

## **8. CASEWORK POLICY**

### **INTRODUCTION**

The Children's Law Centre is an independent charity which was established in September 1997 with the aim of helping children, young people, their parents and professionals work with and understand the law relating to children and young people in Northern Ireland.

The Children's Law Centre provides free and impartial legal advice to children and young people in N Ireland. We do this by operating a tiered (3 tiers) advice system and accepting referrals of clients from our member organisations in N Ireland. We also operate a freephone advice service for children and young people and REE Rights Responder, an online legal chatbot that answers questions about rights for young people under 18 in Northern Ireland. We employ three practising solicitors, including the Head of Legal Services; a trainee solicitor, a qualified barrister who is employed as SENDIST Representative; an Advice Manager and two Advice Workers (8 staff in total in the legal team). CLC's Director is also a qualified barrister. We have been granted a waiver from the Law Society of N Ireland and this means that in certain cases our solicitors have a right of audience before the courts and can apply for legal aid on a client's behalf. All members of CLC's legal unit have rights of audience at tribunal proceedings. It is important to note however, that there are many types of cases in which the Children's Law Centre cannot provide representation and, in these cases, we will operate our referral policy.

The Casework Policy outlined below clarifies the strategic casework areas in which the Children's Law Centre will consider formal representation of a client. It must be noted that although the Children's Law Centre provides free representation, it does not have a casework budget and is therefore incapable of funding individual cases. Unless it is a case which is taken by the Children's Law Centre in its own name, CLC will only therefore represent in cases as follows:-

1. Which are legally aided or otherwise funded
2. Which do not involve any outlay (e.g. medical reports etc) for the Children's Law Centre
3. Which do not present a risk to the client in respect of a cost awards against them in relation to a non-legally aided client (unless the client is prepared to accept the risk of costs and has done so in writing)
4. Financial risk management is exercised in all cases undertaken by the Children's Law Centre

In determining what case work we accept, the Children's Law Centre will not discriminate on grounds of race or ethnic origin, gender, marital or family status, disability, nationality, age, sexual orientation, birth or any other status.

So far as possible, the Children's Law Centre will take instructions from the child or young person, subject to maturity and understanding.

### **REFERRAL POLICY**

The Children's Law Centre will only represent in test cases which fall within the remit of the casework strategy. Strategic casework areas are reviewed on an annual basis.

The Children's Law Centre operates a referral service to the Law Society Accredited Children's Panel of solicitors in private practice. The Children's Law Centre has also developed a small panel of solicitors to deal with referrals of education cases and

immigration cases. The Law Society of Northern Ireland have approved these referral arrangements.

## **CONFLICT OF INTEREST**

The Children's Law Centre will not advise a person in circumstances where a conflict of interest has arisen, for example, where another party has already sought advice in the same matter. Where a conflict of interest arises between a parent/carer and a competent child, the Children's Law Centre will act for the child and will advise the parent/carer to get separate legal advice (see Conflict of Interest Policy in CLC Employee Handbook).

## **MEDIA**

Whilst your/your child's case is actively before the courts, CLC would generally advise you not to engage in any discussion of the case in print, broadcast or social media platforms as there is a risk that such media commentary may adversely affect the outcome of you/your child's case. If you wish or intend to engage with the media in any format it is a requirement of CLC's representation policy that you seek CLC's advice before doing so. In some cases, it may be appropriate for a media strategy to be developed in consultation with your legal representative at CLC. CLC will advise and support you on any decisions relating to print, broadcast or social media engagement throughout your/your child's case. If you do not seek CLC's advice or fail to follow our advice relating to media engagement in any format, CLC may have to consider withdrawing legal representation.

## **REFERRING A CASE TO THE CHILDREN'S LAW CENTRE**

The preferred method of referral is for a member or partnership agency to refer a child or young person, parent/carer or adult acting for the child to the Children's Law Centre. The member or partnership agency should advise the child or young person and/or their parent/carer to contact the Children's Law Centre and provide details of the case to enable a formal decision to be made as to whether the case falls within the casework remit of the Children's Law Centre.

The Children's Law Centre will also accept referrals directly from the Advice Manager / Advice Worker or another member of CLC staff who has been contacted by a child/young person or a parent/carer/adult acting on their behalf.

## **STRATEGIC CASEWORK AREAS**

There are five main strategic casework areas at present in the Children's Law Centre and these are as follows:

1. The Right of the Child to a Practical and Effective Education

2. Children's Rights and Child and Adolescent Mental Health
3. The Right of the Child to Access Services under the Children (NI) Order 1995
4. The Rights of asylum seeking and refugee children in contingency hotels and dispersal accommodation to access support services
5. Equality and Discrimination

## **CRITERIA**

The Children's Law Centre is restricted in relation to the number of cases it can undertake due to limited resources and time commitment of staff and for this reason reserves the right to prioritise cases within the strategic framework and at the discretion of the Head of Legal Services and the Director. In determining priority, the key issues which will be considered are:

### **Stage 1**

- Whether the case raises an issue of law which requires clarification or involves an egregious breach of human rights
- Whether the case raises an issue of public policy which if positively defined would help not only the child or young person in question but also other children and young people
- Whether a successful outcome would have a positive impact more widely in relation to the promotion of children's rights

### **Stage 2**

- Whether the case has a reasonable prospect of success
- The ability of a solicitor in private practice to meet the needs of the client and secure funding for the case
- Whether the Children's Law Centre has the resources to represent in a case
- Any other circumstances which are considered to be relevant to the case

If the case is refused, the applicant can make representation to the Director and the Director's decision is final, although the Complaints Policy for legal service users can be invoked if the applicant is still dissatisfied.

## **ADVICE AND INFORMATION**

The above casework policy relates only to REPRESENTATION by the Children's Law Centre.

The Children's Law Centre also operates a freephone advice line and REE Rights Responder chatbot for the purposes of providing legal advice and information. The advice line deals with all queries relating to children and young people and the law in NI. Queries are not limited to the categories defined above. The Children's Law Centre has a separate Advice and Information Policy which should be read in conjunction with this Casework Policy.