



CHILDREN'S LAW CENTRE

USING THE LAW TO PROMOTE, PROTECT AND REALISE CHILDREN'S RIGHTS



ANNUAL REPORT 2015/2016



children's law centre

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DIRECTOR'S REPORT

As reflected in the Chairpersons report 2015/16 has been a year of change for the Children's Law Centre. While we continue to work hard to identify and secure recurrent funding to enable our excellent staff and volunteers to deliver on the critical work undertaken by the Centre with and for our most vulnerable children, we have been buoyed by the vote of confidence from Atlantic Philanthropies in our work in the form of a Legacy Grant to enable us to purchase a new home for the Centre on the Ormeau Road. As we enter into our 20th year we do so from a foundation which will re-enforce our determination to deliver on children's rights in this jurisdiction.

The scale of that challenge to deliver on the UNCRC in NI was clearly set out by CLC and youth@clc in the NI NGO Alternative Report to the UN Committee on the Rights of the Child. It is reflected daily in the work of CLC's Legal Unit and most obviously in calls received to the CHALKY Freephone Advice Line. The number of issues raised on the advice line has risen again and the complexity of the calls continues to expose the challenges many vulnerable children and their families face when trying to access the services they need. Nowhere is that more apparent than in the scale and nature of advice calls in relation to both special educational needs and child and adolescent mental health services. With 74,760 children in NI now identified as having special educational needs, in the absence of legal aid for tribunal representation, CHALKY remains a lifeline to many families in their challenging journey to secure support for their children as they seek to access education.

The demand on CHALKY for advice in relation to SEN and education issues more generally is reflected in the work of CLC's SEDNIST Representative which is the sole provider of free legal representation at SENDIST appeals in Northern Ireland. CLC, employing its strategic approach, has identified recurrent obstacles to children with SEN accessing education including refusals to carry out statutory assessments and the inadequacies of provision specified in children's statements. In addition to providing information, advice and representation CLC have

been working closely with the Education Authority and the Department of Education to address these systemic fault lines.

CLC have also identified challenges in securing health and social services support as part of children's statements. While we have been working with relevant duty bearers to address this recurring issue, CLC are seeking to employ and give effect to the statutory duty to cooperate provided for in the Children's Service Co-operation Act Northern Ireland 2015 to resolve these cases at the earliest possible opportunity. CLC have highlighted the need for all statutory bodies that have responsibilities in respect of children and young people to be trained in this important legislative provision.

One of the strongest messages coming from youth@clc's Young People's Report on the UNCRC was the very significant and growing need for increased child and adolescent mental health (CAMHS) provision both in the community and elsewhere. This again reflects the experience of CLC staff. CLC's solicitor specialising in CAMHS represents in almost 100% of all mental health tribunals involving children in this jurisdiction and works closely with the Voice of Young People in Care (VOYPIC) to support young people with mental health needs in hospital. He continues to advocate for and represent children living in and transitioning from residential accommodation for children with complex needs. Appropriate and timely planning for the transition of these children remains an ongoing concern for CLC, which we have highlighted with duty bearers. Likewise the absence of any appropriate facilities to support young people with drugs and alcohol issues is in the experience of CLC, a deficit which urgently needs to be addressed; not least because of the exclusion of children and young people under 16 from the provisions and safeguards of the new Mental Capacity Act (Northern Ireland) 2016

I had the pleasure of attending the UN Committee on the Rights of the Child's examination of the UK government in May 2016 and the associated pre-sessional in October 2015. Our engagement in the process was on the basis of extensive

consultation CLC, in partnership with Save the Children, had undertaken with a wide range of NGOs and children and young people in NI which, resulted in a comprehensive audit of children's rights in this jurisdiction reported in the NI NGO Alternative Report. This work, which was led by CLC's Policy Officer, also took the opportunity to give voice to two groups of children whose voices might not otherwise have been heard. Having commissioned Dr Deena Haydon to consult with Roma young people and children living in secure accommodation, and prepare a report to inform the Committee on issues impacting on these children's lives, CLC facilitated meetings between the Committee's Rapporteurs for the UK examination and these young people. The young people's testimony clearly impacted on the Rapporteurs.

Having had the privilege of attending all of the preceding examinations, I was particularly struck at both the recent pre-sessional and the examination by the powerful advocacy of youth@clc and other young people from NI who went to Geneva. Supported by CLC's Youth Support and Development Officer and Training Officer, and drawing on the robust research youth@clc had undertaken, their engagement with Committee members was powerful and persuasive. While I was not surprised by their effective engagement as evidenced in the Concluding Observations and Recommendations, I was extremely proud to be working in partnership with this impressive group of young people. Children's rights advocacy in NI is alive and well.

Empowering young people to engage in the type of peer children's rights advocacy witnessed in Geneva requires investment in increasing their knowledge and skill base. This work was a major focus for CLC's training programme during the year; the benefits of which were clearly visible in youth@clc's research report and the associated advocacy. The other ongoing imperative of undertaking this work directly with young people is the fact that children can only vindicate their rights when they know what their rights are. Alongside this is the need to ensure parents/carers, advocates and lawyers are also cognisant of the

law in relation to children's rights. This formed the complementary element to CLC's training strategy this year, with the series of accredited children's rights legal seminars providing training on a legal children's rights framework to assist both parents/carers and lawyers to advocate on behalf of children.

It is clear that all of CLC's work is predicated on a strong administrative and financial base. As always during the year the Administration and Finance Unit underpinned, in an understated but effective and efficient way, the work of the Centre. Special mention must be made of the pivotal role of the Head of Administration and Finance Unit in preparing CLC for our move to our new home. The pre-move requirements were not insignificant extending as they did to embrace legislative and financial compliance as well as logistical considerations and significant building work. Her role in project managing the actual move on top of her work co-ordinating many of the pre-move preparations was crucial in the smooth transition.

It is perhaps during a period of change that the importance of a strong staff team committed to the vision of the organisation comes into its own. This was clearly evident this year both in the integrity of the work of the entire team and also in the support apparent, as we prepare for the upheaval of our relocation after 18 years in our current offices. As Director of the CLC I am privileged to work with such a strong and dedicated group of people with whom I have common cause.

We would also like to record our thanks to our volunteers both short and long term who work discreetly in support of the full range of functions of the Centre. Their help in research and administration is important in enabling CLC to maximise the impact of its work across all the functions of the organisation.

None of this year's significant changes would have been possible without the excellent stewardship of CLC's Management Committee who have been selfless in giving of their advice, support and encouragement throughout the year. Their continued encouragement and practical advice was critical this year as staff negotiated the many hurdles associated with purchasing our own premises. Thanks to their help and assistance given so freely, CLC is better placed to support and advocate with and for children's rights in this jurisdiction.

Paddy Kelly
DIRECTOR

CHAIRPERSON'S REPORT

2015/16 has been a landmark year for the Children's Law Centre (CLC) both in the taking forward of the organisational strategic plan and in organisational development. In its 18th year CLC took a significant step to securing the keys of the door and in so doing helped secure the organisation's future. Through the generosity of a legacy grant from the Atlantic Philanthropies, CLC progressed the identification and purchase of a new home which, will not only provide a fully accessible convenient and welcoming new office space but will also, through the potential to lease spare office space, provide an opportunity to generate a new income stream to resource the critical work of CLC.

Having identified suitable premises at 127-131 Ormeau Road, Belfast, CLC staff with significant support from the Management Committee, undertook all the necessary and not insignificant legal and financial steps necessary to make the purchase of the new office building a realistic prospect. I think it is particularly important to record the Management Committee's thanks for the excellent legal advice and support the conveyancing team at MKB Solicitors provided to CLC throughout the conveyancing process. CLC would also like to thank NICVA for their help and assistance during the process.

While the new premises require some modifications to render it suitable to CLC's needs it is undoubtedly a great match to the organisation's needs. Based close to the city centre with good transport links the offices are easily accessible, have full disabled access and present great potential to be a child and young person friendly space.

It had always been a vision of CLC to have its own premises but in the context of the economic downturn in recent years the potential to realise that vision seemed to retreat. The generosity of the Atlantic Philanthropies (AP) in helping us revisit and realise that vision is a vote of confidence in the work of CLC and trust in the integrity of the organisation to continue to build on the work which AP have championed on this island. AP has supported the work of CLC for many years and has helped the organisation develop, enabling staff and the Committee to progress a strategic change

strategy which has literally changed the lives of thousands of children in this jurisdiction. That support required the organisation to critically evaluate their work and refocus when necessary to better realise their strategic aims. That was sometimes challenging but always ultimately beneficial. As AP cease their funding work it is important to record the huge and pivotal role they have played in supporting not just the Children's Law Centre but critical change work more generally; and to say Thank You.

Among the work AP has been critical in embedding in this jurisdiction is strategic approaches to the realisation of children's rights. This work was a major focus for CLC during the year. In partnership with Save the Children, and supported by the Centre for Children's Rights at Queens University Belfast, CLC led in the NGO reporting from this jurisdiction to the UN Committee on the Rights of the Child; in advance of the UK government's examination by the Committee in May 2016.

The NI NGO Alternative Report compiled in consultation with a wide range of NGOs along with the Young People's Report, prepared by youth@clc following a consultation with almost 1000 young people, laid the foundations for the engagement of both CLC staff and youth@clc with the UN Committee during the October 2015 Pre-sessional conversation and the Committee's examination of the UK government in May 2016.

The impact of the reports and the engagement with the Committee by CLC staff and members of youth@clc in Geneva in October 2015 and May 2016 is clearly evident in the Concluding Observations and Recommendations issued by the UN Committee on the Rights of the Child after the examination. The challenge ahead, which I am confident CLC will rise to, is to ensure the NI Executive takes cognisance of the Concluding Observations and gives effect to the Recommendations in this jurisdiction. CLC are well placed to do this from its new home on the Ormeau Road.

Suzanne Rice
CHAIRPERSON



Staff - Children's Law Centre

- Emma Campbell**
- John Patrick Clayton**
- Rachel Hogan**
- Paddy Kelly**
- Liam Mackle**
- Catherine Maguire**
- Sarah McAuley**
- Stephanie McIlroy** (Left June 2015)
- Deirdre McMahan**
- Eamonn McNally**
- Helen Rafferty**
- Kathryn Stevenson**
- Natalie Whelehan** (Left July 2015)
- Karen McAllister**

youth@clc Members

- Aoife Kelly**
- Drew McWilliams**
- Jay Morrisson**
- Kerry Burns**
- Lauren McCartan**
- Tara Grace Connolly**
- Ramel Flores**
- Liam Mackle**
- Helen Jennings**
- Francesca Drumm**
- Lydia Baillie**
- Keely Dempsey**
- Anne Marie Hesketh**
- Caitlin McTasney**
- Lucie Giaccardi**
- Sophie Bell**
- Sarah Walker**
- Ciara Brennan**
- Aoife McDonnell**
- Jenny McAlpin**
- Zara Maruna**



CHALKY Volunteers

- Maedhbh Killen**
May 2011 to present
- Sara Moynihan**
Nov 2014 - Nov 2015
- Amy Barr**
Nov 2014 - June 2015
- Louise Craig**
Oct 2015 - Feb 2016
- Amy Montague**
July 2015 - Present
- Jay Morrison**
Sept 2012 - Present



Management Committee

- Anne Marie Kelly**
MKB Law
- Lisa Bunting**
School of Social Work, QUB
- Suzanne Rice**
McKeown Solicitors
- Enda Lavery**
BLM Solicitors
(Resigned December 2015)
- Vivian McConvey**
VOYPIC
- Orlaith Minogue**
Save the Children
(Resigned December 2015)
- David Simpson**
- Chris Quinn**
NIYF
(Joined December 2015)



Youth Participation & Advocacy Project

ROAD to GENEVA - Young People's Participation in the UNCRC Examination Process (2015 - 2016)

Young People Participate in the UK UNCRC Examination in Geneva - May 2016

As reported in last year's annual report, in October 2015 an NGO delegation, including representatives from CLC, Save the Children and young people from youth@clc, the NI Youth Forum (NIYF), Include Youth and the NI Council for Integrated Education, presented evidence to the UN Committee on the Rights of the Child at the UK Pre-session Hearing in Geneva. Young people from youth@clc and the NIYF, along with CLC and Save the Children also attended the UK Examination in May 2016.

Commenting on her experience of meeting with UN taskforce members in Geneva at the examination in 2016, Anne-Marie Hesketh (aged 17), representing youth@clc said:



"This whole experience has been amazing; to be able to feed in directly to the UN Committee based on the views of young people living in our communities is a huge honour. Taskforce members are really interested in what we have to say and have taken on board how difficult it can be for young people, particularly those who are most vulnerable".



Young People from NI who attended the UNCRC Examination in May 2016 were:

- Anne-Marie Hesketh – youth@clc
- Joe Higginson – NIYF
- William McCartney – NIYF
- Rebecca Connolly - NIYF

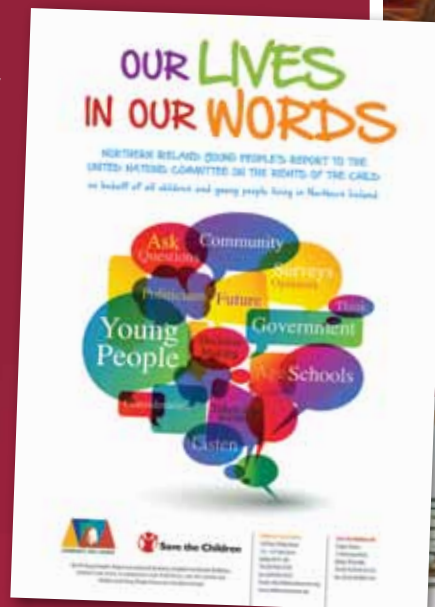
Children's Rights Conference 'What You Say Matters' City Hall, 27 October 2016



Youth@clc, NI Youth Forum and Belfast Youth Forum hosted a youth-led Children's Rights Conference in Belfast City Hall on the 27 October to inform nearly 100 young people about the UN Committee's Recommendations relating to the themes of the "NI Young People's Report - Our Lives in Our Words" June 2015. The conference also provided young people with the opportunity to give their own views on these key issues and to put questions to a panel of key decision makers with responsibility for protecting and delivering on the UNCRC, on how they planned to deliver on the UN Committee's recommendations for change.

The panel members were Barry McElduff MLA, Chair of the Education Committee, PSNI Assistant Chief Constable Stephen Martin and Andrew Dawson, Head of the Mental Health Policy Unit and Mental Capacity Bill Project. The debate was lively, and challenging for panel members at times, as young people voiced their frustration at the lack of any real progress on issues such as having a meaningful say in decisions impacting on their lives, the ongoing demonisation of young people in communities and the continuing lack of support for young people with poor mental health. However, young people were also encouraged by offers of further engagement opportunities from both the Education Committee and the Department of Health, as a result of the event in City Hall.

See opposite for a sample of young people's views expressed at the event in City Hall and questions for Government under the four research themes on the NI Young People's Report to the UN Committee on the Rights of the Child:



Questions





Participation - Article 12 UNCRC



"School councils are a photo opportunity...no substance... tokenistic"

"Gov doesn't care about our views... we can't vote... no platform for our voice...we need a youth parliament... votes at 16..."

Questions for Government

- Why are young people not asked about important issues?
- Why is there no Youth Parliament in NI?
- Why are under 18s denied the vote?



Knowing your Rights - Article 42 UNCRC



"teachers should be trained on the UNCRC...no one in our group has heard of the UNCRC...we should be taught more about our rights"

Questions for Government

- Why is learning about our rights not mandatory in schools?
- How are you going to educate older people on rights?



Community Life - Article 2, 15, 31 UNCRC



"Ask young people what is needed in each area...improve transport in rural areas...youth facilities are not visible enough...facilities in rural/city places are underfunded...Government is afraid of young people...a lot of young people are stopped and searched... young people are afraid of paramilitaries..."

Questions for Government

- Why do the police assume that young people are to blame for things?
- On what grounds can police move someone on and why young people and not adults? Is this fair and equitable?
- Why does the proposed GFS legislation discriminate against under 16s?
- Why are funds being cut to the youth and community sector?
- What are you going to do about paramilitary groups?

Mental Health - Article 6, 24 UNCRC



“the biggest issue in NI for young people...ruining families... causing death...waiting lists are too long...diagnosis takes too long...lot of stigmatising...more proactive discussion, facilities...need a societal shift...focus more on early intervention... include mental health in curriculum for primary schools...not enough support in schools...”

Questions for Government

- Why is there not enough funding going into mental health?
- What are your immediate plans for the next 2 years?
- Why is physical health given priority over mental health?
- When are you going to cut waiting times?

Other Concerns/Questions for Government from Young People's City Hall Event

- Impact of BREXIT on children and young people
- Age discrimination in provision of medical services
- Education cuts
- Lack of special needs support
- Lack of education on sexual health and sexuality
- Need for separate facilities for 'trans' young people
- Waiting lists for autism services
- Lack of dyslexia support in schools
- More support for children with disabilities in schools
- Section 75 should apply to schools
- More funding for the Irish language
- More investment in young people

Young People's Proposals for Moving Forward on Rights in 2017

- More direct engagement with MLAs/Government Departments on key issues
- More debates, conferences and events involving MLAs, decision makers, young people and “inspirational speakers”
- Produce reports as evidence of need for action on rights
- Online campaigns and petitions
- More surveys on young people's views
- Auditorium Café for young people
- More young people should join Youth Forums

Young People

Community

Ask

Questions

Government

Decision Making

Taken into Account

Opinions

Surveys

TRAINING & EDUCATION

During 2015/2016 over 500 adults participated in CLC training events and seminars. Most notably, over 1000 children and young people participated in workshops during the year, mostly associated with CLC and young people's participation in the Fifth Periodic UNCRC Reporting and Examination Process. See section on the Youth Participation and Advocacy Project for further information

Children's Rights Legal CPD Seminars - CLC Training Calendar

This year CLC hosted a very successful series of legal seminars in Law Society House. Guest speakers included Master Hilary Wells and Gregory McGuigan QC at "The Voice of the Child in Legal Proceedings" in October 2015; Neasa Murnaghan QC and Liam McCollum QC at "Using Judicial Reviews to Realise Children's Rights" in December 2015 and District Judge (Magistrates' Courts) George Conner at "Protecting Children's Rights in the Criminal Justice System" in December 2015. Consistent with previous years, feedback from 2015/2016 participants attending these events was very positive.

In particular participants noted that these seminars were;

"...informative...practical...thought provoking...concise...up to date..."

and provided;

"useful guidance on engaging with the child bringing proceedings...good use of case law...good hand outs and resources..."

TRAINING CALENDAR EVENTS

Date	Course
26.04.15	Children's Education Rights
28.10.15	Voice of the Child in Legal Proceedings - Legal CPD Seminar 1
13.11.15	Protecting Children's Education Rights - Legal CPD Seminar 2
4.12.15	Using Judicial Reviews to Realise Children's Rights - Legal CPD Seminar 3
9.12.15	Protecting Children's Rights in the Criminal Justice System - Legal CPD Seminar 4

TAILORED CHILDREN'S RIGHTS TRAINING FOR ADULTS AND CHILDREN AND YOUNG PEOPLE

DATE	COURSE/EVENT
8.04.15	NI Young People's UNCRC Report Writing Workshop - youth@clc
14.04.15	Rights of Homeless Young People
18.04.15	Children's Rights Research Workshop
24.04.15	Children's Rights and Youth Justice
6.05.15	BBC Children in Need - BME Children's Rights Workshop
30.05.15	Special Educational Needs in NI - Cross-border Conference on Education and the Law
24.06.15	'Making Participation Work for Young People' - NGO training event
9.08.15	Youth Participation in the UNCRC Pre sessional Examination, October 2015 - Capacity Building Workshop (1)
15.08.15	Youth Participation in the UNCRC Pre sessional Examination, October 2015 - Capacity Building Workshop (2)
22.08.15 and 23.08.15	Filming Workshops - 'Our Lives in Our Words' DVD for UNCRC Children's Meeting, October 2015
1.09.15	Capacity Building Workshop for Youth Engagement with UN Task Force
4.09.15	UN Task Force - Children's Meetings with members of the UN Committee on the Rights of the Child
4.09.15	UN Task Force Engagement with Roma Young People
4.09.15	UN Task Force Engagement with Lakewood Young People
26.09.15	Youth Participation in the UNCRC Pre-sessional Examination, October 2015 - Capacity Building Workshop (3)
1.10.15	Launch of NI NGO Alternative Report and Young People's Report
7.10.15	NI NGOs and Young People Participate in UNCRC Pre Sessional Examination
20.10.15	SEN Information Session
25.11.15	Managing Legal Aid
27.11.15	Mental Health - Children's Rights Perspective
30.11.15	Deprivation of Liberty/Restrictive Practice - Children's Rights Perspective
26.01.16 - 4.02.16	UNCRC Young People's Workshops - Little Flower Secondary School
28.01.16	UNCRC Briefing Seminar - Report on Experience of Roma Young People in NI
12.02.16	UNCRC Presentation - Carrick Grammar School
23.02.16	UNCRC Briefing Seminar - Report on Experience of Young people in Secure Care in NI
23.03.16	Workshop on the Children Order (NI) 1995

POLICY



The focus for CLC's policy work this year has largely been on preparation for the United Nations Committee on the Rights of the Child examination of the United Kingdom government and the devolved institutions in May 2016.

The Children's Law Centre and youth@clc, working in partnership with Save the Children and supported by the Centre of Children's Rights (QUB), prepared and submitted the Northern Ireland Young People's Report and the Northern Ireland NGO Alternative Report, to inform the United Nations Committee on the Rights of the Child's examination of the United Kingdom's compliance with its obligations under the United Nations Convention on the Rights of the Child (UNCRC).

The preparation of the NGO Alternative Report was an extremely inclusive process and was prepared following a series of consultation workshops conducted with a wide range of NGOs and children and young people. Both reports were informed by an online survey of the views of a wide range of children in relation to their rights and by a series of research

workshops carried out with a wide range of children and young people.

The NGO *Alternative Report* was submitted to the UN Committee in June 2015 and highlights a wide range of children's rights issues including in relation to education, mental health, discrimination, the use of TASERS and AEPs, the right to be heard, awareness of rights, stop and search, secure accommodation, homelessness and child poverty.

The *Northern Ireland Young People's Report* found that whilst young people told us through the research that they might be asked for their views on school matters, they do not feel that their ideas and suggestions are routinely taken into account, or acted on in decision making.

The majority of young people surveyed for the Northern Ireland Young People's Report felt they did not know enough about their rights or how to use them and that education on rights should be available to all pupils in all schools in Northern Ireland, available through social media sites and should also be provided through the youth sector

for those young people not in formal education. Young people also raised concerns in relation to the suggested exclusion of under 16s in the proposed Age Discrimination (Goods, Facilities and Services) legislation, the demonisation of children, including in the media, and the lack of mental health provision for children and young people in NI.

In September 2015, Ms Amal Salman Aldoseri, Vice-Chairperson of the UN Committee on the Rights of the Child and Professor Kirsten Sandberg, Rapporteur for the Committee's examination of the UK government, visited Northern Ireland to see first hand some of the issues highlighted in the report. They also met with groups of young people including children from the Roma community and children living in the Lakewood Regional Secure Care Centre.

On 1st October 2015, CLC and Save the Children NI hosted a launch event for both the NGO Alternative Report and Young People's Report to the UN Committee on the Rights of the Child, in the Senate Chamber at Stormont. The event was attended by a wide range of representatives from civil society organisations and public authorities.

On 7th October 2015 the Children's Law Centre and Save the Children provided evidence to the UN Committee on the Rights of the Child's at the pre-session hearing, in advance of the examination of the United Kingdom. The pre-session provided the Committee on the Rights of the Child with the opportunity to prepare for its examination of the UK Government by examining disparities between the NGO and State Party reports. CLC supported a group of young people from Northern Ireland to travel to Geneva to give evidence to the Committee. Their evidence was based on the main findings and recommendations of the Northern Ireland Young Person's report.

To ensure that the voice of children and young people from marginalised communities was heard in the examination process, CLC commissioned two reports on the experiences of the enjoyment of rights by children and young people from the Roma community and children living in secure care. These reports were published in December 2015 and January 2016 respectively and submitted to the UN Committee on the Rights of the Child.

In January 2016 CLC held a seminar with representatives from a wide range of organisations from across the community and voluntary sector and public authorities, to discuss the issues arising from the consultation with Roma young people. The focus of the seminar was on how civil society, public authorities and all those working with and for Roma

children and young people can work together to ensure that the rights of Roma children and young people in NI are promoted and protected. A similar seminar discussing the implications arising from the consultation with children and young people that experience secure care took place in February 2016. Following the Committee issuing a list of questions to the UK government post the pre-session hearing, a significant amount of additional work was undertaken in early 2016 to prepare an Additional Information report for the Committee in response to those questions. The Additional Information report was submitted in April 2016.

CONSULTATION RESPONSES SUBMITTED 2015-2016

- Response to DOJ request for Preliminary Views on Criminal Records Filtering Review Mechanism (May 2015)
- Written evidence to the Education Committee on the proposed SEND Bill (May 2015)
- Response to Public Health Agency on Supporting the Best Start in Life - Infant Mental Health Framework (May 2015)
- Response to NI Policing Board consultation on Policing Plan priorities (July 2015)
- Response to NI Policing Board consultation on EQIA on the Policing Plan 2015-2016 (July 2015)
- Written evidence to the Ad hoc Committee on the Mental Capacity Bill (July 2015)
- Response to CSE Policies and Procedures consultation (Aug 2015)
- Response to NICTS consultation on Proposed Fee Structure for the Court Funds Office (Sept 2015)
- Response to Access NI consultation on statutory guidance for Chief Officers of Police (Sept 2015)
- Response to OFMDFM consultation on proposals for Age Discrimination (GFS) legislation (Oct 2015)
- Response to Consultation on draft guidance for the operation of the Criminal Records Filtering Review mechanism (Oct 2015)
- Response to consultation on Guardianship Regulations (Nov 2015)
- Response to Department of Justice on Mental Health Review Tribunal Rules (Nov 2015)
- CLC Response to COAC Options Paper on Use of Live links for Article 44 Applications (Dec 2015)
- CLC submission to the education committee on the Addressing Bullying in Schools Bill (Jan 2016)

Administration & Finance Unit

The Administrative Team at CLC play a vital role in the everyday running of the Centre and are key in ensuring support structures are in place for future growth.

The Administration team consists of:

Head of Administration & Finance Unit - Helen Rafferty

Receptionist/Admin. Assistants - Sarah McAuley and Karen McAllister (Job sharing)

Supported by Personal Assistant - Stephanie McIlroy (left 18 June 2015)

The Administration team provide essential financial planning and reporting structures, assist with planning of CLC annual events i.e. training calendar, lectures etc. and support the administrative needs of the entire CLC team.

The Administration Unit have been critical in leading the planning and putting key structures in place to facilitate relocation of the Centre planned for late 2016. In addition the Head of Administration and Finance has also led for CLC in partnership with CLC's accountants, the process to enable the Centre to become VAT registered in compliance with revised funding structures. The Head of Administration and Finance has also been critical as part of the Senior Management Team in the preparation of funding contracts and grant applications.

The many challenges throughout the year and planned changes in the year ahead have kept the team even busier than normal; but they have been driven by enthusiasm for future growth and sustainability of the organisation.

CHALKY ADVICE SERVICE

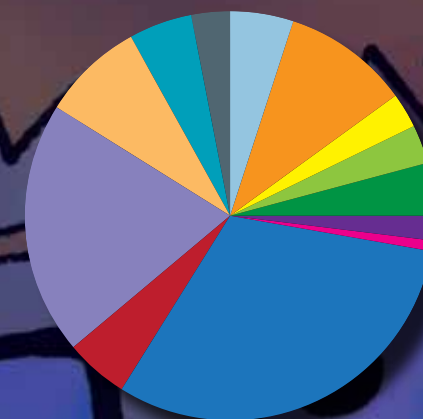
FREEPHONE 0808 808 5678

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/carers and professionals working with children. During the year from April 2015 to March 2016 the service dealt with some 2391 issues.

Issues raised by clients covered the whole range of legal issues throughout a child's life, from the registration of births, family support and parental responsibility to welfare benefits and mental health. Education issues continued to grow as an area of work, accounting for 56% of all issues raised. Special Education is the issue we dealt with most within this category accounting for over 31% of the overall issues total. Other major issues within the Education category included, Exclusions raised 63 times, Admissions, raised 111 times and Discrimination 52 times. Family Law issues accounted for 18% of the total issues with Contact/ Residence issues (234) accounting for just over half the total. The General category accounted for 15% of the total with some of the main issues being Social Security (34), Medical treatment (28), Mental Health (53) and Disability (31). Human Rights and Justice accounted for 3% of the total and the Care category 5%. There were 93 (4%) requests for information during the year.



CHALKY Issues April 2015 - March 2016

Family Law	5%
Contact/Residence	10%
Parental Responsibility	3%
Human Rights/Justice	3%
Information	4%
Mental Health	2%
Social Security	1%
Special Education	31%
Admissions	5%
Other Education	20%
General	8%
Care	5%
Family Support	3%

LEGAL SERVICES *for* CHILDREN *and* YOUNG PEOPLE

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 a broad range of education, 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. We have also experienced a steady rise in requests for specialist legal advice and representation around special educational needs assessments and provision, including children's access to suitable school placements. The following are examples of CLC's legal work during the year.

MENTAL HEALTH PROVISION FOR CHILDREN AND YOUNG PEOPLE

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

In a large proportion of the cases undertaken by CLC, children have been re-graded from detained to

voluntary status following the issue of their appeals.

Given the significant number of cases where the status of the child has been changed from detained to voluntary subsequent to CLC representation, CLC is concerned regarding the appropriateness of the use of detention in respect of some children. Consequently, we continue to monitor this issue.

In some cases, children have continued to be detained following a tribunal review. In such circumstances, CLC has proceeded to assist their families in pursuing community based packages of support following the appeal. Through our involvement in these cases, CLC has significant concerns around delays in discharge planning and provision of suitable accommodation for some children. It is our experience that some children have been and are being subjected to unreasonable delays in leaving hospital and that transition planning is not being effected at an early enough stage. Children are strictly required to leave adolescent units when they reach their 18th birthday and in some cases interim placements in adult facilities have been presented as the only option, even when expert medical evidence strongly recommends community based living.

During this period, CLC has been successful in securing suitable transitional arrangements for community

placements for a number of 17 year olds prior to reaching adulthood.

Transitional arrangements for a bespoke community placement into adulthood

CLC's Mental Health Solicitor has been instructed by a young person's parents. He has represented the family to try to secure an appropriate community based placement for the young person before transition into adulthood. The family were deeply concerned that if arrangements were not confirmed prior to the child's 18th birthday that the young person would be transferred to an adult hospital facility and may never return to live in the community. Such a move would have been contrary to all available medical evidence. Experts working with the young person consistently indicated that it would be in the young person's best interests to be accommodated within the community in accommodation adapted to meet the young person's individual needs rather than in an adult psychiatric hospital. As a result of CLC's intervention in the case, initial temporary accommodation was provided by the Trust with an intensive package of support. The young person was later provided with a permanent home within the community along with a full package of individually tailored support to meet all of his needs.



Specialist residential placement secured for a young person leaving Hospital

CLC acted in the case of a young person who was readmitted to hospital for treatment following a relapse in their mental health. CLC's Mental Health Solicitor was involved in negotiations with the Trust around discharge and transition planning. Adaptations were made to bespoke accommodation within a residential facility. There was a further dispute regarding delivery of weekly therapeutic services as the young person's Trust of origin was unable to provide a clinician who could travel to deliver therapy at the residential facility, which was located in a different Trust area. CLC managed to secure a resolution which meant the Trust of origin agreed to fund a local independent therapist to provide weekly therapy.

Extension of a specialist residential and educational placement into adulthood

The young person has been residing in their current placement for a significant time period and had received SEN educational provision on site. Following negotiations by CLC on the young person's behalf, the Trust agreed to continue to fund this residential placement after the young person reached 18 years. It was also agreed that the educational provision under the young person's statement would also continue until they reach 19 years.

During the year CLC's Mental Health Solicitor was instructed in 5 appeals against the detention of a child under the Mental Health (NI) Order 1986.

Examples of cases in which CLC has acted include:

Appeal against detention

CLC was instructed by a 17 year old patient who was facilitated and supported by CLC's Mental Health Solicitor to give their own evidence at the appeal hearing. Whilst the outcome was that the young person was required to remain a detained patient, the young person was afforded the opportunity to be heard and to have their views taken into account by the panel.

Appeal against detention

This case was conceded by the Trust prior to the hearing date. CLC's Mental Health Solicitor had instructed an independent psychiatrist to carry out an assessment and prepare a report for the purposes of the hearing. The young person had for some time been enjoying overnight home visits and this was working well. The Trust agreed to change the young person's status to a voluntary patient and they were discharged from hospital and returned home shortly afterwards. CLC's Mental Health Solicitor advised the family to request UNOCINI and Carers Assessments to assess if there was any need for family support services. CLC also wrote to the Gateway Team notifying them that the young person had returned home from hospital to ensure all appropriate support could be accessed.

Appeal against detention

CLC's Mental Health Solicitor provided legal advice and support to a 17 year old detained patient and

their parents. The young person wished to have the detention for treatment lifted and had committed to remain in hospital as a voluntary patient and to engage in therapy and treatment towards recovery. The appeal was heard and the young person was facilitated to give oral evidence at the hearing. Direct written evidence from the young person was submitted. Legal submissions were made on the young person's behalf by CLC's Mental Health Solicitor. The patient's rights to liberty and to private and family life under the European Convention of Human Rights were considered and it was decided by the tribunal that no less restrictive option was available taking account of the patient's medical condition and the evidence available. Accordingly, a detention for treatment was proportionate and justified in all of the circumstances.

SPECIAL EDUCATIONAL NEEDS AND DISABILITY

CLC remains the sole provider of free legal representation at SENDIST appeals in Northern Ireland. Many of the children for whom we act in relation to SENDIST appeals present with a complex range of health as well as educational needs. The advices in children's statements usually include reports from educational psychology and may also include advice and recommendations from a wide range of medical professionals working with the children, such as CAMHS consultants, Paediatric consultants, ASD experts, occupational therapists, physiotherapists and speech and language therapists. CLC often engages constructively with a wide range of professionals to ensure suitable provision in a child's statement, to enable them to fully access the curriculum, participate



in inclusive education and reach their full potential. Health and social care professionals, teaching staff, lawyers, voluntary organisations and parents attend SEN training at CLC on a regular basis.

CLC is concerned that as the demand for health and social services increases for a growing number of school children, we are increasingly experiencing barriers to securing specific and quantified health provision within children's statements to ensure their access to education. The lack of a cohesive and coordinated approach between health and education to meet this escalation in demand places greater emphasis on the need for parents to pursue such services for their children through their local Health Trusts. CLC is further concerned by the number of appeals which relate to specification of the provision of adult assistance within children's statements.

The SENDIST representation service at CLC is in exceptionally high demand. Outcomes achieved for children with SEN include the following:

Appeal against content of statement

In this case CLC negotiated agreement on the content of the statement and the case was withdrawn from the SENDIST. The amended statement specified full time one-to-one adult assistance and further description in the statement as to physiotherapy, occupational therapy and speech and language therapy.

Appeal against content of statement

CLC agreed to represent at an appeal against the level of classroom assistance specified within the child's

statement. The statement allowed for specific levels of adult assistance for part of the school day. The parties were able to agree to an Order on consent, providing for specified full time assistance.

Appeal against content of statement

CLC agreed to provide representation at an appeal to SENDIST. Again, this case was in relation to the level of classroom assistance specified in the child's statement. CLC had asked for the statement to be amended to confirm that the child would receive one-to-one provision. The EA issued an amended statement specifying that the child would receive full time one-to-one assistance.

Appeal against content of statement

CLC successfully provided representation at this SENDIST appeal hearing concerning a child with Asperger's Syndrome. The Tribunal ordered that professional advices were to be incorporated into the statement of the child's needs and all updated reports were to be appended to the statement. The statement was also amended to confirm that the child would be provided with a specified level of one-to-one adult assistance.

Appeal against refusal to carry out a statutory assessment

CLC provided representation at the SENDIST. The SENDIST made an Order for a Statutory Assessment, including an assessment and a medical report. During the statutory assessment process the child was assigned a specialist adult assistant by the EA. School

advices to the EA confirmed the positive impact of this support, which decreased the child's anxiety and helped them to cope better with the school environment.

Appeal against content of statement

CLC successfully represented at the SENDIST hearing. The Tribunal Ordered that the statement be amended to include a specified level of dedicated classroom assistance. The statement also provides for an ASD Advisory Service assessment and provision of support and advice to school staff.

Appeal against school named in the Statement

CLC successfully represented at this SENDIST appeal. The child had been placed in a mainstream school by the EA. The Tribunal granted the child a place in a special school, which was the school of first preference for the child's parents.

Appeal against content of statement

CLC successfully provided representation at SENDIST on behalf of a young child with severe sensory impairment. The parents appeal was in relation to the qualifications and experience required by a classroom assistant to meet their child's needs. The appeal was successful and the Tribunal ordered that the EA fund a classroom assistant at a higher grade for a specified number of hours per week, one-to-one support and that this provision be included within the statement.



Appeal against refusal to carry out a statutory assessment

CLC assisted a social worker as corporate parent, in preparing a Notice of Appeal and a detailed case statement to take an appeal to SENDIST on a looked after child's behalf. The EA conceded the appeal and agreed to carry out a statutory assessment.

Appeal against content of statement

This case concerns a young pupil in mainstream primary school with a diagnosis of Autism and severe language and communication needs. CLC entered into negotiations with the EA in respect of the level of adult assistance that the child was receiving in school and the description of the language and communication needs in the statement. An amended statement was issued by the EA including an increased level of quantified provision of one to one adult assistance.

Appeal against content of statement

This case concerns a young pupil in mainstream school with sensory impairment. The child requires adult assistance in school and access to direct teaching support from a qualified specialist teacher. CLC settled the case prior to the SENDIST hearing. A revised statement was prepared securing a quantified level of adult assistance under the child's statement and retention of direct specialist teaching support.

NON SPECIFICATION OF ADULT ASSISTANCE IN STATEMENTS

CLC has become increasingly aware from our

casework of an apparent change in policy by the Education Authority to share adult provision between statemented pupils without advance consultation with their parents and to afford greater flexibility to schools in managing this resource. CLC are concerned that this policy may operate to the detriment of some children with SEN who require a consistent level of support to access education.

CLC issued pre-action correspondence to the Education Authority in relation to non-specification of classroom assistance in two children's cases. Both children had a diagnosis of Autism. One child was in primary school and the other attended secondary school. The issue for the parent of the primary school child is that the child is entitled under a statement to have 'access to adult assistance throughout the school day'. She believed this to mean that he would have access to a dedicated adult assistant and she did not challenge the content of the statement to the SENDIST within the statutory 2 month time limit. It was only after her right of appeal to SENDIST had lapsed that she realised that her child was in fact sharing an assistant with another child in the classroom.

The child in secondary school had enjoyed a full time one-to-one assistant for part of the school year although his statement was non-specific in relation to the number of hours adult assistance allocated. The provision was reduced to part-time and the child's parents were not consulted by the EA in relation to this reduction in service delivery. This had a serious detrimental impact on the child's access to education as well as his general health and wellbeing. His mother reported a significant regression in his

condition and he stopped attending school.

CLC were concerned about continuing breaches by the Education Authority to specify provision in statements in accordance with Article 16 of the Education (NI) Order 1996; failure to consult with parents in relation to the level of provision actually being delivered and any variations to the provision being made on foot of statements.

In both of these cases a settlement has now been reached, with appropriate provision agreed and implemented through specification and quantification in the statements. In one of the relevant EA Offices, all statements are now issued with the level of adult assistance specified, as required by the legislation.

ADDITIONAL OUTCOMES FOR CHILDREN

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

Accommodation and Financial Assistance

- **NIHE Tenancy secured for homeless young person exiting supported accommodation .**

CLC liaised with the NIHE and the Trust on this young person's behalf. The following outcomes were achieved:

- The NIHE agreed to allocate a tenancy a short period prior to the young person's 18th birthday and the Trust agreed to act as guarantor for the tenancy agreement until the 18th birthday.



- The young person moved into a new home and continues to receive support.
- CLC also advocated on behalf of the young person that they would be recognised by the Trust as a 'qualifying child' leaving care (i.e. a young person who has been looked after by the Trust for a period of less than 13 weeks) and would therefore be entitled to ongoing support, including financial support when leaving care. In this case, the young person was seeking to secure a grant from the Trust to assist in setting up a new home.
- The Trust had initially resisted confirming the young person as a Looked after Child. However, the Trust, on examining the matter more closely, concluded that the young person (and importantly others in a similar situation in the future) will be classified as a looked after child (LAC) even if their *only* presenting need is for emergency accommodation under Article 21.
- As a 'qualifying child' the Trust has confirmed that the young person in the current case will be entitled to ongoing support, which incorporates discretionary financial support, subject to assessment.
- **Setting up home allowance secured for a young person leaving care**

CLC negotiated with the Trust to secure a lump sum to assist the young person when moving from a foster placement into independent living.

- **Access to maintenance allowances for eligible children under Article 27 of the Children (NI) Order 1995**
- CLC is concerned that all eligible children should receive their maintenance allowances under this provision. In particular, CLC had observed that children who had been detained patients were not consistently accessing maintenance allowances from their originating Trusts while they were detained patients. In addition to advocating on this issue in individual cases, CLC advised the Trust that we would be monitoring the matter with a view to securing a systemic solution. Since monitoring commenced, back payments of eligible child allowances have been successfully claimed in two more cases.
- In one case, the Trust conceded that the young person had been an 'eligible child' from 13 weeks after the date they were first admitted to hospital. Significant back payments were due and the Trust agreed to pay the entitlement in a one-off lump sum. The young person has since successfully transitioned from hospital and has settled in well to an adult placement in the community.
- The Trust agreed to pay a lump sum payment in respect of a second young person who is a delayed discharge patient. The Trust agreed to make a back payment of maintenance due.

Juvenile Justice/ Bail Accommodation

- **Assistance provided in making a complaint to the Police Ombudsman's Office regarding the**

arrest and detention of a child residing in a Residential Care Home

The complainant was a looked after child residing in a Children's Home. CLC's Advice Worker assisted with a complaint to the Police Ombudsman's Office regarding the young person's arrest and detention by the PSNI. The Ombudsman did not uphold the individual complaint.

CLC had referred in the complaint to the Regional Good Practice Guidance for Police Attendances at Residential Units. It is reported by the Manager at the Children's home, that as a result of the complaint being made, there is a notable difference in how the police are managing allegations and investigations involving young people in the children's home.

In the young person's case, the PSNI had initially indicated that they would be diverted to a Youth Conference and therefore would have a police record for the first time. The young person has since been notified that no formal charges are to be brought.

- **Engagement with a criminal lawyer to secure emergency accommodation from a HSCT for a young person in Woodlands Juvenile Justice Centre (JJC) to enable the child to perfect bail.**

CLC is conscious of and concerned by the numbers of children in the JJC who are unable to perfect bail because they are homeless.

CLC was contacted for advice on behalf of a 17 year old detained young person. Bail was



granted, subject to the Trust providing emergency accommodation as the young person was homeless. CLC spoke to the young person on the telephone and secured permission to contact their criminal solicitor. The solicitor applied for emergency legal aid to proceed with a judicial review against the Trust for its failure to provide emergency accommodation. CLC followed up with the young person's solicitor by e-mailing relevant information supporting the application for judicial review including copies of the relevant judgments in JR66 (in which CLC acted) and MP's Application. The case was resolved on the same day with the Trust offering a suitable emergency placement with a view to a more permanent placement the following week.

- **Emergency accommodation secured for a young person in Woodlands to meet Bail conditions**

CLC supported a second young person from another Trust area to find suitable accommodation to perfect bail. The young person was released from the JJC on bail and was accommodated near home and their family.

Education related matters

- **Resolution of a school transport dispute**

This case concerned a young person who was having a phased integration to a special school. The school was trying to extend the young person's time in school but a difficulty had arisen in relation to accessing transport provision at the later time. Following CLC's intervention, arrangements were

put in place by the EA for individual transport with an escort.

- **School's refusal to admit a pupil into Sixth Form in advance of his GCSE results being attained**

The young person did not receive a letter of invitation to attend interview for Year 13 admission in August 2015 with their peers. The decision by the school to exclude the pupil from Year 13 was made without any consultation with the young person or their parents and without any formal notification of the decision being provided to them.

CLC wrote to the Board of Governors and the Principal outlining CLC's view that the decision taken was not in compliance with the law or procedural rules regarding school expulsion. Further to this, the school's published 'Criteria for Admission to Sixth Form' policy could not have been applied as the young person's GCSE results were not yet available. CLC requested confirmation that the young person would be admitted to Sixth Form provided they met the academic criteria set out within the school admission policy. The outcome was that both a place in Sixth Form and AS subject options were confirmed.

- **Access arrangements agreed for a child with physical disability to attend a mainstream primary school**

This case arose when a child was unable to gain admission to a local mainstream school purely by reason of having a physical disability.

CLC challenged the grounds for refusal of admission, raised concerns about disability discrimination and sought information about how best the child could be accommodated in the various school environments.

Working in collaboration with the EA, CLC were able to resolve the issue and the child was admitted to a local mainstream school.

FAMILY SUPPORT

- **Family Support Package secured for children in need**

CLC was contacted for advice by a mother of a number of children all with a diagnosis of autism and secured support for the family by way of weekly direct payments funded by the Trust.



STATEMENT OF FINANCIAL ACTIVITIES (INCLUDING INCOME & EXPENDITURE ACCOUNT) for the year ended 31 March 2016

	2016 Unrestricted Funds £	2016 Restricted Funds £	2016 Total Funds £	2015 Total Funds £
Income from:				
Donations and legacies	1,295		1,295	20,280
Charitable activities	31,471	496,793	528,264	731,788
Investments	552	-	552	969
Total income	<u>33,318</u>	<u>496,793</u>	<u>530,111</u>	<u>753,037</u>
Expenditure on:				
Charitable activities	17,698	526,968	544,666	695,234
Other expenditure	-	-	-	185,652
Total expenditure	<u>17,698</u>	<u>526,968</u>	<u>544,666</u>	<u>880,886</u>
Net income/(expenditure) and movement in funds	<u>15,620</u>	<u>(30,175)</u>	<u>(14,555)</u>	<u>(127,849)</u>
Reconciliation of funds				
Total funds brought forward	96,341	181,315	277,656	405,505
Total funds carried forward	<u>111,961</u>	<u>151,140</u>	<u>263,101</u>	<u>277,656</u>

BALANCE SHEET at 31 March 2016

	2016 £	2015 £
Fixed assets		
Tangible assets	<u>14,804</u>	<u>17,954</u>
Current assets		
Debtors	15,884	77,990
Cash at bank and in hand	<u>235,236</u>	<u>191,395</u>
	251,120	269,385
Creditors – amounts falling due within one year	<u>(2,823)</u>	<u>(9,683)</u>
Net current assets	248,297	259,702
Net assets	<u>263,101</u>	<u>277,656</u>
Charity funds		
Unrestricted general funds	101,796	86,176
Designated funds	10,165	10,165
Restricted funds	<u>151,140</u>	<u>181,315</u>
Total funds	<u>263,101</u>	<u>277,656</u>

A complete set of the Children's Law Centre audited accounts for 2015/16 is available on request.



INCOME

	2016 Unrestricted Funds £	2016 Restricted Funds £	2016 Total Funds £	2015 Total Funds £
Income from donations and legacies				
Donations	<u>1,295</u>	<u>-</u>	<u>1,295</u>	<u>20,280</u>
Investment income				
Bank interest	<u>552</u>	<u>-</u>	<u>552</u>	<u>969</u>
Income from charitable activities				
Grants receivable				
Department of Health, Social Services and Public Safety	-	71,969	71,969	71,969
Health & Social Care Board	-	115,635	115,635	113,779
Atlantic Philanthropies	-	210,000	210,000	230,000
Public Health Agency	-	-	-	4,990
Atlantic Philanthropies - Children's Rights Coalition	-	-	-	144,000
Big Lottery Fund	-	7,905	7,905	-
OFMDFM	-	-	-	40,961
Department of Education	-	50,000	50,000	12,000
Xchange CO3	-	7,500	7,500	7,500
BBC Children in Need	-	26,790	26,790	15,510
American Ireland Fund	-	6,994	6,994	-
St Anne's Cathedral Belfast	800	-	800	-
Other income				
Income from legal work	11,735	-	11,735	82,784
Membership and training	18,766	-	18,766	8,295
Sale of publications	170	-	170	-
	<u>31,471</u>	<u>496,793</u>	<u>528,264</u>	<u>731,788</u>
TOTAL	<u>33,318</u>	<u>496,793</u>	<u>530,111</u>	<u>753,037</u>