CHILDREN'S LAW CENTRE

USING THE LAW TO PROMOTE, PROTECT AND REALISE CHILDREN'S RIGHTS OUR LIVES IN OUR WORDS

NORTHERN IRELAND YOUNG PEOPLE'S REPORT TO THE UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD an behalf of all children and young people living in Northern Ireland

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ANNUAL REPORT 2014/2015



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Children's Law Centre 3rd Floor, Philip House 123 - 137 York Street Belfast BT15 1AB Tel: 028 9024 5704 Fax: 028 9024 5679 Email: info@childrenslawcentre.org www.childrenslawcentre.org CHALKY Freephone Advice Line: 0808 808 5678 Belfast BT15 1BR Email: chalky@childrenslawcentre.org



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Anna Buroughs Alex Hendey Aoibhinn Kelly Chris Maguire Drew McWilliams Helen Jennings Jay Morrisson CMEMB **Joseph Nobles** Katherine O'Neill Robinson **Kerry Burns** Lauren McCarten **Liam Mackle Niamh Young** Siobhan McDonnell **Stephanie Flynn Tara Grace Connolly Ramel Flores**



CHALKY Volunteers

Maedhbh McQuoid May 2011 - present

Lucy Porter February 2013 – June 2014

Sophie Rodgers Sept 2014 - Dec 2014

Katherine Douglas Sept 2014 - Feb 2015

Sara Moynihan Nov 2014 – Present

Amy Barr Nov 2014 - Present

0

Management Committee

David Hayes Queen's University, Belfast (Until December 2014)

Lisa Bunting Queen's University, Belfast (From December 2014)

Anne Marie Kelly MKB Law

Enda Lavery Campbell Fitzpatrick Solicitors

Chelsea Marshall Queen's University Belfast (Until December 2014)

Vivian McConvey VOYPIC

Orlaith Minogue Save the Children

Suzanne Rice McKeown Solicitors

David Simpson



YOUTH PARTICIPATION & ADVOCACY PROJECT

ROAD to GENEVA - Young People's Participation in the UNCRC Reporting Process (2014 - 2015)

PHASE 1 (Nov 2014 - May 2015): **Researching Young People's Views** and Experiences

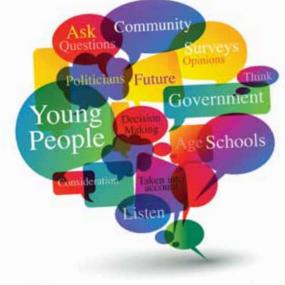
The NI Young People's Report - 'OUR LIVES IN OUR WORDS' represents the views and experiences of 900 children and young people, aged 7-17 years, who participated in research on their enjoyment of key rights under the UNCRC, between November 2014 - May 2015. The Report also identifies key recommendations for change needed to ensure that all children in this jurisdiction can enjoy all of their rights equally.

During the research phase, 752 young people completed an online children's rights survey and 145 children and young people participated in research workshops. The research focused on the extent to which children in young people in this jurisdiction report enjoyment of:

- MEANINGFUL PARTICIPATION in matters affecting their lives (Art 12 UNCRC)
- COMMUNITY LIFE and leisure free from discrimination (Art 2 UNCRC)
- KNOWLEDGE OF THEIR RIGHTS, and adult respect for rights (Art 42 UNCRC)
- MENTAL HEALTH SERVICES that meet their needs (Art 24 UNCRC)

OUR LIVES IN OUR M

NORTHERN IRELAND YOUNG PEOPLE'S REPORT TO THE UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD on behalf of all children and young people living in Northern Ireland





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Participating young people included young peer advocates (NI Youth Forum, Belfast Youth Forum, Young NCB and Ardovne Youth Club), young people with disabilities (Barnardos NI Participation Project and Mencap), Black and Minority Ethnic children (Belong and **BBC** Children in Need Grantees workshop), young people who are NEET (NEETs Forum), rural young people (Youth Action NI) and young people in detention (Include Youth). Youth@ clc co-facilitated the workshops with young peer advocates.

Phase 2 (May 2014 – June 2015): **Preparing NI Young People's Report to the UN Committee on the Rights of the Child**

'OUR LIVES IN OUR WORDS' was written by CLC in collaboration with youth@clc, and supported by the Centre for Children's Rights and Dr Karen Orr - Research Fellow, QUB. The report was submitted to the UN Committee on the Rights of the Child on 30 June 2015 along with the NI NGO Alternative Report, to inform the Committee's examination of the UK Government's compliance with the UNCRC.

The NI Young People's Report aims to ensure that the views of children and young people are directly heard and taken into account by all decision makers with responsibility for improving children's lives in Northern Ireland.

Copies of both reports are available from the CLC website. www.childrenslawcentre.org.uk

Key Report Findings and Recommendations

PARTICIPATION

School decision making

Young people think that school councils could be more effective:

"Some schools don't do anything and are mainly just so the school can tick a box and say they have one."

Young people want teachers to:

"Listen to young people's views and opinions in order to make better decisions for the school, its staff and its pupils..."

Community decision making

Young people told us that local councillors don't take them seriously when they try to participate in community based decision making:

"...need to act like an adult to be taken seriously... If you come from a young person's view you are seen as immature."

Young people want to have a real say in issues that directly affect them:

"...we would like to give our opinion on leisure facilities (there are not enough in our area and they are getting too expensive) and all the schools closing down, especially primary schools..."

Government decision making

Young people feel disconnected from Government and feel that politicians are not interested in their views, and many would like the voting age lowered to 16:

"I feel as though the government does not care about what the younger generation have to say..."

"It's not fair that we can marry our MLA and have children with our MLA but not vote for them."

Young people want Government to:

- Make school councils more effective and compulsory in all schools in NI;
- Guarantee that every child has an equal say in school, community and government matters;
- Lower the voting age to 16;
- Support the development of a NI Youth Assembly.

"Listen to young people's views and opinions in order to make better decisions for the school ..."

"The PSNI...constantly and repeatedly make us move away ..."

KNOWLEDGE OF RIGHTS

Other research shows that less than half of 11-16 year olds in school have heard of the UNCRC (NISRA, 2013). Young people in our research felt that knowing their rights could improve their lives:

"The Government could set up information sessions for young people or give leaflets to improve our lives by making us more aware and making us more confident to make a complaint if our rights have been breached."

Young people also feel that it is important that adults respect children's rights. NI Young People want Government to:

- Prioritise education on children's rights for all children;
- Encourage adults to respect children's rights;
- Make information on rights available in schools, youth groups and through social media.

ENJOYMENT OF COMMUNITY LIFE WITHOUT DISCRIMINATION

Use of leisure facilities

Young

People

Many young people said there was a lack of affordable leisure facilities in their area, and that they were often made to feel unwelcome by staff:

Community

Ask

"Make them cheaper!!!!!!!! £5.90 for a cinema ticket, flipping rip off!"

"We are not welcome in the local leisure facilities, I think because the workers think of us as 'street scum' who have no money and wish to use these facilities for free."

Negative stereotyping of young people

Nearly two thirds of young people in the survey said they had been 'moved on' by adults in their communities. Young people report they are mostly asked to 'move on' by the PSNI, local businesses and local residents:

"The PSNI...constantly and repeatedly make us move away as we are apparently causing trouble and making others feel uncomfortable... we just sit around and talk...no violence or trouble is caused. But due to the area we are from ... we are categorised as young youth that causes trouble/violence but it's not the case and because of that stereotype set by the media and others we constantly become penalised ... the public and police service don't see beyond the hood...!"

NI Young People want Government to:

- Include under 16s in the new NI Age (Goods Facilities and Services) legislation;
- Ensure ALL young people are treated fairly;
- Urgently address the UN Committee's 2008 recommendations on the demonisation of children.

Questions Government

Decision Making Taken into Account

Opinions Survey:

"I felt that I was unsupported, patronised and intimidated."

MENTAL HEALTH

27% of children and young people surveyed, report having a mental health concern:

- Of these, only a third said they had received help for their mental health problem and only two thirds of those who received help said they were satisfied with the help they received;
- Many young people with a mental health concern said they were more likely to go online for help or nowhere at all.

Young people told us that the stigma of having a mental health concern prevents many young people from seeking help:

"...diabetes is ok...depression or mental health problems are not..."

Experience of using mental health services

In the survey some young people reported positive experiences:

"The doctors at CAMHS at xxx helped me to become healthier."

However an equal number of young people reported negative experiences:

"I felt that I was unsupported, patronised and intimidated."

Ideal mental health service

- "...available on weekends during the day and evening, and after school times during the week."
- "I think there should be more facilities so young people wouldn't have to wait so long to be seen when they are desperate for help."
- "I think there should be more mental health services available to young people who live in rural areas."
- "Normal house or building to go to... something young people wouldn't be embarrassed to go to."
- "... understanding doctors not people that are strict or boring... people that are easy to talk to and can give actual practical help..."

NI Young People want Government to:

- Properly fund services for young people with mental health problems;
- Provide more programmes to encourage young people to seek help;
- Fully consult with children and young people in developing a better CAMHS service in Northern Ireland.











Questions



UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER

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PHASE 3 (July 2015 - October 2015): Young People Take Their Message to Geneva

Over the summer, young people from youth@clc, NIYF, the NI Council for Integrated Education and Include Youth, produced a DVD of the key findings and recommendations of the NI Young people's Report.

Seven of these young people presented the DVD of 'OUR LIVES IN OUR WORDS' to the UN Committee on the 7 October 2015 in Geneva, as part of the UK pre sessional examination.

Following on from their participation in the pre sessional in Geneva youth@clc, are looking forward to the final examination in 2016 and are making preparations for a Young People's Conference in the summer of 2016.

VOUTHQUERC



UNITED NATIONS DENDE THE HIGH COMMISSION FOR HUMAN RIGHTS

Children's Law Centre Limited Financial information for the year ended 31 March 2015



2014

Total

Funds

17,125 2,000

19,125

6,329

71,969

112,409

362,250

71,000 5,000 5,000

618

39,090 9,604

300

677,240

702,694

731,788

753,037

8,295

29,544

TOTAL

723,493

723,493

£

STATEMENT OF FINANCIAL ACTIVITIES (INCLUDING INCOME & EXPENDITURE ACCOUNT) for the year ended 31 March 2015				BALANCE SHEET at 31 March 2015			INCOMING RESOURCES				
	2015 Unrestricted Funds £	2015 Restricted Funds	2015 Total Funds £	2014 Total Funds £	5	2015 £	2014 £		2015 Unrestricted Funds	2015 Restricted Funds	2015 Total Funds
Incoming resources	L.	f	2	012	Fixed assets			Incoming resources generated funds:	£	£	£
Incoming resources from generated funds:					Tangible assets	17,954	23,970	Voluntary income			
Voluntary income Investment income	20,280 969		20,280 969	19,125 6,329	Current assets			Donations Capital grants	20,280	_	20,280
Incoming resources from	0.205	722.402	721 700	(77.040	Debtors Cash at bank and in hand	77,990 191,395	11,857 371,216		20,280		20,280
charitable activities Total incoming resources	<u>8,295</u> 29,544	<u>723,493</u> 723,493	<u>731,788</u> 753,037	677,240 702,694		269,385	383,073	Investment income			
Resources expended					Creditors – amounts falling due within one year	(9,683)	(1,538)	Bank interest	969		969
Charitable activities	69,739	662,795	692,534	624,952	Net current assets	259,702	381,535	Incoming resources from charitable activities:			
Governance costs	-	2,700	2,700	2,700	Net assets	277,656	405,505	Grants receivable			
Other resources expended Exceptional costs	185,652	_	185,652		Charity funds			Department of Health, Social Services and Public Safety	617	71,969	71,969
Total resources expended	255,391	625,495	880,886	627,652	Unrestricted general funds D <mark>esignated f</mark> unds	86,176 10,165	32,570 185,652	Health & Social Care Board Atlantic Philanthropies	:	113,779 230,000	113,779 230,000
Net incoming/(outgoing) resources before transfers	(225,847)	97,998	(127,849)	75,042	Restricted funds Total funds	<u>181,315</u> 277,656	187,283 405,505	Public Health Agency Atlantic Philanthropies - Children's Rights Coalition		4,990 144,000	4,990 144,000
Transfers between funds	103,966	(103,966)	(127,047)	-	Total fullus			Police Service Northern Ireland Police Ombudsman			
Net movement in funds for the	(124 204)	(5.0.(2))	(127.0.10)	75.040	A complete set of the Children's	: Law Centre a	udited	Department of Education OFMDFM		12,000 40,961	12,000 40,961
year	(121,881)	(5,968)	(127,849)	75,042	accounts for 2014/15 is availab			Xchange CO3 BBC Children in Need		7,500 15,510	7,500 15,510
Total funds brought forward at beginning of year	218,222	187,283	405,505	33 <mark>0,463</mark>				Other income NI Legal Services Commission income	_	82,784	82,784
Total funds carried forward at end of year	96,341	181,315	277,656	405,505				Membership and training Sale of publications	8,295 	-	8,295

DIRECTOR'S REPORT



The work of the Children's Law Centre in 2014-2015 has continued to bring about improvement in the lives of many vulnerable children and young people throughout Northern Ireland. CLC have successfully accessed services for them when services have been denied, we have ensured their voices have been heard by those who make decisions about their lives and we have helped secure protections in legislation which will hopefully guard against denials of children's rights in the future. However, as the NGO Alternative Report to the UN Committee on the Rights of the Child has highlighted, much remains to be done in the vindication of children's rights in Northern Ireland.

ne such challenge is in respect of children with mental health needs. Recognising the potential negative impact on children if the Mental Capacity Bill is legislated for by the Assembly without extending protections to under 16s, CLC felt that is was important to brief colleagues on the potential adverse impacts for vulnerable children with mental health needs, of this age discriminatory legislative proposal. As the lead children's organisation working on these issues we wanted to share with others our concerns based directly on our work with and for children with mental health needs. We were delighted that the Chair of the Health Social Services and Public Safety Committee, Maeve McLaughlin MLA was the keynote speaker at a seminar CLC organised in July 2014 which focused on the implications for children of the policy proposals. Regrettably CLC's concerns about the policy proposal not to include under 16s fully within the remit of the Bill have been further heightened by the failure of both Departments to bring forward contemporaneously with the new Bill, amendments to the Mental Health (NI) Order 1986. CLC through its policy work continues to advocate, including through giving evidence to the Ad Hoc Committee to Consider the Mental Capacity Bill, to ensure that children under 16 with mental health needs are afforded the protection which they need.

The imperative of addressing the mental health needs of children in this jurisdiction has also been highlighted by youth@clc in their report to the UN Committee on the Rights of the Child. Their research reported 27% of young people they surveyed stated that they have a mental health need. This is significantly higher than the most recent available government



figure (1999) of 20%. The worryingly high presentation of children with mental health needs, combined with a significant underinvestment in child and adolescent mental health services, is reflected in CLC's legal work. CLC's Mental Health Solicitor is now representing in almost 100% of Mental Health Tribunals involving children. Calls to CLC's Free Phone Legal Advice Line CHALKY reveal children with complex needs cutting across mental health, allied health services and education increasingly being unable to access appropriate services. For some children with complex needs the only recourse is to avail of service provision outside of Northern Ireland, away from their families, friends and support networks and at a considerable cost to the public purse. CLC has long advocated for the need for service provision for children with complex needs to be provided within the jurisdiction to ensure these children have the greatest opportunity to enjoy their childhoods and to realise their full potential.

"I like the simplicity of being able to understand the process in parent friendly language."

This statement from a parent who attended one of the training events CLC organised this year for professionals and parents/carers on protecting the rights of children with special educational needs, reflects not only the challenges parents face in charting their way through the complex statementing process but also signals the reason why CLC have continued to deliver this high demand training session. Parents/carers tell CLC that they find the statementing process extremely challenging and slow. This dense process coupled with the daily challenges of supporting their children often place further stress on worried parents. With at least 74,000 children in this jurisdiction having additional needs in education and the absence of legal aid for representation at SENDIST Tribunals, coupled with what would appear to be a reduction in the provision of services for children with additional needs as a result of financial cuts, it is hardly surprising that the only free SENDIST Representation service in the jurisdiction provided by CLC is

heavily oversubscribed. As CLC cannot represent in every case when a child's right to additional support is being denied, we have continued to deliver expert training on Special Educational Needs to empower parents/ carers to self-advocate for their children. Making the law accessible in this way to parents/carers is a critical lifeline to many and is reflective of CLC's strategic approach to ensuring children's rights, including their right to access education, are realised.

CLC, in partnership with Save the Children, supported by the Centre for Children's Rights QUB, after extensive consultation across the sector, produced an NGO Alternative Report which has been submitted to the UN Committee on the Rights of the Child in advance of the UK government's examination in May/June 2016. The Report is the most comprehensive and up to date analysis of the state of children's rights in this jurisdiction and presents a worrying picture of a deficit in respecting rights across all aspects of children's lives including justice, policing, health, education and participation. Of particular concern, and it was reflected in the List of Issues sent to the UK government by the UN Committee on the Rights of the Child post the pre-sessional meeting, is the proposed exclusion



of under 16s from key legislation such as the new Mental Capacity Bill and the planned Age Discrimination Goods Facilities and Services Bill. In anticipation of the UK examination, CLC staff alongside youth@clc, will continue to engage with the sector and government, to not only inform the Committee as to the state of children's rights in Northern Ireland but also to challenge the gaps already identified through the NGO Report. Much has been said elsewhere in this report of the work of youth@clc, including reflecting on their excellent report "Our Lives in Our Words". Critically they ensured the voices of children and young people from Northern Ireland were heard at the highest international level. Their DVD, which reflects the strong messages they gathered from nearly 1000 young people, is a challenge to all in government. Their engagement with the UN Committee on the Rights of the Child at home and in Geneva was a powerful example of peer advocacy in working to bring about social change. It was a privilege to have been part of it.

In, what for all organisations working in the voluntary sector, are challenging times, with reduced resources and increased demand, CLC's small Administration and Finance team continue to provide excellent financial and administrative support and represent a calm and stable hub around which the work of CLC revolves. From managing the budget, assisting with fundraising to preparing training packs, no task is too small or too demanding to elicit willing and critical support from the team. A special thanks needs to go to Jay who has, throughout the year, been a constant and valuable volunteer supporting the Administration Team. Helen and her team remain the heart of CLC.

We continue to be fortunate to enjoy the support of excellent and highly capable volunteers. The challenges children's rights face in this jurisdiction are such that the small CLC team could not advocate across all its functions to the level it does, without the support of our volunteers. CLC owe all our volunteers a big "thank you"; but we would also like to acknowledge and say a very special thank you to Maedhbh who has been alongside CLC championing children's rights for 5 years! Throughout what has been another challenging year for all working to guarantee children's rights, CLC's Management Committee has continued to provide excellent and constructive advice and direction. Their individual and collective expertise has helped successfully steer CLC through the competing challenges of operating a charity in the current environment. Committee members have been extremely generous with their time, their support and their counsel. The fact that they do so on a voluntary basis speaks volumes to their commitment not just to CLC but to children's rights. Thank you from all of the staff team.

Paddy Kelly DIRECTOR

CHAIRPERSON'S REPORT

2014/2015 has been another momentous year for the Children's Law Centre with significant highs and challenging setbacks. CLC staff, the Management Committee and youth@clc have continued to work together to find solutions in their mission to vindicate the rights of all children in Northern Ireland.

Nowhere has that collective endeavour been more apparent than in the partnership working throughout the year in respect of ensuring government delivers on its obligations under the United Nations Convention on the Rights of the Child. From the 2015 Annual Lecture delivered by the then Chair of the UN Committee on the Rights of the Child, Professor Kirsten Sandberg to the engagement of CLC staff and youth@clc with the Committee in Geneva, the year has been bookended by working directly and effectively with the UN Committee on the Rights of the Child.

We were greatly honoured that, as Chair of the UN Committee on the Rights of the Child, Professor Kirsten Sandberg agreed to deliver our 2015 Annual Lecture entitled "The United Nations Convention on the Rights of the Child: Children as Rights Holders". In so doing she not only assisted CLC in bringing home to a domestic audience the imperative of respecting children as rights holders with agency; she also provided an important frame work for our extensive engagement across the NGO sector and beyond, in the preparation of the NI NGO Alternative Report to the UN Committee on the Rights of the Child in advance of the UK Government's examination scheduled for 2016. In addition to meeting Professor Sandberg as CLC Chair, I was privileged to be part of the NGO Roundtable who had the opportunity to address her directly on the reality of the lives of the children and young people we work with. I am confident that she was left with a clear understanding of the challenges facing our young people and where the fault lines are in delivering the UNCRC.

In addition to meeting with the Lord Chief Justice and other members of the Judiciary, Professor Sandberg's generosity in respect of her time also enabled CLC to facilitate her engagement at Ministerial level. She had the opportunity to engage with the Ministers of Justice, Education and the two Junior Minister with lead responsibility for children. During her Ministerial meetings she reaffirmed the imperative of government delivering in this jurisdiction on the UNCRC and reflected back to them the need to engage in the upcoming reporting process.

At the invitation of CLC, Save the Children and NICCY, Professor Sandberg returned to Belfast as part of the UN Committee on the Rights of the Child's Task Force, established to lead on the examination of the UK government. She was accompanied by Committee Vice-Chairperson Amal Aldoseri. Having already contributed extensively to the NGO Alternative Report and the Young People's Alternative Report, the visit of the Task Force provided NGOs and critically children and young people with an opportunity to reinforce directly to Committee members the strong messages contained in both reports. Of particular importance were the meetings Kirsten and Amal had with young people including young Roma and children living in Lakewood Secure Care Centre.

Undoubtedly the highpoint to date of this extensive and important work CLC has undertaken in partnership with Save the Children, supported by the Centre for Children's Rights QUB, was the presessional hearings in Geneva. In addition to CLC staff, Paddy, JP and Emma attending, Emma and Deirdre supported and facilitated 7 young people from NI travelling to Geneva to give evidence directly to the Committee in the dedicated young people's session. While I believe Paddy and JP represented the concerns of NGOs forcefully in their evidence to the Committee, I have been reliably informed that our young people were brilliant in reflecting the voices of young people from Northern Ireland to the Committee. Well done India, Tara, Ramel, Sophie, Anne-Marie, Nathan and Luci. It is totally appropriate for me to end by reflecting on some of the young people's voices which echoed through "Our Lives in Our Words" all the way to the Palais Des Nations in Geneva.

"The waiting list to see autism intervention service was very long. Almost every health care professional I saw thought that they were not the best person to see, so I felt a bit discriminated against because of my autism."

"...diabetes is ok...depression or mental health problems are not..."

"The PSNI...constantly and repeatedly make us move away as we are apparently causing trouble and making others feel uncomfortable..we just sit around and talk..no violence or trouble is caused. But due to the area we are from..we are categorised as young youth that causes trouble/violence but it is not the case and because of that stereotype set by the media and others we are constantly becoming penalised..the public and the police service don't see beyond the hood...!"

"It's not fair that we can marry our MLA and have children with our MLA but not vote for them."

.....

Vivian McConvey CHAIRPERSON



he Children's Law Centre (CLC), in partnership with Save the Children NI, supported by the Centre for Children's Rights, Queen's University Belfast, lead in 2014/15 on the compilation and production of a Northern Ireland NGO Alternative Report to the United Nations Committee on the Rights of the Child to inform the next examination of the UK Government's compliance with its obligations under the United Nations Convention on the Rights of the Child (UNCRC) in 2016. The NGO Alternative Report was submitted in June 2015. The preparation of the report has been an extremely inclusive process and the report represents the views of a wide range of NGOs, children and young people and adults within Northern Ireland. The report was prepared following a series of consultation workshops conducted with a wide range of NGOs and children and young people between November 2014 and April 2015. Fifty-eight NGOs and individuals have endorsed the Northern Ireland NGO Alternative Report. The NGO Alternative Report was also informed by an online survey of the views of 752 children in relation to their rights. The Children's Law Centre would like to sincerely thank all those who contributed to the development of the reports.

Following the submission of both the NGO Alternative Report and the NI Young People's Report, the development of which was led by youth@clc, we have continued to engage productively with the Committee on the Rights of the Child. CLC, Save the Children NI and NICCY jointly hosted a visit to Northern Ireland on 4th – 5th September 2015 by the Task Force appointed by the Committee on the Rights of the Child to examine the situation in relation to the delivery of the UNCRC throughout the UK. On 1st October, in advance of the pre-sessional hearing, CLC and Save the Children NI hosted a launch event for both the NGO Alternative Report and NI Young People's Report to the UN Committee on the Rights of the Child, in the Senate Chamber at Stormont. This event was sponsored by Junior Minister Jennifer McCann MLA and the then Junior Minister Michelle McIlveen MLA.

CLC and Save the Children NI, along with a representative group of young people from Northern Ireland, then travelled to Geneva to attend the Committee on the Rights of the Child's pre-sessional hearing in relation to the United Kingdom on 7th October 2015. Both organisations gave evidence to the Committee at the pre-sessional hearing in relation to the situation regarding children's rights in Northern Ireland, using the NGO Alternative Report and Young People's Report as the basis for the key messages we delivered to the Committee. The young people presented evidence to the Committee during a separate meeting, including showing the Committee a DVD which they had produced, that summarised the Northern Ireland Young People's Report.

We were greatly encouraged by the interest shown by the Committee members in relation to children's rights issues in Northern Ireland. Since the pre-sessional hearing, the Committee has released the List of Issues for its examination of the UK Government, and this highlights numerous issues relevant to Northern Ireland, such as the proposed exclusion of children aged under 16 from age discrimination legislation, the segregation of education and the continued use of academic selection, the use of Tasers and AEPs against children by police, the youth justice system in Northern Ireland and the prevalence of paramilitary style attacks by non-state forces against children. We now look forward to providing additional information to the Committee in the form of an additional report prior to the examination of the UK, to continue our efforts to ensure that the Committee on the Rights of the Child will produce a set of Concluding Observations aimed at improving the situation regarding the implementation of children's rights in Northern Ireland.

CLC CONSULTATION RESPONSES

(APRIL 2014 - MARCH 2015)

- CLC Response to the Department of Justice Violent Offences
 Prevention Order: Proposals for Legislation (April 2014)
- CLC Response to PSNI Test Purchase Powers Scheme paper (April 2014)
- CLC Response to the Department of Justice revisions to PACE Codes C & H (April 2014)
- CLC Response to the NHSCT Consultation on the Future of Respite (Short Breaks) Services for Children with Disabilities Consultation and Equality Impact Assessment (EQIA) (May 2014)
- CLC Response to OFMDFM Active Ageing Strategy (May 2014)
- CLC Response to NICE guidance in relation to Pressure ulcers: prevention and management of pressure ulcers (May 2014)
- CLC Response to PSNI Youth Justice Service Procedure (June 2014)

- CLC Response to the Department of Justice Consultation on Fine Collection and Enforcement in Northern Ireland (June 2014)
- CLC Response to Development of a Sexual Orientation Strategy and Action Plan Consultation Document (June 2014)
- CLC Response to the Department of Justice Consultation on the revised Code of Practice on the Appointment of Independent Members to Policing and Community Safety Partnerships and District Policing and Community Safety Partnerships (June 2014)
- CLC Response to the Department of Health, Social Services and Public Safety's consultation on Proposed Amendment to Paragraph 8 of Schedule 1 and Paragraph 7 of Schedules 3 and 5 (Quorum) – The Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012 (June 2014)
- CLC Response to NEELB Consultation on Draft Policy for Elective Home Education (June 2014)
- CLC Response to the Northern Ireland Housing Executive
 Community Safety Strategy 2014 2017 (July 2014)
- CLC Response to the Department of Health, Social Services and Public Safety and Department of Justice's Consultation on Proposals for the Draft Mental Capacity Bill NI (August 2014)
- CLC Response to Targeted Consultation Proposed Amendment to Regulation 3 (Membership), Paragraph 8 of Schedule 1 and Paragraph 7 of Schedules 3 and 5 (Quorum) – of the SBNI (Membership, Procedure, Function and Committee) Regulations (Northern Ireland) 2012 (August 2014)
- CLC Response to the NI Policing Board Consultation on the Recruitment Process for the Appointment of Independent Members to Policing and Community Safety Partnerships (PCSP's) (September 2014)

- CLC Response to Proposed Revised Regional Practice Guidance regarding the role of Support Persons at Child Protection Case Conferences, Looked After Children Reviews and Family Support Planning Meetings – August 2014 (September 2014)
- CLC Response to the NI Policing Board Pre Consultation on EQIA of Policing Plan Update 2014-2017 (September 2014)
- CLC Written Evidence to the Justice Committee's Inquiry on the Justice Bill (September 2014)
- CLC Response to the Department of Justice's Consultation on a Draft Victim Charter (September 2014)
- CLC Written Evidence to the Committee for the First and Deputy First Minister's Inquiry into Building A United Community (October 2014)
- CLC Response to the Northern Health and Social Care Trust re: Reprovision of Mental Health Inpatient Services (October 2014)
- CLC Response to Department of Justice Consultation on the Introduction of a Statutory Registration Scheme for all Providers of Publicly Funded legal Services in Northern Ireland (October 2014)
- Department of Health, Social Services and Public Safety's (DHSSPS) consultation on a proposal to introduce Primary legislation for the use of Health and Social Care service user identifiable information for secondary purposes in controlled circumstances (October 2014)
- CLC Response to the Department of Social development's Consultation on 'Advising, Supporting, Empowering' - A strategy for the delivery of generalist advice services in Northern Ireland 2015-2020 (December 2014)
- CLC Response to the Northern Ireland Executive's Consultation on its Draft Budget 2015 - 2016. This response includes additional, discrete responses to the Budget consultation documents from the Departments of Health, Social Services and Public Safety, Education, Justice, Social

Development and the Office of the First and Deputy First Minister (December 2014)

- CLC Response to the Safeguarding Board for Northern Ireland's Consultation on its Child Protection and Safeguarding Learning and Development Strategy (January 2015)
- CLC Response to the Northern Ireland Policing Board's Refresh of the Policing Plan 2015 – 2016 (January 2015)
- CLC Response to the Standards for Supported Lodgings for Young Adults (aged 16-21) in Northern Ireland (January 2015)
- CLC Response to the Department of Health, Social Services and Public Safety's Service Framework for Children and Young People (January 2015)
- CLC oral evidence on Together, Building A United Community (January 2015)
- CLC Response to the Department of Education's Consultation on Addressing Bullying in Schools (February 2015)
- CLC Written Submission to Call for Evidence from OFMDFM re: Children's Services Bill (February 2015)
- CLC Submission in relation to the call for evidence from The Commission to Review the Provision of Acute Inpatient Psychiatric Care for Adults in England, Wales and Northern Ireland (March 2015)
- CLC Response to the Department of Education's Consultation on the Equality Impact Assessment Proposal to End the Community Relations, Equality and Diversity (CRED) Earmarked Funding (March 2015)
- CLC Response to the Department of the Environment's Consultation on Draft Statutory Guidance for the Operation of Community Planning Local Government Act (Northern Ireland) 2014 (March 2015)

TRAINING & EDUCATION

During 2014/2015 which was another very busy year for CLC, over 900 adults and young people participated in CLC training events, seminars and young people's workshops.

UNCRC Research Workshops for Children and Young People

The Youth Participation and Advocacy Project section of the Annual Report details the work of youth@clc in capacity building workshops and youth participation in UNCRC research workshops. This work was facilitated by CLC in partnership with Save the Children and supported by the Centre for Children's Rights, QUB, during 2014/2015.

Special Educational Needs

Training for professionals and parents/carers on protecting the rights of children with special educational needs remains a priority area for CLC, and is reflective of the ever increasing number of SEN enquiries to CHALKY. In response to the increasing demand for SEN training the CLC legal team delivered seven seminars and workshops to a range of parents groups, legal advocates and other key stakeholders both 'in house' and on an outreach basis. Consistent with previous years, feedback from 2014/2015 participants in these events has been very positive.

With reference to information provided on the assessment, statementing and appeals processes one parent commented;

"I liked the simplicity of being able to understand the process in parent friendly language."

Another parent commented that the most useful aspect of the SEN training was:

"learning about statutory assessment...and having a person who deals with the statement go through it with you."

Another participant commented:

"...very useful to discuss the law along with examples ...case law was very helpful"

Mental Capacity Briefing Seminar 30 July 2014

As part of CLC's ongoing mental health policy work, CLC held a briefing event in NICVA, on the implications of the proposed new Mental Capacity Bill (NI) for under 16s. The event which, was addressed by the Chair of the Health, Social Services and Public Safety Committee, Maeve McLaughlin MLA, was attended by a representative range of key stakeholders and decision makers. Many participants commented that the event provided an important opportunity to increase understanding of the implications of the proposed Bill for under 16s with a view to ensuring that their needs are met under the new legislation. As one participant commented (in respect of the ongoing Mental Capacity Bill (NI) consultation process);

"There is a clear need to grasp this important opportunity to have the voice of young people and practitioners heard and acted upon in the interests of vulnerable young people."

Tailored Children's Rights training for adults, children and young people

DATE	COURSE/EVENT
28.04.14	Children's Rights Workshop
7.05.14	Children's Rights Workshop
13.05.14	Legal Aid Administration in Judicial Review Proceedings
2.06.14	Rights of Children with ASD in Criminal Justice System
3.06.14	Mental Capacity Bill NI
16.06.14	Children's Rights Workshop
27.06 – 29.06.14	UNCRC Capacity Building Workshops - youth@clc - residential
30.07.14	Mental Capacity Bill (NI) Briefing Seminar
5.08.14	Mental Capacity Bill
7.08.14	Mental Capacity Bill
8.10.14	Special Educational Needs
23.10.14	Children in Research – Rights in Action
23.10.14	Engaging in NGO Reporting to advance Children's Rights
8.11.14	Presentation on Schools Counselling Project
11.11.14	Mental Capacity Bill
4.12.14	Special Educational Needs
11.12.14	UNCRC Research Workshop on Discrimination
4.02.15	Children's Rights workshop
21.02.15	Special Educational Needs
4.03.15	Annual Lecture - Professor Kirsten Sandberg - Chairperson; UN Committee on the Rights of the Child
7.03.15	UNCRC Research Workshop (Young People)
11.03.15	Rights of Homeless Young People
11.03.15	UNCRC Research Workshop (Young People)

Training Calendar Events

Date	Course
16.04.14	Protecting the Rights of Children with ASD
18.06.14	Special Educational Needs
29.10.14	Special Educational Needs
3.12.14	Right to Family Life
25.02.15	Rights of Homeless Young People
25.03.15	Special Educational Needs



The Administrative team at CLC provide a vital role in supporting the everyday running of the Centre and are key in ensuring support structures are in place for future growth. The Administration team provide essential financial planning and reporting structures, assist with planning of CLC annual events i.e. training calendar, lectures etc. They also support the administrative needs of the entire CLC team, ensuring they can efficiently fulfil essential work to help improve the lives of children and young people throughout Northern Ireland. While there have been many challenges throughout another very busy year at CLC; the team has worked very effectively to reduce expenditure and assist with fundraising and diversification of income.

The Administration team consists of:

Head of Administration and Finance Unit - Helen Rafferty; Receptionist/ Admin. Assistants - Sarah McAuley and Karen McAllister, supported by Personal Assistant to the Director and Head of Legal Services - Stephanie Robinson. Stephanie unfortunately left CLC in June 2015. We would like to wish Stephanie well

in her new job.

FREEPHONE D&D& &D& 5678

Email: 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 2014 to March 2015 the service dealt with some 2362 issues. This represents an increase in issues of some 24% compared to the last financial year.

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 48.4% of all issues raised. Special Education is the issue we dealt with most within this category accounting for over 25% of the overall issues total. Other major issues within the Education category included, Pupil Welfare raised 85 times, Admissions, raised 95 times and school exclusion 54 times. Family Law issues accounted for 22.6% of the total issues with Contact/Residence issues (280) accounting for just over half the total. The General category accounted for 19.6% of the total with some of the main issues being Social Security (38), Child Protection (30), Mental Health (50), Disability (39) and At What Age? (19). Human Rights and Justice accounted for 3.6% of the total and the Care category 5.8%. There were 103 (4%) requests for information during the year.

CHALKY Issues April 2014 - March 2015

Care		6%	
Contact/Resider	nce	12%	
Parental Response	nsibility	3%	
Human Rights/.	Justice	4%	ł
Information		4%	ſ
Social Security		2%	
Mental Health		2%	
Special Educati	on	25%	
Admissions	and the second s	4%	
Other Educatio	n	19%	ļ
Other General		11%	
Other family La	w	8%	

LEGAL SERVICES for CHILI

This year there has been a continuing rise in demand for CLC's Legal Services. During the year, CLC has assisted many children with disabilities and their parents/carers to access to a broad range of health and family support services. CLC has provided specialist legal representation to young people at the Mental Health Review Tribunal and has negotiated community based support packages for children following their discharge from hospital. There has also been an increase in requests for specialist legal advice and representation around special educational needs assessments and provision, including children's access to suitable school placements.

MENTAL HEALTH PROVISION FOR CHILDREN AND YOUNG PEOPLE

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

Appeal against detention - During the year CLC's Mental Health Solicitor was instructed in 4 appeals against detention. All children were regraded as voluntary patients before hearing. In one case a discharge planning meeting was held and the young person was regraded and arrangements were put in place for the young person to access community based psychology support following discharge from hospital. In another case it was agreed that the Trust intensive support team would remain involved with the young person who required access to a range of community support services. The young person was also still registered at school so a referral was made to Education Welfare Services to address his educational needs and prepare him for reintegration to school. In another case the Social Circumstances Report prepared by the appellant's Social Worker for the Tribunal hearing lacked detail and the young person was not consulted during the preparation of the report. CLC's Mental Health Solicitor raised the young person's concerns in writing with the Tribunal Secretariat. The young person also raised concerns regarding the legal requirement to disclose his detention in hospital for treatment into the future. These concerns were committed to writing and they were passed by CLC to the Bill Team for the new Mental Health and Capacity Legislation and the young person received a letter of acknowledgment from the Head of the Bill Team.

There have now been 11 cases where CLC has been instructed and a child has been regraded from detained to voluntary status following the commencement of a Tribunal appeal. In the context of this experience CLC is concerned as to the appropriateness of the use of detention for some children and consequently CLC continues to monitor this issue.

 Review of detention – CLC was instructed by a young person's parents to act when their child's case was referred to Tribunal for a statutory review under Article 73 of the Mental Health (NI) Order 1986 following 2 years detention in hospital. CLC's Mental Health Solicitor made oral representations at the hearing. The patient did not attend the hearing but the parents attended on his behalf. The tribunal accepted that ongoing medical treatment was appropriate to alleviate any deterioration in the patient's mental health and he was ordered to remain in hospital. CLC has continued to provide legal advice regarding identification of a suitable community placement when the young person enters adulthood.

- Appeal against detention CLC's Mental Health Solicitor was instructed by a young person to appeal a hospital detention as she wished to return home. The young person attended the hearing with parental support. CLC provided representation at the hearing. The MHRT were satisfied that the legal criteria for detention were met and ordered that the patient remain detained in hospital to continue with medical treatment.
- **Discharge planning for a voluntary patient** CLC's Mental Health Solicitor was referred this case by the young person's hospital advocate. The young person's relationship with parents had broken down and CLC provided independent legal advice and support in relation to the hospital discharge planning process. The young person was facilitated to put forward their wishes and feelings to the multiple agencies and professionals involved in their case at the discharge planning meeting. CLC attended meetings with the young person and their social worker at the client's school and was engaged in multi-disciplinary planning which resulted in a successful reintegration to school. CLC also attended LAC review meetings in respect of the child's longer term care planning.

SPECIAL EDUCATIONAL NEEDS AND DISABILITY

CLC remains the sole provider of free legal representation at SENDIST Appeals in Northern Ireland. This service continues to be in high demand. Examples of CLC's casework outcomes for children with SEN include the following:

- Appeal against content of statement CLC supported a Social Worker in progressing a SENDIST Appeal on behalf of a looked after child in foster care and is an excellent example of how CLC can work collaboratively with Trusts to advocate for special educational provision for looked after children. CLC's SENDIST Representative negotiated a settlement at the Tribunal hearing. The SENDIST made an Order requiring the Education Authority to amend the child's statement in the terms agreed by the parties. The Amended Statement includes reference to the child's looked after status and previous changes of school placement. It also specifies that the child shall receive 15 hours per week one to one classroom assistance and additional access to a shared classroom assistant for 10 hours per week. The Education Authority also agreed to refer the child for an ADHD assessment.
- Appeal against refusal to carry out a statutory assessment CLC's SENDIST Representative successfully represented a child who had

been struggling academically over a 2 year period in school without Education Authority intervention. The child had received regular and intensive school based assistance focusing on literacy and numeracy needs. However, he was not progressing at a rate comparable to his peers and there was concern that he was underperforming taking account of his cognitive ability scores. The Tribunal was persuaded that the child had special educational needs which were not being adequately addressed by the relevant and purposeful measures adopted by the school. The appeal was allowed and the Education Authority was ordered to refer the child for a statutory assessment.

- Appeal against content of statement (NEELB) CLC's Advice Manager successfully represented a child with Downs Syndrome, severe learning difficulties and delayed speech and language at SENDIST. The child's parents wished her to be educated in a mainstream school but the Board disagreed with the parental choice of placement and had named a special school in her statement. CLC submitted to the Tribunal that the Board had a duty to provide mainstream education for the child unless attendance in mainstream was incompatible with the wishes of her parents or the provision of efficient education for other children (as provided by Article 3 and Schedule 1, paragraph 11 of the Special Educational Needs and Disability (NI) Order 2005). The basis for the Board's decision to name a special school was unlawful as proper consideration was not given to Article 3. At the Tribunal hearing the Board did not argue that attendance at a Learning Support Unit within the mainstream school was incompatible with the efficient education of other children but submitted that no places were available within the LSU. The Tribunal concluded that the placement was suitable and made an Order securing a place for the child.
- Appeal against decision to cease to maintain a statement (NEELB) – CLC's Advice Manger provided advice and support to the child's parents in mounting a successful SENDIST Appeal. This case concerned a child who was educated in a special school due to a significant delay in his receptive and expressive language skills and had successfully transferred to mainstream primary school in Year
 At his annual review following transition, the Education Authority decided to cease the statement. The parents self-represented at the Tribunal with the support of the school Principal. The SENDIST ordered the Education Authority to continue to maintain the statement and also recommended a fresh statutory assessment of the child's needs.

JUDICIAL REVIEW AND COURT PROCEEDINGS

 Breach of Article 8 ECHR – A High Court writ was issued in respect of a 17 year old girl who is claiming damages for breach of her Article 8 rights under the European Convention of Human Rights. The case was listed in the High Court for a three day hearing from 11th – 13th May 2015. A settlement was reached following a joint consultation in April 2015. The terms of settlement were finalised between parties

DREN and YOUNG PEOPLE

and were announced to the Court on 11th May 2015. The case was resolved without the need to proceed to hearing.

- GD (a Minor) Article 21 homeless case (BHSCT) Pre-action correspondence was issued and the case was resolved without the need to issue judicial review proceedings. The issue of the Trusts' duty to provide emergency accommodation to homeless children and young people under Article 21 has been raised 24 times through CLC's advice line in the 12 month period from 1st April 2014 – 31st March 2015. CLC has successfully resolved a large number of these cases through pre-action correspondence and negotiation with the Trusts.
- Sex Discrimination Claim under the Sex Discrimination (NI) Order 1976 (as amended by 1998 Order) – CLC assisted a young school age mother with her application for legal support to the Equality Commission for NI. The case related to a school's refusal to readmit the pupil to sixth form when they were notified that she was pregnant. She felt that she had been unfavourably treated due to her pregnancy. The Equality Commission agreed to fund Counsels' opinion and to take carriage of any resultant sex discrimination claim against the young person's former school.
- LC (A Minor) Application for Judicial Review This case proceeded to a full hearing over 2 days on 2nd and 3rd February 2015. A judgment was delivered by Mr Justice Horner on 23rd February 2015. Judgment in the case was found in favour of the Applicant LC, who is a 7 year old boy with severe speech difficulties, autism, epilepsy and motor skills problems. LC was not able to advocate for himself and his parents had taken the case forward on his behalf.
- LC's mother had provided detailed information regarding his difficulties to the education board and requested a statutory assessment of his special educational needs. Her request had been refused and was subsequently granted by the education board following an appeal to SENDIST. CLC provided advice and assistance in respect of SENDIST proceedings and a settlement was reached whereby the education board agreed to provide one to one adult assistance for the child in school. The child's individual provision was not the subject of the judicial review proceedings.
- The judicial review focussed on the failure by the education board to take proper account of the parental representations and evidence when considering the initial parental request for a statutory assessment. The High Court held that by ignoring the representations of the applicant's parents in this case, the education board had failed to carry out its statutory duty and thus acted unlawfully when it refused to carry out a statutory assessment of LC's special educational needs. In his ruling, Mr Justice Horner defended the right of parents of children with special educational needs to have their voices heard by education boards. He stated:
- "The Board on the basis of its own Code was duty bound to examine the available evidence in order to determine whether an assessment

was necessary. The Code emphasises the importance of the parents' input and the parents' involvement in the process. It seems to this court in this case that the Board paid lip service to the parental involvement and that the information provided by the applicant's mother was ignored. It is important to stress that the Board has to take into account all of the information available to it in deciding whether or not to make a statutory assessment...

Indeed, very often it is the parents who are best placed to make representations on behalf of their offspring as they are the ones who will spend most time with the child and they are the ones who will observe the child most closely. To ignore their contribution as not worthy of consideration or to attach a little importance to it, is to do them a grave disservice".

Pre-action correspondence issued to Education Authority in relation to non-specification of classroom assistance on children's statements - During this reporting period CLC has issued two separate pre-action letters on this issue. Representatives of each regional branch of the new Education Authority and their legal representative met with CLC staff to discuss broader public interest issues raised, including continuing breaches by the Education Authority to specify provision in statements in accordance with Article 16 of the Education (NI) Order 1996 and its failure to consult with parents in relation to the level of provision actually being delivered on foot of statements and any variations of statements. Both cases were settled and individual one to one classroom assistance was specified in the children's statements.

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:

- Securing a new wheelchair for a disabled child The child had outgrown his wheelchair and had ordered another one from the Trust. The child missed several months of school due to delay by the Trust in providing a replacement wheelchair. As the existing wheelchair was too small, the child was in a great deal of pain and discomfort. CLC's Advice Worker wrote to the Trust asking them to take immediate steps to rectify the situation and a new wheelchair was provided.
 - **Resolution of school transport provision for a statemented child** – The child has a diagnosis of Asperger's Syndrome and was commencing Grammar school. He was offered a place on the Education Authority bus to and from school. The child wanted a bus pass so that he could travel by public transport to and from school. The child did not wish to be seen as different by fellow pupils and his

parents wished to promote his independence travelling to and from school. CLC wrote to the Education Authority and a bus pass was issued taking account of the child's wishes and feelings.

Financial support secured for an 'eligible child' under Article 21 of the Children (NI) Order 1995 – The young person had been accommodated by the Trust after presenting as homeless. Initially, the Trust maintained that she had been accommodated under Article 18 of the Children (NI) Order and not Article 21. CLC wrote to the Trust and it conceded that she was an 'Article 21 accommodated child'. This means that after she had been accommodated for a period of 13 weeks, she became an 'eligible child' and was thereby entitled to a personal adviser, a pathway plan and financial support from the Trust. The young person received a substantial back payment of her allowance from the Trust following this concession.

- **Reinstatement of respite care for a disabled child** The child in this case had for some time been receiving respite care in a facility close to his home where a nurse was available to manage his needs. The Trust decided to move him to a different respite facility which was located over 2 hours travel distance from his home. CLC's Mental Health Solicitor engaged with the Trust and the respite was reinstated twice a month at the original facility.
- Accommodation and support package negotiated for a young person leaving Juvenile Justice Centre - CLC's SENDIST Representative successfully negotiated an intensive package of community support and Trust funding for private rental accommodation for this young person when released from JJC. Arrangements have been put in place for the young person to start a training programme and provided he manages well in the community, he will be able to apply for NIHE accommodation in the longer term. He will continue to access a high level of multi-agency support.
- Social services support secured for asylum seeker and family CLC's Advice Worker assisted a young woman and her three children to secure a reassessment of her family's needs, resulting in an increase to financial support and food vouchers from social services, pending the outcome of her immigration application to remain in the UK.
- Free school meals secured for a looked after child –The young person was receiving a modest weekly allowance from the Trust but the Trust was not paying for school meals (FSM). CLC contacted the Education Authority, which has a discretionary fund for children who cannot apply for FSM, including asylum seeking children. It was agreed that the cost of school meals would be covered by this fund.