre

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

## Young People's Views on Accessing



Freephone Advice Line 0800 808 5678  
Email: [chalky@childrenslawcentre.org](mailto:chalky@childrenslawcentre.org)  
115 110  
[www.childrenslawcentre.org](http://www.childrenslawcentre.org)



**Staff - Children's Law Centre**

- David Bothwell**  
(left 10.01.14)
- Emma Campbell**
- John Patrick Clayton**
- Rachel Hogan**
- Paddy Kelly**
- Liam Mackle**
- Catherine Maguire**  
(started 01.07.13)
- Sarah McAuley**
- Anna McBeigh**  
(left 06.04.13)
- Stephanie McIlroy**
- Deirdre McMahan**
- Eamonn McNally**
- Helen Rafferty**
- Kathryn Stevenson**
- Natalie Whelehan**

**youth@clc Members**

- Ciara Brennan**
- Kerry Burns**
- Oliver Byrne**
- Tara Grace Connolly**
- Jane Doran**
- Stephanie Flynn**
- Lucie Giacardi**
- Erin Graham**
- Helen Jennings**
- Aoibhinn Kelly**
- Aoife Livingstone**
- Liam Mackle**
- Chris Maguire**
- Aoife Mc Donnell**
- Siobhan Mc Donnell**
- Emma Monaghan**
- Jay Morrison**
- James Murphy**
- Katherine O'Neill Robinson**
- Niamh Young**



**CHALKY Volunteers**

- Maedhbh Mc Quoid:**  
May 2011 - Present
- Catherine Maguire:**  
December 2012 - July 2013
- David Tubman:**  
February 2013 - Present
- Lucy Porter:**  
February 2013 - Present
- Roisin Graham:**  
February 2013 - Present
- Charlotte Donnelly:**  
February 2013 - Present
- Ruairdhri Mc Ilroy:**  
July 2013- December 2013
- Clodagh Holland:**  
October 2013 - Present
- Catherine Maguire**  
joined full time as  
advice worker in  
July 2013.



**Management Committee**

- David Hayes**  
Queen's University, Belfast
- Anne Marie Kelly**  
MKB Law
- Enda Lavery**  
Campbell Fitzpatrick Solicitors
- Chelsea Marshall**  
Queen's University, Belfast
- Vivian McConvey**  
VOYPIC
- Orlaith Minogue**  
Save the Children  
(from December 2013)
- Suzanne Rice**  
McKeown Solicitors
- David Simpson**



# YOUTH@CLC

## RIGHTS IN ACTION

### Update on Schools Counselling Campaign



Following last year's successful campaign to urge the Department of Education (DE) to protect counselling services in schools, youth@clc received commitment from the Minister for Education that he would:

- Protect and sustain current level of support provided by the Independent Counselling Services for Secondary Schools for the foreseeable future
- Increase and expand activities to promote awareness of counselling and positive mental health in schools
- Consider the development of additional models for supporting good mental health in schools
- Develop child accessible guidelines on counselling in collaboration with young people.

In January 2014, Helen, Tara and Niamh represented youth@clc at a North/South Young People's Conference organised by QUB's Centre for Children's Rights as part of the Advancing Children's Rights Series. At this event youth@clc facilitated discussion on their Summary Report on Counselling in Schools and presented progress made in their campaign to both protect and expand counselling services in schools.



our **mental health** if you need it...to get **extra help** because of your disability, ethnic background or sexuality...to get information on mental health.....  
on mental health..... You have the right:.....to have a say in how your school counselling service should be run...to be **protected** from harm...to an **education** that develops your **confidence**...to be treated **equally**...to get **support** for your **mental health** if you need

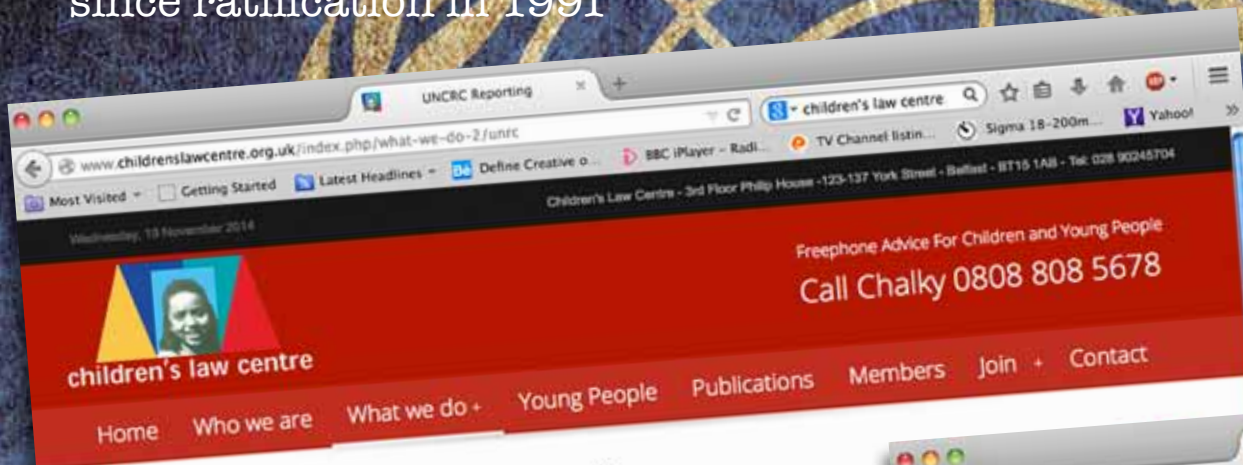
# Young Person's Report to the UN Committee on the Rights of the Child

Fifth periodic examination of the UK Government's compliance with the UNCRC since ratification in 1991

## CAPACITY BUILDING WORKSHOPS

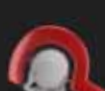
In November 2013 youth@clc participated in a series of peer youth advocacy workshops delivered by WEA's Alfa project, to support them in identifying priorities for a youth led Young People's Report on Children's Rights and with a view to direct engagement with:

- UN Committee Members at both the Pre-Sessional and the UK's Examination in Geneva in 2015 and 2016
- the UN Country Rapporteur during any visit(s) to this jurisdiction
- OFMDFM to ensure the views of children and young people are reflected in future policy making; and
- to increase awareness of children's rights among children and young people across all communities, through hosting a youth led Children and Young People's Rights Conference in 2017



Contact Info      Young People @ CLC      Advice @ CLC

Children's Law Centre  
3rd Floor Philip House



# PLANNING FOR YOUNG PEOPLE'S REPORT TO THE UN COMMITTEE AT CORRYMEELA

**youth@clc Residential in Corrymeela  
June 2014**

During a three day residential at Corrymeela youth@clc identified key rights based themes which will form the basis of both their survey based research into the views and experiences of 14-17 year olds across Northern Ireland and a Young People's Report to the UN Committee on the Rights for the Child. Youth@clc were supported in identifying their priorities for the Report by CLC staff, Save the Children and the Centre for Children's Rights, QUB research staff. Youth@clc will conduct an online survey of young people's views on the enjoyment of their Rights from November 2014 to January 2015.



# Youth Led Research on Children's Rights for the Young People's Report to the UN Committee on the Rights of the Child

Over the summer of 2014, youth@clc further developed their survey on children's rights under the UNCRC. Through a series of capacity building workshops, facilitated by QUB, youth@clc completed their survey questionnaire, which was posted live to the CLC website on 5th November 2014.

Youth@clc promote their Rights in Action campaign work to NGOs and Young People.

Katherine and Liam attended NCB's Showcase event – "Children and Young People as Researchers" at NCB offices on 8th November 2014. Again this provided an opportunity for youth@clc to boost participation in their survey and raise awareness of important children's rights issues affecting all children and young people in NI e.g. demonisation, discrimination and not having their voices heard by decision-makers.

Jay, Stephanie, Helen and Tara represented youth@clc at the MADE Festival in the MAC Theatre on 8th October 2014. At this event they encouraged other young people to have their voices heard by government by completing the Children's Rights Survey and getting involved in research workshops for young people.

Aoibhinn and Kerry showcased both past and present Rights in Action campaigns at the Advancing Children's Rights Conference hosted by QUB's Centre for Children's Rights in Riddell Hall on 23rd October 2014.

Youth@clc are currently planning how, in early 2015, they will reach out to young people who are particularly at risk of having their rights denied, to make sure that the views and experiences of these marginalised groups of young people are fully represented in the Young People's Report. The Young People's Report will be submitted to the UN Committee on the Rights of the Child by 1st July 2015, along with the NGO Alternative Report. We wish them every success in their campaign to hold Government to account for the obligations it made to all children and young people by ratifying the UNCRC in 1991.



# Youth@clc consultation responses

Age Goods Facilities and Services  
Consultation - **May 2013**

UNCRC consultation event with  
OFMDFM - **August 2013**





**STATEMENT OF FINANCIAL ACTIVITIES (INCLUDING INCOME & EXPENDITURE ACCOUNT)**  
for the year ended 31 March 2014

	2014 Unrestricted Funds £	2014 Restricted Funds £	2014 Total Funds £	2013 Total Funds £
<b>Incoming resources</b>				
<b>Incoming resources from generated funds:</b>				
Voluntary income	17,125	2,000	19,125	20,383
Investment income	6,329	-	6,329	9,170
<b>Incoming resources from charitable activities</b>	<u>9,904</u>	<u>667,336</u>	<u>677,240</u>	<u>582,939</u>
<b>Total incoming resources</b>	<u>33,358</u>	<u>669,336</u>	<u>702,694</u>	<u>612,492</u>
<b>Resources expended</b>				
Charitable activities	21,534	603,418	624,952	580,531
Governance costs	-	2,700	2,700	2,550
<b>Total resources expended</b>	<u>21,534</u>	<u>606,118</u>	<u>627,652</u>	<u>583,081</u>
<b>Movement in total funds for the year - net income for the year</b>	11,824	63,218	75,042	29,411
Total funds brought forward at beginning of year	<u>206,398</u>	<u>124,065</u>	<u>330,463</u>	<u>301,052</u>
<b>Total funds carried forward at end of year</b>	<u>218,222</u>	<u>187,283</u>	<u>405,505</u>	<u>330,463</u>

**BALANCE SHEET**  
at 31 March 2014

	2014 £	2014 £
<b>Fixed assets</b>		
Tangible assets	<u>23,970</u>	<u>22,168</u>
<b>Current assets</b>		
Debtors	11,857	16,089
Cash at bank and in hand	<u>371,216</u>	<u>293,644</u>
	<u>383,073</u>	<u>309,733</u>
<b>Creditors – amounts falling due within one year</b>	<u>(1,538)</u>	<u>(1,438)</u>
<b>Net current assets</b>	381,535	308,295
<b>Net assets</b>	<u>405,505</u>	<u>330,463</u>
<b>Charity funds</b>		
Unrestricted general funds	32,570	118,975
Designated funds	185,652	87,423
Restricted funds	<u>187,283</u>	<u>124,065</u>
<b>Total funds</b>	<u>405,505</u>	<u>330,463</u>

A complete set of the Children's Law Centre audited accounts for 2013/14 is available on request.



**INCOMING RESOURCES**

	2014 Unrestricted Funds £	2014 Restricted Funds £	2014 Total Funds £	2013 Total Funds £
<b>Incoming resources generated funds:</b>				
<b>Voluntary income</b>				
Donations	17,125	-	17,125	20,383
Capital grants	-	<u>2,000</u>	<u>2,000</u>	-
	<u>17,125</u>	<u>2,000</u>	<u>19,125</u>	<u>20,383</u>
<b>Investment income</b>				
Bank interest	<u>6,329</u>	-	<u>6,329</u>	<u>9,170</u>
<b>Incoming resources from charitable activities:</b>				
<b>Grants receivable</b>				
Department of Health, Social Services and Public Safety	-	71,969	71,969	71,969
Health & Social Care Board	-	112,409	112,409	110,873
Big Lottery Fund	-	-	-	8,640
Atlantic Philanthropies	-	362,250	362,250	362,250
Public Health Agency	-	-	-	5,000
Atlantic Philanthropies- Children's Rights Coalition	-	71,000	71,000	-
Police Service Northern Ireland	-	5,000	5,000	-
Police Ombudsman	-	5,000	5,000	-
OFMDFM	-	618	618	-
<b>Other income</b>				
NI Legal Services Commission income	-	39,090	39,090	10,043
Membership and training	9,604	-	9,604	10,450
Sale of publications	300	-	300	-
Insurance claim	-	-	-	3,714
	<u>9,904</u>	<u>667,336</u>	<u>677,240</u>	<u>582,939</u>
<b>TOTAL</b>	<u>33,358</u>	<u>669,336</u>	<u>702,694</u>	<u>612,492</u>



# DIRECTOR'S REPORT



**It is not surprising given the ongoing cuts in services for children and young people that the demand for the Children's Law Centre's legal services has continued to increase this year. Neither, given that it is the arena in which most children interface with government, is it surprising that of the 1900 issues CHALKY dealt with during the year the single biggest area of work was in respect of education. Within that category however the significant increase in respect of calls relating to Special Educational Needs is very concerning. Over 70,000 children in Northern Ireland are registered as having SEN with the number of children with SEN steadily increasing year on year, with today's figure being just over 16% higher than in 2008/2009.**

CLC observes through all our work that because of the complexity of the SEN system and the vulnerability of many parents who find out that their children have SEN, there is an overwhelming need for specialist legal support for children with SEN and disabilities in Northern Ireland alongside a growing demand for the provision of expert information, advice and training for all those working with children who have SEN and disability. This year CLC's expert support remained a lifeline to disadvantaged families who would be unable, without our free legal advice, advocacy and representation service to access their children's legal entitlements. The high quality legal support and client care that CLC offers continues to rebalance the power between the parents and the decision maker both by direct intervention and by giving parents all the tools they need to ensure that the child is at the centre of all decisions made. This is reflected in the feedback we receive from parents:

*"CLC provide an invaluable service for parents struggling to cope with labyrinthine bureaucracy and jargon of the assessment and special needs processes. They give focused, relevant and ultimately successful advice on how to get the right support for your child. Their support and tireless efforts helped us through a very stressful time, and we can't thank them enough."*

The proposed new Mental Capacity legislation has continued to be a major focus of both CLC's legal work and its policy engagement and will remain so. There is an urgent need for children's rights compliant mental capacity legislation and for

significant increased investment in child and adolescent mental health services. This need is already being highlighted in the work being undertaken by CLC, in partnership with Save the Children and supported by the Children's Rights Centre, Queens University Belfast, to compile the next NGO Alternative Report in advance of the 2016 examination of the UK government by the UN Committee on the Rights of the Child.



It is regrettable that one of the casualties of austerity cuts has been the cutting of training budgets. CLC remains firmly of the view that training is at the centre of protecting and promoting children's rights. Only when duty bearers are aware of how to give effect to their children's rights duties, and only when children and their parents and carers understand what rights children have, is it possible to move forward together in a constructive way to realise and protect the rights of all children; but especially the most vulnerable. The ongoing training in respect of the implications of JR66 for homeless children is a perfect example of how training for the duty bearers can better protect particularly vulnerable children. It also demonstrates a cost effective approach by the Trusts. When duty bearers better understand their duties they are less vulnerable to costly legal challenges and more importantly it guards against potentially serious breaches of the rights of very vulnerable young people. As one trainee stated CLC's training provides: "...the resources to support young people to acquire the support and status they are entitled to...". It is therefore critical that, as we face into even more challenging times for all sectors that we retain a

strategic approach, which will not only better protect children but will ultimately prove less costly.

Youth@clc have again set us all an excellent example as to what genuine consultation with children and young people should look like. Last year they surveyed the views of 955 Year 11 pupils from 13 post-primary schools on accessing counselling in schools. They drafted a report reflecting those views and engaged actively with the Minister for Education on the recommendations flowing from their survey. However their commitment to advocate on the part of those who took part in the survey did not end there. They have since actively engaged with the Minister for Education and secured from him commitments to, among other things, protect current levels of support provided by the Independent Counselling Services for Secondary Schools and to actively promote awareness of counselling and positive mental health in schools. In following through on the views shared with them by young people youth@clc have honoured the "commitment" they gave to the young people they consulted with and demonstrated what genuine consultation should look like.

Yet again I have to commend the excellent work done by Helen and her small team. In these days of austerity Helen has managed, against all the odds to run the organisation on a tight budget and ensure maximum return for every penny our funders have entrusted to us for the benefit of all children. Now, more than ever, it is true to say that without the efficient administration CLC would be a radically different place.

CLC has had a busy and at times very challenging year. Staff and volunteers have repeatedly demonstrated their commitment to children's rights which is the foundation on which the work of the Centre is founded. As a Team, staff and volunteers, we have delivered quality services and secured better futures for many children. For that we should be rightly proud and the testimonies from our clients and friends are evidence of the difference we collectively make. As Director I have personally benefitted from the excellent support I have received from both CLC's Management Committee and my senior management colleagues. Without their support and advice my job would be infinitely more difficult and a lot less rewarding.

**Paddy Kelly**  
DIRECTOR

# CHAIRPERSON'S REPORT

Looking back over the last year undoubtedly one of the highlights of the year was CLC's 2014 Annual Lecture on 13th March 2014. This year's lecture was delivered by Professor Juan E Méndez, UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The lecture, entitled "**Mental Health in Juvenile Detention: A Preventative and Human Rights Based Approach**" was an insightful and comprehensive examination of mental health detention within a human right framework and considered deprivation of liberty in the criminal law context and other institutions including health-care facilities. The issue of child and adolescent mental health and the paucity of child specific mental health services is one of serious concern in this jurisdiction; as is the over representation in the criminal justice system of children with mental health needs. CLC's level of concern is such that CLC have committed a considerable percentage of their limited resources to seeking to vindicate the rights of children with mental health needs and to guaranteeing the rights of children who come in contact with the criminal justice system.

SR Méndez's rich reflection on a wide range of issues inter-related to the issue of juvenile detention and its interface with Torture and other Cruel, Inhuman or Degrading Treatment or Punishment has provided us with clear statements of international human rights standards which should determine how we treat our children in such settings. As we continue to argue for a UNCRC compliant youth justice system we found resonance in SR Méndez's comments that:

*"Children in detention are particularly vulnerable as they are in their "formative years" and their vulnerability is exacerbated in those countries or situations in which children grow up in a climate of conflict.*

*It is therefore of utmost importance that deprivation of a child's liberty always remains a last resort, that it is restricted to the shortest time possible, and that children in detention are strictly separated from adults and treated with special care."*

In the context of the proposed exclusion of children under 16 from the proposed new mental health legislation we were particularly struck by SR Méndez's assertion that:

*"It is important for States to bring domestic laws on legal capacity into compliance with the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD) ...*

*Free and informed consent should be safeguarded on an equal basis for all individuals, and in particular children and juveniles without any exception, through the legal framework and judicial*

*and administrative mechanisms, including through policies and practices to protect against abuses. Medical treatments of an intrusive and irreversible nature, when lacking a therapeutic purpose or when aimed at correcting or alleviating a disability, may constitute torture or ill-treatment when enforced or administered without the free and informed consent of the person concerned. Any legal provisions to the contrary, such as provisions allowing confinement or compulsory treatment in mental health settings, including through guardianship and other substituted decision-making, must be reviewed and updated."*



As change is effected in this jurisdiction both in respect of youth justice and mental health legislation, SR Méndez's insights in his 2014 CLC Annual Lecture, into the human rights based approach to the mental health of young people in all forms of detention, to guard against crossing the threshold of mistreatment that is tantamount to torture or other cruel, inhuman or degrading treatment or punishment, and to ensure compliance with government's human rights obligations, were very much welcomed and timely. CLC will draw on his excellent lecture to inform its work on these issues as we continue to advocate for the rights of these vulnerable children.

It is now 6 years since the last examination of the UK government by the UN Committee on the Rights of the Child. A lot has changed in the intervening period and unfortunately in the field of children's rights not all of it has been positive. It is critical as we enter into the next examination phase that we collectively reflect on the current state of children's rights in Northern Ireland not just with a view to informing the UN Committee's examination but also to identify where we need to focus our efforts on behalf

of children and young people post the examination and critically as we develop a new 10 Year Children's Strategy. The work CLC is taking forward in partnership with Save the Children (STC) to co-ordinate the NGO Alternative Report to the UN Committee on the Rights of the Child will, in the absence of any other comprehensive current analysis of the state of children's rights in this jurisdiction, provide an invaluable data resource to inform policy and legislative development.

Neither CLC, nor STC view the Alternative Report as their report but rather it is a report which will be compiled on behalf of the entire children's sector with a view to bringing about positive change in the enjoyment of all children of their rights. The way in which the previous NGO Alternative Reports have been compiled is through carrying out an extremely inclusive process of engagement with partner NGOs, individuals and children and young people, and CLC intends to embark upon a similar process for the compilation of the NGO Alternative Report for the 2016 examination.

The 2014 UK Periodic Report which has been submitted to the Committee on the Rights of the Child by the UK government contains a large number of omissions with regards to issues surrounding the implementation of children's rights in Northern Ireland. The report provides little analysis of the effectiveness of measures that the UK has put forward as being responsible for implementing children's rights. There is a disparity of treatment of the four jurisdictions within the report, with the majority of focus being on England and with the particular circumstances of Northern Ireland not receiving sufficient attention. This highlights the need for a thorough, robust, Northern Ireland specific NGO Alternative Report.

Engagement with colleagues in other organisations, and with children and young people themselves, is a vital part of preparing the NGO Alternative Report. We are conscious that there is so much experience and expertise within other NGOs and organisations in relation to how the UNCRC is impacting and delivering for children and young people in NI. Other NGOs and organisations will be very aware of specific issues and challenges which need to be brought to the Committee's attention as part of the examination process.

CLC and STC intend in the coming year to undertake a range of consultation workshops with large numbers of partner NGOs. This is a crucial part of the process to ensure that all the concerns and issues relevant to the sector are heard and translated into the NGO Alternative Report. It is crucial that other NGOs like my own, VOYPIC, engage with CLC and ensure key children's rights issues in this jurisdiction are brought before the Committee in 2016.

Vivian McConvey  
CHAIRPERSON

# Training & Education

## Children's Rights Training for Policy Makers

In March 2014 the CLC training team delivered bespoke training for a range of public sector representatives on their legal obligations to include children and young people in the policy making process. One participant with responsibility for equality proofing new policy under Section 75 of the Northern Ireland Act 1998 commented that the training increased their awareness:

"...that children have a right to have their views taken into account and how much thought is needed to ensure that the information you want to seek views on, is channelled in the most appropriate way...importance of engaging all groups of children..."

## Promoting Rights Based Youth Work

During 2013/2014, CLC delivered several training workshops to a diverse range of both statutory and voluntary sector youth work providers, with a view to promoting a rights based approach to youth work practice. One participant commented:

"CLC's examples of Rights in Action Campaign work will be useful in helping us integrate a rights based approach into youth work and to link Children's Rights to the core purpose of youth work..."

## Voice of the Child in Legal Proceedings - Learning from Judicial Reviews

CLC continue to provide annual training to multi-disciplinary teams within the Northern Health and Social Care Trust on developing rights based approaches to their work with children and young people. One participant commented:

"...This training should be considered as mandatory for those in child care..."

## Homeless Young People

CLC's legal team delivered several seminars to key agencies with responsibility for ensuring that homeless young people can access their right to appropriate accommodation. In light of the increased number of advice calls to CHALKY from those advocating on behalf of homeless young people during this period, CLC recognises the need to continue to provide training on the implications of JR66 and the revised "Regional Good Practice Guidance on Meeting the Accommodation and Support Needs of 16-21 Year olds". One participant commented that the training had provided a:

"...clear outline of the duties of NI Housing Executive and Social Services..."

"...the resources to support young people to acquire the support and status they are entitled to..."

Nearly one thousand adults and young people participated in the CLC training and education events during 2013/2014 which are listed here.

## CLC Tailored Training and Education Events

DATE	COURSE/EVENT
17 MAY 13	Children's Rights Workshop – Policing and Young People
20 MAY 13	Stop and Search Rights
18 JUNE 13	Mental Capacity Bill
26 JUNE 13	Launch of youth@clc Report on Young People's Views on Accessing Counselling in Schools
28 JUNE 13	Mental Capacity Bill
27 AUGUST 13	Children's Rights Workshop and OFMDFM consultation – youth@clc
18 OCTOBER 13	Mental Capacity Bill
5 NOVEMBER 13	Mental Capacity Bill
26 NOVEMBER 13	Youth Engagement Event – Craigavon PCSP
14 NOVEMBER 13	SEN – Dyslexia Parents Support Group
2 DECEMBER 13	UNCRC and Social Work Practice
9 DECEMBER 13	Children's Rights in Youth Work
10 DECEMBER 13	Children in Need – Youth Engagement Event
13 DECEMBER 13	Mental Health Rights and Young Offenders
21 JANUARY 14	Rights of Disabled Children
28 JANUARY 14	QUB Advancing Children's Rights Workshop on Counselling in Schools Campaign – youth@clc
29 JANUARY 14	Young People as Researchers Seminar (CYPAR network)
11 FEBRUARY 14	Voice of the Child in Social Work – Learning from Judicial Reviews – NHSCT
12 FEBRUARY 14	Young People and Stop and Search Rights – Policing and Young People Conference
12 FEBRUARY 14	Children's Rights Workshop – Craigavon PCSP
25 FEBRUARY 14	Rights of Homeless Young People
6 MARCH 14	Presentation to PSNI on Children's Rights
11 MARCH 14	Involving Children and Young People in Policy Making
13 MARCH 14	CLC Annual Lecture 2014 Juan Méndez, UN Special Rapporteur on Torture
25 MARCH 14	Children's Rights Seminar – University of Ulster, Jordanstown

## Training Calendar



DATE	COURSE
24 APRIL 13	Voice of the Child Defendant in Criminal Proceedings
8 MAY 13	Autistic Spectrum Disorder – Children's Rights View
29 MAY 13	Child's Right to Respect for Family and Private Life
30 OCTOBER 13	Special Educational Needs
27 NOVEMBER 13	Equality of Opportunity for Young People
17 DECEMBER 13	Rights of Homeless Young People
26 FEBRUARY 14	Rights in Action - Making Participation Work for Children and Young People

# POLICY WORK

**CLC's policy team continues to work to influence the development and implementation of legislation and policies to ensure that they uphold the rights of children and young people in Northern Ireland and are compliant with government's obligations under domestic law and international children's rights standards, including the UNCRC. CLC's policy work reflects the overall organisational strategic priorities, particularly in the areas of youth justice and policing, child and adolescent mental health, education and human rights and equality.**

CLC has begun its preparatory work for the next NGO Alternative Report to inform the next examination by the Committee on the Rights of the Child of the UK Government's compliance with the UNCRC in 2016. CLC took part in a number of consultation events hosted by OFMDFM on all of the areas covered by the Convention to inform the Northern Ireland Government's contribution to the UK Periodic Report and made a detailed written submission to the Government's formal consultation, which informed the final report submitted to the Committee. We also took part in a conference hosted by Improving Children's Lives, Queens University Belfast and a number of partner organisations, "Why Children's Rights Matter" and presented in partnership with Save the Children on our experience of the last reporting process, the importance of engaging in the reporting process and the impact on children's lives as a result of the process and engagement with the Committee. CLC also started the desk based research phase and planning for wider NGO and community involvement and the involvement of children and young people in drafting the NGO Alternative Report.

The continued development of the Mental Capacity Bill and the announcement by both the Department of Health, Social Services and Public Safety (DHSSPS) and the Department of Justice (DoJ) that they do not intend to include under 16s within the scope of the Bill, but rather to amend the Mental Health (Northern Ireland) Order 1986 for this group of children, has been a major priority for the policy work of CLC over the past year. CLC continues to work to influence the legislation to ensure the maximum protections for children with mental ill health and / or learning disabilities both in civil society and the criminal justice system in line with the Government's obligations under the UNCRC and in compliance with the Bamford Review proposals.

Similarly, CLC's work on youth justice and policing has continued to be a significant policy priority through the outworkings of the Review of Youth Justice in Northern Ireland. CLC has

continued to press the DoJ to guarantee a legislative amendment to ensure a permanent end to the detention of under 18s with adults in Hydebank Wood Young Offenders Centre and gave advice to the Department on carrying out an Equality Impact Assessment to ensure compliance with section 75 of the Northern Ireland Act 1998 in its consultation on Custodial Arrangements for Children in Northern Ireland. CLC has also informed Government proposals to amend the aims of the youth justice system to include the best interests of the child as a primary consideration, making significant consultation responses to both the DoJ's consultations on its Equality Consultation for a Proposed Justice Bill and the consultation on Custodial Arrangements for Children in Northern Ireland. We look forward to engaging with the Committee for Justice as both pieces of legislation make their way through the Assembly to ensure better compliance with children's rights standards for all children coming into contact with the criminal justice system.

CLC also attended a number of events and made an active contribution and detailed written submission to OFMDFM's consultation on Delivering Social Change for Children and Young People, successfully influencing the way in which the Government plans to take forward its work in the areas of child poverty, its obligations under the UNCRC and the children's strategy for Northern Ireland. CLC has also been working with political parties, Government officials, partner NGO's and Independent Human Rights Institutions (IHRI's) on the need for the proposed age discrimination (goods, facilities and services) legislation to extend to all age groups, including children and young people. CLC gave written and oral evidence to the OFMDFM Committee on this issue and continues to urge Government to launch a public consultation on its proposals for age discrimination legislation in line with its commitment under the Programme for Government 2011 - 2015.

Other priority areas over the past year include working with the Northern Ireland Policing Board in the development of its Policing Plan for Northern Ireland, the Department of Education on its Common Funding Scheme, the ongoing review of the legal aid system, where CLC's policy and legal teams made written submissions to the DoJ and gave written evidence to the DoJ Committee to ensure the protection of the child's autonomous right to legal advice and representation. CLC continues to work closely with both the PSNI and DoJ in influencing various policies impacting on children such as Youth Engagement Clinics, the introduction of Statutory Time Limits, the extension of the use of live links, proposals for criminal records disclosures and bail proposals.

# KEY RESPONSES MADE IN 2013 - 2014

- *Response to the Department of Justice Consultation on Future Administration and Structure of Tribunals in Northern Ireland (April 2013)*
- *Response to the Department of Justice Equality Consultation for a Proposed Justice Bill (NI) 2013 (May 2013)*
- *Response to the Department of Justice's Consultation on Proposals for the Use of Live Links in Weekend Courts (June 2013)*
- *Response to the Proposed Amendment to Regulation 17 (Case Management Review Function) - The Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012 (June 2013)*
- *Response to the Department of Justice's Proposals for the Reform of Financial Eligibility for Civil and Criminal Legal Aid (June 2013)*
- *Final Evaluation of the Youth Engagement Pilot by the Department of Justice - Evidence from the Children's Law Centre (July 2013)*
- *Response to a Reforms Package for the Future Operation of the Office of the Police Ombudsman for Northern Ireland (OPONI) (August 2013)*
- *Response to the Department of Education's Consultation on Putting Pupils First - Reforming the Common Funding Scheme (October 2013)*
- *Response to the Department of Justice Consultation on the Northern Ireland Law Commission Report on Bail in Criminal Proceedings (October 2013)*
- *Response to the Department of Justice's Consultation on Civil Legal Aid Remuneration (November 2013)*
- *Response to the United Kingdom Draft Periodic Report to the United Nations Committee on the Rights of the Child (November 2013)*
- *Response to NICCY Corporate Plan 2014 -2017 (November 2013)*
- *Response to the Department of Justice Consultation on Custodial Arrangements for Children in Northern Ireland (December 2013)*
- *Response to the Department of Justice's Consultation on Youth Engagement Clinics Equality Impact Assessment (February 2014)*
- *Response to the Department of Justice's Consultation on Time Limits in the Youth Court (February 2014)*
- *Response to Policing Plan 2014 -2017 Consultation - Northern Ireland Policing Board (February 2014)*
- *Response to the Department for Social Development's Consultation on its Proposed Housing (Anti-Social Behaviour) Bill (Northern Ireland) (March 2014)*
- *Response to the Office of the First and Deputy First Minister's Consultation on Delivering Social Change for Children and Young People (March 2014)*
- *Evidence to Assembly Committees and Independent Inquiries*
- *Written Evidence to the Committee for Justice on the Proposed Changes to Criminal and Civil Legal Aid (June 2013)*
- *Written Submission to The Panel of Parties in the Northern Ireland Executive on Parades and Protests; Flags, Symbols and Emblems, and Related Matters; and the Past (October 2013)*
- *Written Evidence to the Independent Inquiry into Child Sexual Exploitation in Northern Ireland (March 2014)*
- *Written Evidence to the Committee of the Office of the First and Deputy First Minister - Age Discrimination Goods Facilities and Services Legislation in Northern Ireland - The Need to Include Children and Young People (March 2014)*
- *Oral Evidence to the Committee of the Office of the First and Deputy First Minister - Age Discrimination Goods Facilities and Services Legislation in Northern Ireland - The Need to Include Children and Young People (March 2014)*

# CHALKY

## ADVICE SERVICE

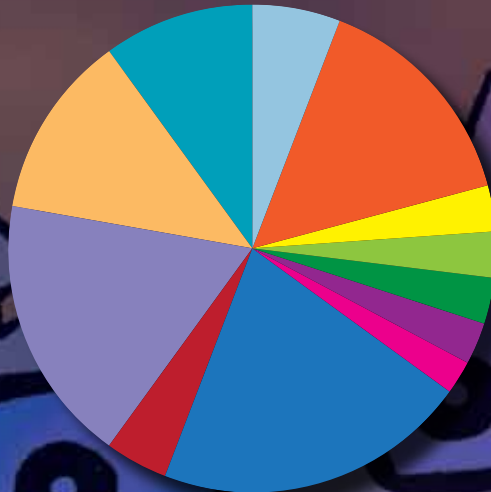


**FREEPHONE 0808 808 5678**

**Email: [chalky@childrenslawcentre.org](mailto:chalky@childrenslawcentre.org)**

The Centre's CHALKY advice service has continued to provide high quality legal advice and information to increasing numbers of children, young people, their parents and professionals working with children. During the year from April 2013 to March 2014 the service dealt with some 1900 issues.

Issues raised by clients covered the whole range of legal issues throughout a child's life, from the registration of births and parental responsibility to benefits and accommodation options for 16 and 17 year olds. Education issues continued to grow as an area of work accounting for 43% of all issues raised. Special Education is the issue we dealt with most within this category accounting for over 20% of the overall issues total, an increase of 2% on the previous year. Other major issues within the Education category included Pupil Welfare raised 58 times, Admissions raised 71 times and school exclusion 66 times. Family Law issues accounted for 29% of the total issues with Contact/Residence issues (282) accounting for just over half the total. The General category accounted for 20% of the total with some of the main issues being Social Security (50), Child Protection (27), Mental Health (31), Disability (25) and At What Age? (22). Human Rights and Justice accounted for 3% of the total and the Care category 6%. There were 66 (3%) requests for information during the year.



**CHALKY Issues April 2013 - March 2013**

Care	6%
Contact/Residence	15%
Parental Responsibility	3%
Human Rights/Justice	3%
Information	3%
Social Security	3%
Mental Health	2%
Special Education	21%
Admissions	4%
Other Education	18%
Other General	12%
Other family Law	10%

## Administration & Finance Unit



The small administrative team at CLC have been busy working away behind the scenes supporting all CLC staff in their endeavours to raise awareness of and realise children's rights throughout NI. Careful financial planning and budget management have always been key to maintaining and increasing funding of the centre and this will become even more vital in future with increasing costs and reducing funding sources. However the team are already rising to the challenges ahead, promoting CLC work by assisting with training, lectures, and seminars.

### THE ADMINISTRATION TEAM CONSISTS OF:

Head of Administration & Finance Unit - **Helen Rafferty**, Receptionist/Admin. Assistants - **Sarah McAuley**, **David Bothwell** (until January 2014) and newly appointed **Karen McAllister**, supported by Personal Assistant to the Director and Head of Legal Services - **Stephanie McIlroy**.

We take this opportunity to thank and congratulate David after successfully completing his Master's Degree in Law and securing his first Legal Position. We wish him every success. We also welcome the appointment of Karen - Job sharing the role of Receptionist/Admin. Assistant with Sarah.

# LEGAL SERVICES *for Children*

Throughout the year the demand for CLC's Legal Services has continued to increase, with a notable rise in requests for specialist legal advice and representation in respect of special educational needs assessments and provision, supported school placements, children's access to a wide range of health services and in particular, child and adolescent mental health service provision.

## SPECIAL EDUCATIONAL NEEDS AND DISABILITY

CLC remains the sole provider of free legal representation at Special Education Needs and Disability Tribunal (SENDIST) Appeals in Northern Ireland. There is an exceptionally high demand for this service.

Examples of CLC's casework for children with SEN:

**Appeal against content of statement** - CLC provided representation at a SENDIST appeal for a child with dyslexia and dyscalculia who was experiencing difficulties concentrating on school work. The child's self-esteem was impacted upon due to their learning needs. The Education Board issued a statement providing a minimum level of classroom assistance in school together with 1 to 1 weekly literacy support from the child's classroom assistant, as directed by the Board's Literacy Support Service. The parents appealed the number of hours classroom assistance allocated per week. After part hearing by the SENDIST the case was settled, with the child receiving an additional 10 hours of classroom assistance per week and access to weekly behaviour support from the Board. This increased provision was included in the child's statement.

**Appeal against educational placement** - CLC's SENDIST Representative assisted a young person in securing a specialist school placement in a very small classroom environment with a high ratio of adult support. The child is reported to have settled in very well and is attending full time. This was a significant achievement as the young person had been out school for over a year following a breakdown in a previous special school placement. Provided this

placement continues to be successful, the young person will be able to remain there until they reach 19 years.

**Appeal against content of statement** - CLC successfully represented a primary pupil in mainstream school who was going to have his classroom assistant removed by the Board and replaced with a behaviour support assistant. The child's parents challenged this decision at SENDIST. Their child has Asperger's Syndrome and ADHD and they felt strongly that a change in assistant would be very unsettling and would impact detrimentally on their child's learning. The SENDIST found in the parents favour and directed that the child would continue to receive 20 hours per week assistance from the existing classroom assistant.

**Appeal against refusal to carry out a statutory assessment** - CLC's SENDIST Representative drafted a case statement for the parents of a primary school child with a diagnosis of Autistic Spectrum Disorder and provided oral representation at the SENDIST hearing. The appeal was granted and the Tribunal ordered the Board to carry out a statutory assessment of the child's needs.

**Appeal against refusal to issue a statement** - CLC successfully provided legal representation at SENDIST and the Board were directed to make and maintain a statement on behalf of the child. The young child CLC assisted has delayed numeracy and literacy skills, poor motor skills and underdeveloped self help skills. The SENDIST recommended that the child should receive 1 to 1 individual adult assistance to keep the child focussed and on task in school.

## MENTAL HEALTH PROVISION FOR CHILDREN AND YOUNG PEOPLE

CLC continues to provide free legal advice, assistance and in some cases oral representation in appeals at the Mental Health Review Tribunal against detention of young people under the Mental Health (NI) Order 1986.

**Appeal against detention** - CLC filed an appeal on behalf of a young person following a referral from their hospital advocate. The child was re-graded to voluntary patient status before the date of the appeal hearing. The young person opted to remain in hospital for a short period to allow time for a community support package to be put in place in advance of discharge from hospital.

**Appeal against detention** - CLC's Mental Health Solicitor agreed to provide representation at appeal on behalf of a young person who was detained in hospital. They were re-graded to voluntary patient status and released from hospital. The young person is receiving ongoing social services support in the community.

**Appeal against detention** - CLC's Mental Health Solicitor filed an appeal on behalf of a young person against their hospital detention. The appeal was withdrawn a short time later when the young person instructed CLC that they wished to remain in hospital to receive treatment. A fresh appeal was filed a few months later and the child was re-graded to voluntary patient status and discharged from hospital. A significant package of community support was arranged through the young person's Health Trust.

**Automatic referral for review of detention** - CLC provided oral representation at the appeal hearing. The tribunal decided that the young person would continue to be detained in hospital pending arrangements being finalised by the Trust for their accommodation in a bespoke residential community placement. The Trust funded this specialised placement. CLC continued to monitor the young person's hospital discharge planning until the placement was secured.

**Social Security Appeal Tribunal: Appeal against refusal to approve Income Support** - The appellant was a young person with Asperger's Syndrome who was appealing against the Social Security Agency's decision to refuse a claim for Income Support. The claim was refused on the basis that they were residing with their grandparents and the Agency's assumption that they were acting as parents. The Tribunal found to the contrary and the claim

# n and Young People



was backdated to the date of the initial claim for benefit.

## JUDICIAL REVIEW AND HIGH COURT PROCEEDINGS

The following are examples of Judicial Review and High Court Proceedings undertaken during this year:

**LG's Application [2012 NIQB] 18** - The application for permission for leave to appeal to the UK Supreme Court was filed on 7<sup>th</sup> February 2014. On 14<sup>th</sup> April 2014, the application was considered by a panel of three Supreme Court Judges namely Lady Hale, Lord Hughes and Lord Hodge, who refused permission to appeal on the ground that the application does not raise an arguable point of law. There will be no appeal against this decision.

**NM (a Minor)** - Application for leave to apply for judicial review - This case concerns an appeal against a decision to expel a pupil by a grammar school, which was subsequently upheld by an independent Expulsion Appeal Panel. CLC took an application for leave to judicially review the expulsion on evidential and procedural grounds. The Applicant was refused leave to take a judicial review in December 2013. CLC secured emergency legal aid to file a Notice of Appeal in the Court of Appeal. The Legal Services Commission refused to extend legal aid and the Appellant's case was withdrawn by consent in April 2014.

**FG (a Minor)** - Application for leave to apply for judicial review - This case relates to an incident in a residential children's home where a young person with severe learning disability was restrained and placed in handcuffs by police officers called to the scene by social services staff. CLC took an application for leave to take a judicial review on the young person's behalf. The application was refused on the basis that the Applicant had an alternative remedy to seek, namely a civil claim for damages against the relevant authorities. The Applicant did not appeal this decision. Following this case CLC have engaged with both the Trust and the PSNI in respect of the practice of police attending children's homes and other children's

facilities and the use of restraint. Work is ongoing in respect of the redrafting of Guidance relating to such circumstances.

**LC (A Minor)** - Application for leave to apply for judicial review - This case started out as a SENDIST Appeal but has evolved to include an application for leave to apply for judicial review. The SENDIST appeal was settled and child's statement was amended to include 15 hours per week one-to-one support from a Learning Support Assistant. It was decided to take a judicial review against the Board to challenge the lawfulness of criteria being applied by the Board when making decisions regarding the allocation of classroom assistance. The case also covers broader issues in respect of systematic delay in carrying out statutory assessments for children with special educational needs within this Board area. CLC secured legal aid to take a Leave application for judicial review and leave was granted in May 2014. The case is still ongoing.

## ADDITIONAL OUTCOMES FOR CHILDREN:

Over the past year, CLC has achieved some very significant outcomes for children and young people, many of which have had a real and continuing impact on the children's lives:

**Classification of a young person as a 'child in need' under Article 21 of the Children (NI) Order 1995** - CLC challenged the Trust's refusal to classify a young homeless person as a child in need of accommodation under Article 21. CLC wrote to the Trust setting out its duty to provide emergency accommodation. The young person was due to attend Youth Court and was expected to be released from the JJC once their case was disposed of by the Court. Following CLC's intervention, the Trust reviewed the young person's case and offered suitable accommodation. The young person accepted one of the accommodation options provided by the Trust in advance of their Youth Court appearance.

**Continuation of a child's statement** - Following CLC's intervention the Board decided not to cease to maintain a young person's statement. The outcome for the child is that they will continue to

receive classroom assistance into their 6<sup>th</sup> Form studies.

**Provision of accommodation and support package for a child leaving hospital** - This case concerns a young person who was detained for assessment under the Mental Health (NI) Order 1986 and was then within a very short period re-graded to voluntary patient status. The young person was unable to leave hospital as an appropriate accommodation and community based support package could not be put in place to meet their ongoing health needs. CLC's Mental Health Solicitor issued a pre-action protocol letter to the Trust asking them to take immediate steps to rectify the situation. Counsel was briefed to draft leave proceedings and the case was resolved prior to the issue of proceedings.

**Resolution of school transport issue for a disabled child** - The Principal of a primary school refused a child's mother access to the staff car park to facilitate her in safely conveying her child to and from school. The child has ASD and has a lack of safety awareness. CLC wrote a letter to the Principal asking him to make a 'reasonable adjustment' taking account of the child's disability. The Principal put in place suitable arrangements to meet the child's needs.

**Securing individualised provision for a child under a statement** - A statement was issued providing a child with access to adult support as part of a 'package of support' for a group of children in the same classroom. Following CLC's intervention, the child's statement was amended to specify the number of hours of adult support the child will receive in the classroom.

**Community based support package secured for a disabled child** - The child was in receipt of 2 hours per week direct payments to their parents and 2 hours per week support from a Trust funded family support scheme. CLC's Mental Health Solicitor requested a conversion of the package of support to change it to 4 hours direct payments as the services offered by the family support scheme did not suit the child's needs. The family support panel reviewed the decision and 4 hours direct payments were allocated.