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The legal needs of children and young people in Northern Ireland: the views of young people and adult stakeholders

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BECAUSE CHILDREN HAVE RIGHTS

The Legal Needs of Children and Young People
in Northern Ireland: the views of young people
and adult stakeholders

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We are exceptional

The Legal Needs of Children and Young People in Northern Ireland: the views of young people and adult stakeholders

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Contents

Executive Summary	4
Acknowledgements	9
Abbreviations	10
1. Introduction	11
2. Research Methods	21
3. Young People’s Advisory Group	31
4. Findings - views of adult stakeholders	39
5. Findings - views of children and young people	66
6. Findings - survey of young people	98
7. Conclusions	111
Appendices	113

Executive Summary

Introduction

- The overall aim of this research was to enable the Department of Justice to inform itself about the need for legal services for children and young people in Northern Ireland.
- The research sought to explore the following issues: the nature and extent of the legal needs of children and young people; the extent to which these legal needs are being met; barriers to children and young people accessing legal advice, information and representation; potential solutions to these barriers; and potential future mechanisms for meeting identified legal needs of children and young people.
- The views expressed in this report are the views of the adults and young people who were interviewed during the research. They are not intended to be representative of the experience of all young people or the views of all adult stakeholders. The views of the young people should be understood as relating to the individual context of the young person offering their perceptions of their own experience.

Research methods

- Data collection involved four sources: a review of relevant literature and existing data in relation to children and young people's legal needs in Northern Ireland; semi-structured interviews and a focus group with adult stakeholders (n=26) drawn from a range of relevant organisations (n=19); focus groups interviews with a diverse range of children and young people (n=91) from across Northern Ireland; an online survey of young people (n=426) across post-primary schools in Northern Ireland.
- A video message from the Minister of Justice was shown to the young people at the start of the focus groups and embedded at the beginning of the online survey, which explained the purpose of the research and the importance of their views. Young people responded very positively to this.
- A key feature of the research was the involvement of a Young People's Advisory Group (hereafter, the YPAG) who worked as co-researchers throughout the research process. In particular they assisted the Queen's research team in developing the research instruments to be used with other children and young people, in analysing and interpreting the research findings from the focus groups with young people and in providing insight on the results from the survey of young people.

Adult stakeholder views

- Highly specialist knowledge and skills are needed to meet the legal needs of children and young people, to an extent not adequately recognised by all members of the legal profession. While there are many examples of good practice in all branches of the profession, with dedicated and skilled solicitors, barristers and judges meeting the legal needs of children and young people, the number of lawyers who have the relevant knowledge of children's rights, specialist skills needed and appropriate attitude is too small. As a result, the legal needs of children and young people frequently remain unmet.
- Children and young people are too often left ill-informed about their legal circumstances due to factors including insufficient time spent by lawyers and inappropriate communication on the part of the legal profession. Further, delays constitute a major barrier to meeting the legal needs of children and young people.
- Progress has been made by the judiciary in Northern Ireland in implementing the right to participation and hearing the voices of children and young people in legal decisions which affect them. However, provision for independent representation for children and young people in family proceedings is needed to effect this right.
- Adequate funding for solicitors in voluntary sector organisations and legal aid practices is essential to provide sufficient time for specialist advice and representation to meet the legal needs of children and young people.
- Accreditation requirements for solicitors, barristers and judges working with children and young people in all areas of law would ensure appropriate professional standards and reduce the extent of unmet need.

Young people's views

- Young people involved in the focus groups emphasized their need to be treated with respect and to have their views sought, listened to and acted upon in matters relating to the legal issues they may have.
- Young people indicated that they require legal advice and representation from lawyers who have the legal specialism required and the necessary skills to communicate effectively with children and young people. In particular they want to be kept informed about proceedings and the decisions being made and for lawyers to be honest in relation to potential outcomes.

- Young people do not always feel that their needs and concerns are prioritised by the adults working for them.
- Resonating with the adult stakeholder views, the main areas of unmet legal need, as identified through the focus groups relate to policing, standard of communication with lawyers, extent to which young people’s participation rights are respected, young people’s ability to exercise their rights, delays in court proceedings and in accessing solicitors and the impact of detention on access to mental health support.
- A primary barrier to meeting the legal needs of children and young people is their acute lack of awareness of the legal rights, legal issues in general and how to access advice and information (identified through the focus groups and in the survey). In addition, the lack of recognition of young people as rights-holders, in particular in relation to their participation rights, has implications for their access to justice across a wide range of legal issues.
- Notably the young people were keen to identify potential solutions to these barriers and unmet needs, focusing on two main themes: training for lawyers; educational and awareness raising programmes for young people in relation to legal issues in general, and relationships with police in particular.
- The results of the online survey suggest that the respondents knew very little about these legal issues. Just over one quarter (27%) identified correctly that the age of criminal responsibility is 10 years while fewer than ten per cent knew the correct answer to each of the other four questions. Eight per cent of respondents knew how many hours a young person could work and eight per cent knew the maximum total number of days a young person can be suspended from school during one school year. Four per cent correctly identified the shortest length of time an ASBO can be given for and just 2 per cent were aware of the age at which a young person can get a part-time job.
- The most common legal issues experienced by the young people surveyed were buying items that were faulty (79%), having poor or bad service (79%), having noisy neighbours (45%), being spoken to by the police (39%) and being bullied (30%). Fewer than 10 per cent of young people had ever had issues relating to having to get help in school because of a special educational need (9%), feeling treated unfairly by an employer in a part-time job (5%); being involved in legal issues about care, fostering or adoption (4%), being sacked from a part-time job (4%), having to deal with immigration issues (3%) or being expelled from school (1%). Overall, 19 per cent of the young people surveyed said they had experienced a ‘legal need’.

- Young people who were entitled to free school meals (a proxy indicator for socio-economic status) were significantly more likely than those who were not to say they have experienced a range of issues including having noisy neighbours, having been spoken to, or treated unfairly, by the police and being bullied.
- Of the young people who had experienced a legal need 42 per cent felt their need had been met.
- Young people surveyed indicated a number of ways in which they wanted to learn about their legal rights: in school through the curriculum; having access to information and advice online. This reflected the views of the young people in the focus groups.
- Young people surveyed suggested that the 'ideal adult' in the legal system should be professionally capable, have a caring personality, have experience with young people, and recognise young people as rights holders (i.e. seek, listen to and act on their views). This resonated with the views of the young people in the focus groups.
- Young people surveyed suggested that the Department of Justice should be proactive in consulting young people and educating them about legal issues (through face-to-face consultations and presentations in school and community settings); and also provide online, interactive mechanisms through which to consult young people.

Conclusions

- Children and young people's legal needs are as varied and diverse as children and young people themselves and are affected by their age, ethnicity, gender, socio-economic status, family circumstances and sexual orientation etc.
- The vulnerability of children and young people and their relative dependency on adults brings about specific legal needs, such as, *inter alia*: accurate assessment of competence; appropriate communication skills for adults engaging with children and young people; the recognition of children as rights-holders with the particular right to have their views sought, listened to and taken seriously; adequate time for cases so that meaningful consultation can occur at each stage of the legal process; need for legal specialism in relation to the issues faced by children and young people; age appropriate treatment by police; child friendly facilities and age appropriate court proceedings.
- In relation to unmet legal needs, evidence from adult interviews and focus groups with children and young people suggests that for some young people their needs are

not being met. These legal needs are not confined to youth justice matters but span a wide range of issues. The findings from the survey indicate that for some young people their legal needs *are* being met, and that these young people are content with the processes through which this occurred.

- Adults and young people agree that a fundamental barrier to meeting the legal needs of children and young people is the lack and knowledge and understanding of legal rights on the part of young people (and to an extent, their parents/guardians). Notably, adults pointed to a related ‘lack of confidence’ in young people accessing legal advice; young people on the other hand emphasised a ‘lack of confidence’ in relation to safely exercising their legal rights, for fear of repercussion, and a ‘lack of willingness’ to exercise rights because they felt it would make little difference. A further barrier to young people’s legal needs being met was the failure on the part of some adults to recognise young people as rights-holders. This was most acute in relation to young people’s participation rights. Finally, there was agreement in relation to the impact of delay and inappropriate detention, particularly in relation to access to support for mental health problems.
- Where adults emphasised the need for professional standards in relation to legal representation of children and young people, young people emphasised the need for training.

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- The young people who completed the survey.
- The schools and teachers who facilitated the administration of the survey.
- The adult stakeholders who provided detailed insight into the legal needs of children and young people in Northern Ireland.
- The young people who took part in the Young Person's Advisory Group (YPAG), who provided a valuable input into the design of research instruments and to the interpretation of data.
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Abbreviations

CRC	Convention on the Rights of the Child
DEL	Department for Employment and Learning
DENI	Department of Education
DHSSPS	Department of Health, Social Services and Public Safety
ECNI	Equality Commission Northern Ireland
FSME	Free School Meal Entitlement
KLT	Kids' Life and Times survey
KS 3	Key Stage 3
KS 4	Key Stage 4
LLW	Learning for Life and Work
NCB	National Children's Bureau
NICCY	Northern Ireland Commissioner for Children and Young People
NICEM	Northern Ireland Council for Ethnic Minorities
NIGALA	NI Guardian Ad Litem Agency
NIHRC	Northern Ireland Human Rights Commission
NILSC	Northern Ireland Legal Services Commission
NISRA	Northern Ireland Statistics and Research Agency
NSPCC	National Society for the Prevention of Cruelty to Children
PDMU	Personal Development and Mutual Understanding
PSNI	Police Service of Northern Ireland
SEN	Special Educational Need
SENAC	Special Educational Needs Advice Centre
VOYPIC	Voice of Young People in Care
YLT	Young Life and Times survey

1. Introduction

The purpose of this report is to inform the Department of Justice, and other relevant organisations, about the need for legal services for children and young people in Northern Ireland.

This section begins with a definition of the term ‘legal need’ in relation to issues pertinent to children and young people, the ways through which these legal needs are currently met and a synopsis of relevant international human rights standards. Further, this section provides an overview of the extent of legal needs of children and young people, with reference to relevant literature and statistics in relation to the diverse range of young people in Northern Ireland, and the effect this may have on potential legal needs. It concludes with a statement of the aim and objectives of the research project.

1.1 Context

1.1.1 Defining legal need

A legal need has been defined as follows:

‘A legal matter experienced by an individual that raises legal issues, whether or not it is recognised by the respondent as being ‘legal’ and whether or not any action taken by the respondent to deal with the event involved the use of any part of the civil justice system.’¹

The variety of issues on which children and young people may have legal needs ranges from education (including exclusions and provision for special educational needs), mental health and discrimination of all forms to family matters, care proceedings, employment problems, social security, housing, criminal law and policing. The ways in which these legal needs are currently met include:

- Initial advice;
- Representation through internal appeals and complaints procedures or correspondence on their behalf;
- Tribunal representation (for example re school exclusion, discrimination, special educational needs, social security, mental health detention and treatment,

¹ H. Genn (1999) *Paths to Justice: What People Do and Think About Going to Law*, Oxford: Hart Publishing, p.12.

immigration and asylum appeals or employment), for which Legal Aid² funding may not be available or may be limited;

- Criminal justice defence representation by solicitors and /or barristers where a child is in police custody, under investigation for offences, cautioned, charged, tried or sentenced, as well as issues while in detention, ranging from police station representation, juvenile court, high court and further appeals;
- In respect of care and family matters, generally the Magistrates or County Courts;
- Judicial Review proceedings in the High Court to challenge decisions of public bodies such as schools, health and social services authorities, departmental bodies or councils;
- Appeals (both on behalf of a child or young person or appeals brought against them) on many of these issues would then involve hearings in the Court of Appeal, the Supreme Court or the European Court of Human Rights.

1.1.2 International human rights standards

International human rights law gives children and young people a number of rights in relation to access to justice in this context.³ The United Nations Convention on the Rights of the Child (CRC), in particular, affords to children the right to seek and receive information, their best interests to be a primary consideration and their views given due weight in all matters affecting them.⁴ Further, under Article 6 of the European Convention on Human Rights children have a right to a fair trial. In addition, detailed guidance on what constitutes ‘child-friendly justice’ has been agreed by the Committee of Ministers in the Council of Europe.⁵ This defines child friendly justice as follows:

‘ ... justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and understand proceedings, to respect for private and family life and to integrity and dignity.’⁶

The guidelines contain core principles for implementation that place emphasis on, *inter alia*: access to information and advice in a manner adapted to their age and maturity, in a language they can understand; training for professionals in communicating with them at all stages of development, including children in situations of particular vulnerability; the right to legal representation with legal aid under the same or more lenient conditions than

² See Appendix 7 for detailed overview of the position regarding legal aid in Northern Ireland

³ For a comprehensive review of the international standards in the area of youth justice, see K. Marshall (2011) *International Obligations and Extracts from Sources*. Belfast

⁴ United Nations (1989) *United Nations Convention on the Rights of the Child*, Geneva: United Nations.

⁵ Committee of Ministers (2010) *Guidelines of the Committee of Ministers of the Council of Europe on Child Friendly Justice*, Strasbourg: Council of Europe.

⁶ Note 4. para. 1(3)

adults; and proceedings conducted in child-friendly environments and in child friendly language.

1.1.3 The extent of young people’s legal needs in Northern Ireland

The Northern Ireland Legal Services Commission (NILSC) commissioned a Survey of Legal Needs under Article 6 of the Access to Justice (NI) Order 2003. This was intended to be comparable with the English and Welsh Civil and Social Justice Survey.⁷ The literature review was presented in 2004, followed by an Audit of Legal Need in Northern Ireland, published in 2005 and 2006.⁸ This assessment focused exclusively on adults without reference to the specific needs of children and young people in Northern Ireland, and was limited to civil matters. A scoping exercise was then conducted in Northern Ireland on the legal needs of children and young people as perceived by key service providers.⁹ This suggested that children and young people had limited awareness of their rights and that service provision varied depending on the area of legal need (with family and youth justice issues better served than issues such as social welfare and immigration and education, mental health and disability falling midway). Service providers emphasised the need for better information and awareness about legal issues and access to support and for children and young people to be involved in court processes and to have independent representation. The scoping study did not involve speaking to children and young people themselves about their perceived needs or experiences.

Legal needs of young people in England and Wales

Data collected from the 2010 wave of the Civil and Social Justice Panel Survey in England and Wales was analysed in relation to the legal needs of young people aged 16-24 years.¹⁰ This established that the needs of this group are more frequently un-met than the legal needs of the adult population as a whole; that certain groups of young people (such as lone parents, victims of crime and those with disabilities) were more likely to experience civil legal problems; and that young people were least likely to have received formal legal advice and more likely to have handled the problems alone. In contrast, where formal advice had been sought, 62% saw an improvement in their life circumstances, compared to 42% in the case of older respondents. Moreover, the implications of receiving advice amplify when the

⁷ P. Pleasence et al (2011) *Civil Justice in England and Wales*, London: Legal Services Commission and Ipsos Mori. <http://www.justice.gov.uk/downloads/publications/research-and-analysis/lsrc/2011/civil-justice-wave1-report.pdf>; P. Pleasence, N.J. Balmer, A. Patel and C. Denvir (2010). *Civil Justice in England and Wales: Report of the 2006-2009 English and Welsh Civil and Social Justice Survey*. London: Legal Services Research Centre. <http://www.justice.gov.uk/downloads/publications/research-and-analysis/lsrc/2008/2007CSJS.pdf>

⁸ T. Dignan (2006) *Northern Ireland Legal Needs Survey*, Belfast: NI Legal Services Commission <http://www.nilsc.org.uk/uploads/publications/documents/Legal%20Need%20Survey.pdf>

⁹ Kilpatrick and Cronin (2010) *Legal Needs of Children and Young People in Northern Ireland: Scoping Study*: Institute of Child Care Research, Queen’s University Belfast.

¹⁰ The number of respondents under 18 was 32 and those 18-24 was 200. See P. Pleasence (2011) *Civil Legal Problems: Young People, Social Exclusion and Crime*, London: JustRights.

young people involved are either young offenders or young victims of crime: unresolved civil justice issues appear to increase the risk of re-offending and young people in trouble with the law are less likely to obtain advice than other young people.¹¹ This finding is consistent with research in Northern Ireland that indicates that young people involved in crime have much higher levels of communication and development disorders than other young people, a finding which suggests that they will experience additional difficulties resolving legal issues that arise in their lives.¹²

Legal needs of young people in Northern Ireland

Since the publication of the 2010 scoping study on the legal needs of children and young people, there have been several relevant policy and practice developments within Northern Ireland, most notably the Access to Justice Review to which this study relates¹³ and the Youth Justice Review.¹⁴ The latter included some consultation with young people¹⁵ as did the Department's review of strategies for reducing offending.¹⁶ There have also been reviews of service provision for particular groups of children and young people such as those with special educational needs (SEN)¹⁷ and in relation to specific interventions such as the youth engagement clinics¹⁸ that have sought the views of children and young people on issues related to their legal needs. However, in general there continues to be a limited amount of information on children and young people's legal needs and access to legal information and support and even less information on their direct views and experiences.

While there is limited statistical information on the nature and extent of legal needs of children and young people in Northern Ireland, insights can be gleaned from existing data sources in relation to specific groups of children and young people who may present with a range of diverse legal needs. For example, children can have legal needs in relation to their experience of crime and victimisation; expulsion, suspension from school; SEN; disability and mental health; parental divorce and separation; care etc. Further, in relation to youth justice, according to a recent report, in any one year up to 10,000 young people (aged 10 to 17 years) come into contact with the Department of Justice, representing approximately 5

¹¹ Kenrick, J (2011) *The Outcomes and Impact of Youth Advice – the evidence*, London: Youth Access.

¹² See the briefing given to the Justice Committee of the Northern Ireland Assembly on Speech, Language and Communication Needs among Offenders, Victims and Witnesses: Briefing from the Royal College of Speech and Language Therapists/Youth Justice Agency [http://www.niassembly.gov.uk/Documents/Official-Reports/Justice/2013-2014/130912_Individualswithcommunicationdifficulties\(RCSLTbriefing\).pdf](http://www.niassembly.gov.uk/Documents/Official-Reports/Justice/2013-2014/130912_Individualswithcommunicationdifficulties(RCSLTbriefing).pdf)

¹³ Department of Justice (2011) *Access to Justice Review Northern Ireland*, Belfast: Northern Ireland Courts and Tribunal Service. <http://www.courtsni.gov.uk/en-GB/AboutUs/A2JReview/Pages/default.aspx>

¹⁴ Department of Justice, (2011) *A Review of the Youth Justice System in Northern Ireland*, Belfast: DOJNI. <http://www.dojni.gov.uk/youth-justice-review>

¹⁵ There was consultation with one group through the NI Youth Forum.

¹⁶ Department of Justice (2012) *Reducing Offending: Towards a Safer Society* Belfast: DOJNI. There was a separate consultation document for children and young people.

¹⁷ Department of Education, (2010) *Every school a good school – the way forward for special needs and inclusion*, Bangor: Department of Education http://www.deni.gov.uk/review_of_special_educational_needs_and_inclusion.htm

¹⁸ Department of Justice, (2013) *Speeding up Justice: evaluation of youth engagement clinics*, Belfast: DOJNI. This included exit questionnaires with 40 young people and direct interviews with 10.

per cent of the total population of young people in this age group¹⁹ (Appendix 1 provides a more extensive overview of statistics in relation to the issues highlighted above).

Children and young people's legal needs are thus as varied and diverse as children and young people themselves and are affected by their age, ethnicity, gender, socio-economic status, family circumstances and sexual orientation etc.

1.1.4 The extent of advice sought in relation to young people's legal needs in Northern Ireland

Insight into the extent of the legal needs of children and young people in Northern Ireland can also be gleaned from the issues around which advice is being sought. Existing data in relation to this suggest that young people who have sought advice experience a wide range of legal issues and that these vary considerably depending on the issue and the young people themselves. Seven organisations supplied data relating to advice and enquiries for this report: Children's Law Centre (CLC), Disability Action, Equality Commission Northern Ireland (ECNI), Mencap, Northern Ireland Commissioner for Children and Young People (NICCY), Northern Ireland Legal Service Commission (NILSC) and Voice of Young People in Care (VOYPIC). Between them they recorded approximately 4,800²⁰ enquiries between April 2012 and March 2013.

Children's Law Centre

There were 2054 issues raised with the Children's Law Centre's CHALKY advice and information service between April 2012 and March 2013, which is the largest number of issues reported across the four organisations. Issues are captured in six broad categories, Care, Education, Family Law, General, Human Rights and Justice and then within sub-categories within these broad categories. The breakdown of issues within the broad categories was as follows:

- Education - 780 (37.97%)
- Family Law - 637 (31.01%)
- General 437 - (21.27%)
- Care - 106 (5.16%)
- Human Rights - 21 (1.02%)
- Justice - 73 (3.55%)

¹⁹ DoJNI: <http://www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/review-of-youth-justice---large-print-version-of-report.pdf>

²⁰ ECNI received over 3,000 calls between 1/4/12 and 31/3/13; however, no information is recorded at this stage on age etc. Callers with issues not related to discrimination are sent to other organisations. Ten cases relating to children/young people were handled by ECNI, eight of which related to education.

Disability Action

Data that are available for children and young people relate to two areas: advice and information; and human rights advocacy. The figures supplied by Disability Action for these two areas are set out below. Information on a further topic, employment advocacy, is collected but age is not recorded. No data on the outcomes of the contact relating to advice and information are recorded; however, outcomes are recorded in relation to human rights advocacy.

There were 530 contacts classified as 'Advice and Information' (212 from children under the age of 16 and 318 from those aged between 16 and 25 years). The type of information sought mainly related to benefits and other financial issues, followed by education and training queries. As might be expected, among the 16 to 25 year olds, most of the queries came from the young person themselves (287), 10 came from their carer and the rest from a variety of sources including other organisations. For the younger children, the largest number of queries came from 'other' (77) another unit within Disability Action (52) and 15 from carers. The remainder came from other organisations. No queries came from the child him/herself.

In relation to 'Human Rights Advocacy', age data are recoded in two ways – 0 to 17 and 18 to 25 years. In total, between April 2012 and March 2013, there were 11 queries from the former and seven from the latter. Of the information sought by/for the 0 to 17 year olds, six related to SEN and five to health care or social support. Three queries by/for the young people aged 18 to 25 years related to SEN, two to criminal justice, one to family access and one was not recorded. Ten enquiries came from the carer of children aged 0 to 17 years and 5 came from the child him/herself. Among the older age group, five enquires came from the carer and the other two were from the young person him/herself. The main outcome was that advice was given in response to 13 enquiries; meetings were arranged in 3 cases and the other two cases were referred to an outside agency or 'disengaged'.

Equality Commission Northern Ireland

The Equality Commission recorded over 3,000 calls between April 2012 and March 2013. However, no information is recorded on age at this stage. Enquiries which are not related to discrimination are re-directed to other organisations. Ten cases relating to children were handled by ECNI in the year from April 2012 to March 2013, eight of which involved education issues, one involved age discrimination and one race discrimination.

Mencap

The data supplied by Mencap came from records taken via the Helpline/Information Officer and from two Community Based Advisors in the Northern and Southern Trust. Figures were not available for the Northern Trust.

There were 134 enquiries recorded by the Helpline/Information Officer and the age range included on the database supplied ranges between 0 and 25 years. The majority of the enquiries came from family members (79) followed by Social Services (20). There was a broad range of information sought including education and training (22), sport and leisure (24) and Mencap (25). In the majority of cases, information was provided (95) or the enquiry was referred on (21).

There were 61 enquiries recorded by the two Community Based Advisors. All enquires came from relatives/carers. Thirty eight requests for information related to benefits the remainder split across a range of issues including education and health. All enquiries related to children under the age of 18 years. In 33 cases advice was given, 26 resulted in a home visit and two in a meeting.

Northern Ireland Commissioner for Children and Young People

During the period from April 2012 to March 2013, NICCY had 369 new enquiries categorised as follows:

- Discrimination - 33
- Equal access to appropriate services - 88
- Government keeping its promises - 8
- Stereotyping - 1
- Children having their say - 13
- Play and leisure - 12
- Bullying - 25
- Child abuse - 15
- Community safety - 6
- Wellbeing and mental health - 23
- Not applicable - 145

The 'not applicable' category encompasses cases which do not fall neatly within the other categories or which fall outside our legislative remit, for example private and public family law proceedings or complaints against Police Service for Northern Ireland (PSNI). The 'equal access to appropriate services' includes education cases (special educational need/suspensions/expulsions), which NICCY say is its biggest area. No information is

currently available on the outcomes of the enquiries although NICCY is currently having a new management information system developed and is hopeful it will be much more effective in gathering statistics in the future.

Northern Ireland Legal Service Commission

There were 1,227²¹ enquiries to NILSC during the period from April 2012 to March 2013. The vast majority (865) of enquiries related to the Police and Criminal Evidence (PACE) Act, 58 to criminal matters, 53 to criminal charges, 51 to negligence, 42 to road accidents, 28 to SEN and 25 to criminal injury. The remainder included issues relating to children order, education, benefits and injunctions. The majority of enquiries to NILSC related to 12 to 16 year olds (1070), 99 related to children aged 6 to 11 years and 58 to children aged 0 to 5 years.

VOYPIC

VOYPIC provided individual advocacy to 370 children and young people (389 cases) across Northern Ireland. Placement was the most common presenting issue. Other issues included access to services/entitlement and Looked after children support and care planning. During the period April 2012 to March 2013, VOYPIC reported that 224 cases with children and young people were closed. Of these, 72 per cent were fully resolved and 12 per cent were partially resolved. Of those that were unresolved, VOYPIC notes that this could be because the advocacy issue may not be in the best interests of the young person. Overall, VOYPIC notes that the majority of children and young people in contact with it can resolve the majority of their issues at a local level with the support of an advocate.

1.1.5 Children and young people's awareness of their legal rights

It must be noted that existing data provide only a partial picture of the extent of legal need since a legal need includes circumstances in which the individual with a problem or issue for which they could seek legal remedies might not perceive his or her situation in this way and might not be aware of the potential for legal assistance or redress. Thus, awareness among children and young people of their legal rights, remedies and the availability of advice and representation is essential in increasing the extent to which their legal needs are met.

The NILSC scoping research (noted above) with existing service providers indicated that there was a significant lack of understanding and awareness of their rights among children and young people. Current access to information on legal rights appears to be limited.

²¹ The database sent by NILSC noted that 30 files were excluded due to data inputting errors.

Furthermore, provision within the statutory Northern Ireland curriculum in relation to legal rights is very limited.²² The main curricular vehicle for addressing such societal issues is ‘Personal and Mutual Understanding’ (PDMU) in the primary curriculum and ‘Learning for Life and Work’ (LLW) in the post-primary curriculum. The statutory content for PDMU makes no specific reference to legal issues or children’s legal rights. In the Key Stage Three (KS3, age 11 to 14 years old) curriculum for LLW reference is made within the ‘Citizenship’ component of this area of learning to *‘rules and laws’*. In particular, young people are required to *‘investigate why rules and laws are needed, how they are enforced and how breaches of the law affect the community’*. Issues relating to *‘age related law’* and *‘the young person in the criminal justice system’* are presented as examples to be studied only; they are not statutory requirements. In the ‘Personal Development’ component of LLW brief reference is made to *‘the Law’* in relation to early sexual activity. Again, this is not statutory requirement, rather an example of what might be studied. Therefore there is no statutory requirement at KS3 for young people to learn about their legal rights. At Key Stage Four (KS4, age 14 to 16 years old), the statutory LLW curriculum makes reference within its ‘Employability’ component to *‘the rights and responsibilities of employees and employers’* but only in relation to *‘the recruitment and selection process’*. Further detail as to what this may contain is not provided in non-statutory guidance. With ‘Citizenship’ at KS4 young people are required to ‘identify and exercise their rights and social responsibilities in relation to local, national and global issues’. The non-statutory guidance however explains that this is to be interpreted as ‘human rights’ in local and global contexts, making no reference to young people’s specific legal rights in Northern Ireland.

1.2 Aim and objectives of the research

It is in this context of limited knowledge on the issue of children and young people’s legal needs generally and almost no data garnered from children and young people themselves that the current study was commissioned.

The overall aim of the research was to inform the Department of Justice, and other relevant organisations, about the need for legal services for children and young people in Northern Ireland.

More specifically, the research had the following objectives:

1. To review existing literature on young people’s legal needs in Northern Ireland;
2. To collate existing data on the use of legal advice and representation from a range of organisations who provide services for children and young people;

²² Education (Minimum Content) Order, 2007

3. To ascertain the views of a range of adults who provide services or advice/support for children and young people with legal needs;
4. To ascertain the extent to which young people know and understand their legal rights;
5. To represent the views of children and young people in relation to their legal needs and access to legal remedies.

The next section of the report discusses the research methods employed in order to achieve these objectives.

2. Research Methods

The research comprised a review of existing research and data, and employed a mixed-methods approach to the collection of primary data. This provided a range of data collection and analyses to address the following research questions:

- What are the legal needs of children and young people?
- To what extent are these legal needs being met?
- What are the barriers to children and young people accessing legal advice, information and representation?
- What are the potential solutions to these barriers?
- What are the potential future mechanisms for meeting identified legal needs of children and young people?

The research involved five inter-related strands discussed in turn below.

2.1 Review of research and data

This review, presented above, consisted of an analysis of research on children and young people's legal needs in Northern Ireland including information on use of legal advice and representation (by seeking access to relevant data collected from organisations that provide services for children and young people). Further insights on the extent of legal were gleaned from existing data sources in relation to specific groups of children and young people such as those who have been suspended or expelled from school and those with special educational needs, children and young people in care and those who have experienced victimisation and crime.

A range of organisations from across Northern Ireland were contacted to ask for data on existing use of legal advice and representation by children and young people (or parents on their behalf). For consistency, the time frame chosen was between April 2012 and March 2013. Twenty-eight organisations were approached including Northern Ireland Commissioner for Children and Young People, Northern Ireland Human Rights Commission, the Children's Law Centre and Special Educational Needs Advice Centre (for a full list, and outcomes of requests, please see Appendix 2). Organisations were contacted either by email or by a request for information through their website.

Each organisation was asked for the following information (where available):

- The numbers of children and young people seeking advice (whether through a parent or not);
- The subject area of the query;
- How the query was processed and with what result (if available).

As Table 2.1 shows, responses were received from 20 organisations, eight of whom said they do not collect this type of information. There has been no response from eight organisations despite a number of reminder emails, therefore it is difficult to know whether they collect this type of information or not. Three organisations said they would deal with the request but did not send any data.

Table 2.1: Outcome of contact with organisations

Outcome	N
Data received	7
Data available but not received	3
Data not publicly available/cannot be provided	2
Data not collected	8
No response	8
Total	28

2.2 Young People’s Advisory Group

A core feature of the project’s methodology was that it drew on a children’s rights-based approach to research.²³ A key aspect of this approach is the meaningful engagement of young people as co-researchers in a Young People’s Advisory Group (YPAG). The young people involved in the YPAG were not research participants. They were invited to contribute to the project as an expert group in relation to young people’s views on the issues under investigation. The young people for the YPAG (three boys and three girls; aged 15 to 16 years old) were recruited from Dundonald High School, Belfast and were involved in all stages of the research project. The input of the YPAG is described in detail in Section 3 of the report.

²³ see, for example, Lundy, L. and McEvoy (Emerson), L. (2012) ‘Childhood, the United Nations Convention on the Rights of the Child and Research: what constitutes a rights-based approach?’ in M. Freeman (ed.) *Law and Childhood*. Oxford: Oxford University Press pp.75-91; Lundy, L. and McEvoy (Emerson), L. (2012) *Children’s rights and research processes: assisting children to (in)formed views*. *Childhood*. 19(1) pp.116-129

2.3 Interviews with adult stakeholders

In order to fully scope the needs, current provision and gaps in services to meet the legal needs of children and young people in Northern Ireland the views of the key stakeholders with direct relevant experience were obtained. These data were obtained through semi-structured interviews with the relevant key stakeholders (see Appendix 3 for adult interview protocol).

A total of 26 key individuals across 19 organisations with a range of relevant specialist expertise were interviewed, drawn from the following organisations: Voice of Young People in Care; Special Educational Needs Advice Centre; Children's Law Centre; Include Youth; Law Centre NI; Police Service NI; Youth Justice Agency; NI Guardian Ad Litem Service; NI Commissioner for Children and Young People; Health and Social Care Board; Extern; and representatives of the Law Society and Bar Council working with children and young people. A focus group was conducted to ascertain the views of representatives from Parenting NI; Belfast Education and Library Board; Family Mediation NI; National Society for Prevention of Cruelty to Children; NI Council for Ethnic Minorities. A written response was also received from the National Deaf Children's Society.

The findings from a thematic analysis of these interviews are presented in Section 4 of the report.

2.4 Focus groups with children and young people

The primary focus of this research was to determine the views of children and young people in relation to their legal needs. As such a wide range of focus groups were organised to ascertain the views and experiences of children and young people in relation to:

- Their met and unmet legal needs;
- Barriers to accessing legal advice, information and representation;
- Potential solutions to these barriers;
- Potential future mechanisms for meeting identified legal needs of children and young people.

A range of focus groups (in total, 18) with children and young people (in total, 91) were conducted during the period August to October 2013, as outlined in Table 2.2.

Table 2.2 Young people’s focus groups

Focus Group	Profile of young people involved	Number of young people involved	Location
Community restorative justice groups	Age between 16 and 23 Mixed gender Protestant community	9	Bangor
	Age between 16 and 19 Mixed gender Protestant community (Note: a one-to-one interview was conducted also)	7	Belfast
	Age between 18 and 19 Female Catholic community	4	Belfast
	Age between 14 and 18 Mixed gender Catholic community	10 (across 2 focus groups)	Newry
Young people in detention	Age between 14 and 17 Male	17 across 5 focus groups	<i>Young people from Belfast, L/Derry, N’ards, Enniskillen, Craigavon, Ballymena</i>
Children’s rights youth group	Age between 16 and 18 Mixed gender	5	Belfast
BME group	Age between 9 and 14 Mixed gender Lithuanian/ Portuguese/ Spanish	8	Dungannon
	Age between 14 and 18 Mixed gender Lithuanian/ Portuguese/ Spanish	10	Dungannon
Young people with disabilities	Age between 15 and 23 Female Range of physical and communication difficulties	4	Armagh
Young people in alternative education provision	Age between 14 and 16 Mixed gender	5	Belfast
Young people in special education provision	Age between 14 and 16 Mixed gender Severe learning difficulties	7 (across 2 focus groups)	Derry/Londonderry
Young people from the Travelling Community	Age between 13 and 17 Male	5	Belfast

2.4.1 Participants in the focus groups

Participants for the focus groups were accessed through a range of service providers for children and young people, who assisted the research team in identifying the most appropriate young people for the research. This approach enabled the research team to ascertain the views of a wide range of children and young people in relation to a range of legal issues, including *inter alia*: education (including special educational needs), discrimination, family matters, employment problems, criminal law and policing etc.

2.4.2 Conduct of the focus groups

Each focus group commenced with an explanation of the research and a confirmation of consent (which had been received from young people, their parents where appropriate and from the host institution). As part of this process a video message from the Minister for Justice, David Ford, was shown to the young people, outlining the rationale for the research and how the findings would be acted upon (see Figure 2.1). This is in accordance with the children's rights-based approach to research adopted within this project, which requires that participants are aware of who is responsible for acting on the research findings: the 'designated listener'.²⁴ In short, this served to assure young people that their views would be taken seriously. It should be noted that the young people involved in the focus groups responded very positively to this input from the Minister.



Figure 2.1 Young people from the advisory group watch the video by Minister for Justice

²⁴ Lundy, L. and McEvoy (Emerson), L. (2012) 'Childhood, the United Nations Convention on the Rights of the Child and Research: what constitutes a rights-based approach?' in M. Freeman (ed.) Law and Childhood. Oxford: Oxford University Press pp.75-91; Lundy, L. and McEvoy (Emerson), L. (2012) Children's rights and research processes: assisting children to (in)formed views. Childhood. 19(1) pp.116-129

Focus groups continued, where appropriate, with a capacity building activity to ensure that children and young people were given the opportunity to think through the issues under discussion. In this activity the young people were asked to generate a range of legal needs young people might have on individual post-its and to 'cluster' these under different categories e.g. home (family), school, community, work. This allowed the young people to understand and define for themselves the term 'legal need', thus assisting them in engaging with the focus group questions. This again is in accordance with the children's rights-based approach to research adopted in this project, which requires that young people are assisted in both forming and expressing views.

Following this, the focus group protocol (Appendix 4) facilitated an exploration of the following key questions:

- What are the legal needs of children and young people?
- To what extent are these needs met?
- What are the barriers preventing young people from dealing with their legal needs?
- Are young people's views taken seriously?
- What is the ideal way for young people's legal needs to be addressed?

The protocol was amended slightly to fit the specific needs of each group. For example, questions specific to access issues were asked of the group of young people with disabilities, whereas questions specific to immigration were asked of the BME groups, on advice from host organisations. Additionally, different consultation styles were also used to best suit individual groups. For example, more arts-based and participatory methods were employed for younger age groups etc. while in other contexts participants expressed preference for verbal communication only.

All focus groups were digitally recorded and transcribed. Findings from a thematic analysis of the transcriptions are presented in Section 5 of the report.

2.5 Survey of young people

An online survey of young people (n=426) in Year 12 (aged 15 to 16) was conducted in a sample of schools across Northern Ireland during October and November 2013 to ascertain their knowledge and awareness of their legal rights, any met or unmet legal need they may have had, and their views of how young people could best learn about legal issues.

2.5.1 Survey design

The survey was developed by the Queen's research team and YPAG following analysis of the focus group data. It was designed therefore around key themes emerging from issues

identified by young people themselves (see Appendix 4). The survey was administered using Questback – an internet survey tool with integrated data analysis functions.

Survey structure

The survey consisted of 43 questions, organised into four sections:

- **Section 1** collected demographic information in relation to gender, ethnicity, religious background, school type, socio-economic status (via free school meal entitlement and participant's post code)
- **Section 2** focused on participants' knowledge and understanding of their legal rights through self-reported knowledge and through multiple choice questions to ascertain actual knowledge of specific legal issues
- **Section 3** contained a range of questions to ascertain participants' legal needs in relation to access to goods and services, family matters, policing and criminal issue, school matters, part-time employment and discrimination. Those participants who identified that they had legal needs were asked additional questions in relation to how these needs were met and the extent to which they were satisfied with the process and outcome.
- **Section 4** focused in general on how best to meet the legal needs of young people and the ideal way to engage with young people on legal matters.

Assisting young people in forming and expressing views

The survey questions not only sought to ascertain young people's views about their knowledge and experience of legal issues but also asked them to express their views about issues to which perhaps they had not given much prior thought. The children's rights-based approach adopted in this research project requires that children are assisted in forming as well as expressing their views. This is achieved by using a wide spectrum of views from other young people (drawn from the focus groups in this case) to help the participants think through a range of perspectives before forming their own view²⁵. After consultation with the YPAG it was agreed that for certain questions in the final section of the survey, participants would benefit from this approach (see for example Q42 on survey, Appendix 5).

²⁵ Lundy, L. and McEvoy (Emerson), L. (2012) 'Childhood, the United Nations Convention on the Rights of the Child and Research: what constitutes a rights-based approach?' in M. Freeman (ed.) Law and Childhood. Oxford: Oxford University Press pp.75-91; Lundy, L. and McEvoy (Emerson), L. (2012) Children's rights and research processes: assisting children to (in)formed views. Childhood. 19(1) pp.116-129

'Designated listener'

In developing the survey the research team were cognisant that Article 12 of the CRC also requires that children are afforded an audience for their views²⁶. As such the video by the Minister for Justice (noted above) was embedded at the start of the survey, which provided an overview of the purpose of the research and explained how the young people's views would be used.

2.5.2 Sample

The schools in which the survey was conducted were chosen purposively to ensure they were representative in relation to size, location (urban/rural); management type (Controlled, Catholic Maintained; Other Maintained and Voluntary); selective/non-selective schools. Eleven post primary schools from across Northern Ireland participated in the survey. As this was not a random sample of schools, it is not possible to make generalisations to all post primary schools or to all Year 12 pupils attending schools across Northern Ireland. The figures below explain how the sample characteristics compare with the general school population:

- In total, 426 Year 12 pupils (53% male; 47% female) from the eleven participating schools responded to the survey.
- Forty-six per cent of respondents said they were Protestant or came from a Protestant background, 42 per cent were Catholic or came from a Catholic background while 12 per cent were from a Mixed/Other/None religious background.
- Figures reported by DENI²⁷ for the religion of pupils in all post-primary schools in 2012/13 were Protestant - 41 per cent; Catholic – 52 per cent; Other/No religion/No religion recorded – 12 per cent.
- The vast majority of respondents were white (95%) while the remaining 5 per cent included pupils who were Black, Chinese, Irish Traveller and Pakistani or who were from a mixed ethnic background (Table 2.3).
- DENI figures relating to ethnicity show that 98 per cent of post-primary school pupils are white.
- Approximately one in five (22%) respondents said they were entitled to Free School Meals (FSME) which is similar to the figure reported by DENI (2012/13) for all post-primary pupils in Northern Ireland (19%).

²⁶ McEvoy (Emerson), L. & Lundy, L. (2007) E-consultation with Pupils- a rights-based approach to the integration of citizenship education and ICT Technology. *Pedagogy and Education*. 16 (3) pp.305-320

²⁷ DENI: http://www.deni.gov.uk/index/32-statisticsandresearch_pg/32-statistics_and_research_statistics_on_education_pg/32_statistics_and_research-numbersofschoolsandpupils_pg/32_statistics_and_research-northernirelandsummarydata_pg.htm

2.5.3 Analysis of survey data

Quantitative data were analysed using SPSS (a social sciences data analysis software package). Descriptive statistics (frequencies) were generated for all survey questions (see Appendix 6). Further in depth analysis was conducted to ascertain the significance of results. Findings from the analysis of the survey data are presented in Section 6 of the report.

Table 2.3: Respondent profile²⁸

Characteristics of respondents	%
Sex	
Male	53
Female	47
Total	100
Ethnic Group	
White	95
Black African, Black Other, Chinese, Irish Traveller, Pakistani	2
Mixed	3
Total	100
Religion	
Catholic	42
Protestant	46
Mixed	5
None	3
Other	4
Total	100
Entitlement to Free School Meals	
Yes	22
No	73
Not sure	5

2.6 Ethics

All aspects of work in this project complied fully with the British Educational Research Association ethical guidelines and were approved by the Queen's University School of Education Ethics Committee. Ethical considerations included free and informed voluntary consent from all participants who were also given information on their right to withdraw.

²⁸ It is important to note that while the respondent profile is similar to the general profile of young people in schools across Northern Ireland this was not a random sample, and therefore results cannot be generalised

In the case of the adult interviews, participants were recruited from the range of organisations listed in Section 2.3 above. Institutional consent was received from these organisations for each of the identified individual participants to take part in the research. In accordance with ethical guidelines, individual adults were guaranteed that their contributions would be anonymised, but that a list of the names of organisations consulted during the research would be supplied, though not associated with particular comments.

In the case of the participating children and young people, institutional, individual and parental consent (where required) was obtained. Ethical guidelines required that all the young people involved and the organisations through which the young people were recruited would be anonymised in order for the young people not to be identifiable. Organisations in this context were a conduit through which to access young people; the young people were not professionals working within or representing the organisations. Therefore the names of organisations through which the young people were accessed are not provided.

Consent (institutional, parental and young people) was also obtained for work with the Young People's Advisory Group. In this case however anonymity was not required as the young people were key members of the research team, not research participants. Consent was given for their names and photographs to be used. All aspects of the work with children and young people complied with international children's rights standards on children's participation.

3. Young People’s Advisory Group

3.1 Involving young people in research

Article 12 of the United Nations Convention on the Rights of the Child (CRC) gives children and young people²⁹ a right to not only express their views but also to have those views given due weight in all matters affecting them.³⁰ The Committee on the Rights of the Child, which monitors compliance with the CRC, has emphasised that this right should be ‘anchored in the child’s daily life at home...and in his or her community... as well as in... [*inter alia*] the development of policies and services, including through research and consultations’.³¹ The Queen’s research team sought an approach to this project which would respect this right. As such they drew on aspects of a children’s rights-based methodology developed and employed in other projects.³² A key aspect of this approach is the meaningful engagement of children and young people as co-researchers, in Young People’s Research Advisory Groups (YPAGs).

The young people involved in the YPAG were not research subjects. Rather they were invited to participate in the project as an expert group in relation to young people’s views on the issues.

Their remit was to:

- Advise on the research process including how best to engage with other young people on the issues;
- Assist with the development of the research tools;
- Assist with the analysis and interpretation of the findings;
- Provide insight on the main issues under investigation;
- Identify potential solutions which might address some of the issues raised by the research;
- In particular, make suggestions in relation to the potential future mechanisms for meeting the identified legal needs of children and young people in Northern Ireland;

²⁹ Article 1 defines the holder of rights under the CRC as ‘every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.’

³⁰ UN Convention of the Rights of the Child 1989

³¹ UN, General Comment, Committee on the Rights of the Child, 2005, para. 14

³² Lundy, L. and McEvoy (Emerson), L. (2012) ‘Childhood, the United Nations Convention on the Rights of the Child and Research: what constitutes a rights-based approach?’ in M. Freeman (ed.) *Law and Childhood*. Oxford: Oxford University Press pp.75-91; Lundy, L. and McEvoy (Emerson), L. (2012) *Children’s rights and research processes: assisting children to (in)formed views*. *Childhood*. 19(1) pp.116-129

- Contribute to the dissemination of the research, for example in assisting in the production of a young people’s version of the final research report.³³

It should be noted that the YPAG was not involved in collecting data (for example conducting interviews or focus groups) and as such did not require training in research techniques associated with data collection or the analysis of data – a feature common in other projects where young people are co-researchers. Rather the approach adopted in this project requires building the capacity of the young people to understand and reflect on the substantive issues surrounding the research questions and to situate their views within the existing knowledge of the issue under investigation. This in turn assists the young people in understanding perspectives beyond their own and provides them with a range of perspectives on which to draw when interpreting findings from the research.

3.2 Membership of the YPAG

The YPAG for this project comprised six young people (three boys and three girls; aged 15 to 16 years old). The young people were recruited from Dundonald High School, Belfast and worked with the adult researchers for the duration of the project (Figure 3.1).

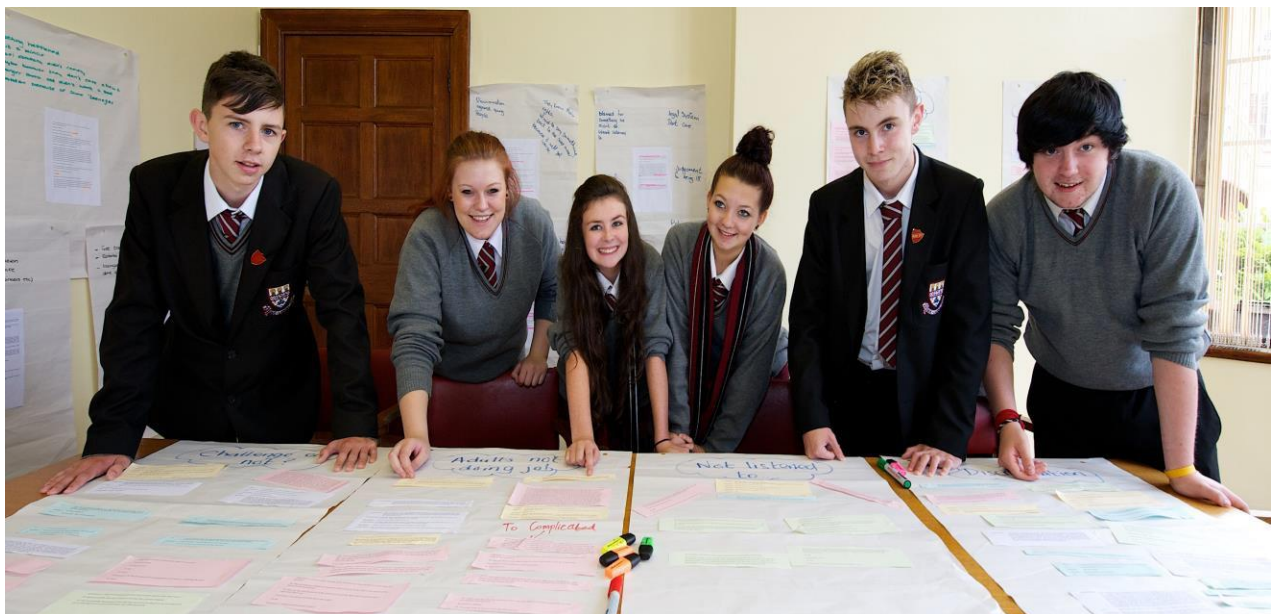


Figure 3.1 Members of the Young People’s Research Advisory Group

³³ The Centre for Children’s Rights is committed to producing child-friendly summaries of all its research. These are available on the Centre website.

3.3 Meetings with YPAG

Two of the research team met with the YPAG on five occasions between June 2013 and November 2013. These sessions focused on: building the young people's capacity in relation to understanding the issues under investigation; obtaining the young people's input on the focus group protocol; involving the young people in the analysis and interpretation of the findings from the focus groups; involving young people in the design of the survey; obtaining input from the young people of key issues emerging from the survey data.

Four sessions took place in the school and lasted on average about two hours, including refreshment breaks. One session involved the YPAG coming to Queen's University Belfast for a full day to analyse and interpret the data from the focus groups.

Before providing further detail on the work with the YPAG it is important to note the climate in which YPAG sessions were conducted. Good practice in research with children and young people requires honesty regarding the degree of power sharing between the adults and children involved in the project³⁴. The young people in the YPAG were aware that the focus of the research had been determined and that the team intended to conduct focus groups and use an online survey with children and young people. However they were assured that their suggestions on the conduct of the research would shape the content and, in particular, the wording and design of the research instruments to be used with children and young people. Further, a children's rights-based approach also suggests that proactive steps should be taken to create a 'safe' space where young people are 'able to express their views without fear of rebuke or reprisal'³⁵. As such the young people who participated in the YPAG were assured that their views would be treated with respect and, since Article 12 is a right and not a duty³⁶ that they were able to withdraw at any time from any of the activities or from the process as a whole

3.4 Capacity building

As noted above a key feature of the approach to involving young people as co-researchers in this project was developing their capacity to understand the substantive issues under investigation. The first session with the YPAG therefore activities specifically designed to help the YPAG members reflect on and develop an understanding of the following key

³⁴ Lundy, L. and McEvoy (Emerson), L. (2009) Developing outcomes for education services: a children's rights-based approach. *Effective Education*. 1(1) pp.43-60

³⁵ Lundy, L., (2007) Voice is not enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Education Research Journal*. 33(6). p. 927-942. At p.935

³⁶ Lundy, L., (2007) Voice is not enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Education Research Journal*. 33(6). p. 927-942.

issues: the legal needs of children and young people; legal remedies available to children and young people.

3.4.1 Activity 1: What are the legal needs of children and young people?

The purpose of this activity was to develop young people's understanding of the term 'legal need'. Young people in the YPAG were provided with 'post-it' notes and asked to record as many examples as possible of legal issues children and young people might have in relation to home and family life, school and community. These suggestions were categorised under these headings and prompts were given to ensure that the young people had as broad a sense as possible of the legal needs other young people might have (see Figure 3.2). The young people then were asked to rank these legal needs in terms of which they thought would be the most significant issues for young people. The activity concluded by asking the young people, in the light of the discussion above, to amend a list of legal needs (developed for use with adults) that could be used to prompt discussion in the focus groups and/or used in the survey of young people's legal needs.



Figure 3.2 Capacity building with YPAG: What are the legal needs of children

3.4.2 Activity 2: What can young people do about legal needs?

The purpose of this activity was to develop young people's understanding of the various ways in which legal needs could be met. The young people were asked to think of various ways of handling legal needs and to place these on a spectrum from 'do nothing' to 'go to court'. Legal needs identified in the first activity were used as a focus for discussing legal remedies. As the young people were unaware of the range of services available, this activity

was particularly useful in extending their knowledge and understanding of the salient issues in the research (see Figure 3.3). The activity concluded with a discussion regarding how best to ensure that young people knew and understood the range of legal issues they might face and associated legal remedies.



Figure 3.3 Capacity building with YPAG: What can young people do about legal needs?

3.5 Contribution to research design

The second meeting with the YPAG involved input on the focus group protocol and identification of areas in which young people participating in the research may need their capacity built in order to address the questions. The focus group protocol, developed by the adult researchers, was based on the key research questions and on ideas and suggestions generated during the YPAG capacity building session. The YPAG members provided input on the wording of the questions and suggested that it would be useful to include an activity at the start of focus groups, similar to activity 1 above, to help participants' understanding of what was meant by a 'legal need'. These suggestions were included in the final focus group protocol.

The YPAG members also contributed to the design of the online survey. Following the analysis of the focus group data (discussed below) the YPAG identified key issues to be addressed in the survey, which are reflected in the overall structure of the survey. They also commented on the wording and style of questions. In particular, they suggested the need for more open ended questions and comment boxes in the survey to ensure that participants were provided with 'space' to record their views 'freely'.

3.6 Contribution to analysis of qualitative data

A full day was committed to providing the YPAG with opportunities to analyse the qualitative data from the focus groups.

3.6.1 Activity 1: Analysing vignettes from the focus group data

The young people in the YPAG were presented with a number of extracts ('vignettes') from the focus groups interviews and asked (in pairs) to read these and highlight key phrase or words. Further they were asked to extract the main points emerging from these vignettes in relation to the main research questions and to present these to the rest to the YPAG.

3.6.2 Activity 2: Generating emerging themes from the focus group data

The young people in the YPAG were then asked to suggest key themes emerging from the vignettes. The initial themes identified were:

- 'Discrimination'
- 'Not being listened to'
- 'Adults not doing their job'
- 'Legal system judging young people'
- 'Should young people challenge the system or not?'

The YPAG were then provided with a large number of quotations and excerpts from the data collected from the focus and asked to place these under the themes they had generated (see Figure 3.4). As this activity progressed it became apparent to the young people that additional themes needed to be added, which they identified as:

- 'Adults doing their job well'
- 'Learning about rights'

Having sorted the data under these main themes, the young people in the YPAG then identified a number of sub-themes, outlined below:

- **Discrimination:** 'stereotyping'; 'age specific and racial discrimination'; 'public services discriminating against young people' (police, teachers, solicitors and shops); 'adults always thinking they are right'

- **Not being listened to:** ‘young people don’t get heard’, ‘adults don’t know how to listen’
- **Adults not doing their job:** ‘make out they care but don’t follow through’, ‘don’t give 100%’, ‘not worried about their client, just want to get it over and done with’, ‘make you feel neglected and not important’
- **Adults doing their job well:** ‘speaking and explaining in a way they can understand’, ‘treating young people as individuals’, ‘treating young people fairly and taking them seriously like an adult’
- **Legal system ‘judging’ young people:** ‘police assuming teenagers are to blame’, ‘courts (judges and solicitors) being negative to young people’, ‘young people having to find things out for themselves’, ‘Belfast judges better towards young people than in the country’
- **Should young people challenge or not?:** ‘making a choice to do something or not about the situation’, ‘consequences of the course of action’, ‘fear’
- **Learning about rights:** ‘lack of awareness’, ‘people who have awareness get it from school or experience’, ‘other resources for getting awareness’, ‘best way to learn about rights’, ‘consequences of lack of awareness’



Figure 3.4: Analysis of qualitative data

These themes have been drawn on to present the analysis of the focus group data in Section 5 of this report.

3.7 Interpretation of quantitative data

Following the collation of the data from the survey of young people the YPAG met to discuss the findings. The approach taken in this case was as follows: young people were asked to predict the findings from the survey; survey findings were presented and compared with their predictions; young people discussed findings and provided their interpretation. These interpretations are included, where appropriate, in Section 6 of this report along with the results of the survey.

3.8 Conclusion

The YPAG provided valuable insight into the issues surrounding the legal needs of children and young people. In particular they assisted the research team in prioritizing certain issues for discussion with the young people in the focus groups and for questions in the survey. They also assisted in developing accessible, easily understood questions. Their input into the analysis and interpretation of the findings, and suggestions, as key stakeholders, in relation to how best to respond to the legal needs of children and young people provided a youth-centred focus to the research.

A young person friendly version of the report has also been produced, in collaboration with the YPAG, which includes their conclusions on the key issues under investigation. All young people who participated in the research will receive a copy of this version of the report.

4. Findings - views of adult stakeholders

This section provides an analysis of the data collected from interviews with adults for this research and addresses three key themes: legal needs specific to children and young people; the unmet legal needs of children and young people; and barriers to meeting the needs of children and young people. The views expressed in this section of the report are the views of the adults who were interviewed during this research. They are not intended to be representative of the views of all adult stakeholders. Rather, the views of the adults interviewed are used to draw out broad themes in relation to the legal needs of children and young people in Northern Ireland.

4.1 Legal needs specific to children and young people

A number of issues regarding the legal needs of children and young people were identified by adult stakeholders, which are discussed in turn below. These include issues in relation to: legal advice and representation of children and young people; age appropriate treatment by police and in police custody; children friendly facilities and buildings; and age appropriate courts proceedings. This section also discusses specific legal needs in relation to the youth justice process and immigration, asylum and separated children.

4.1.1 Legal advice and representation

A number of sub-themes emerged from analysis of the interviews in relation to the legal needs of young people at the stage of advice and representation.

Accurate assessment of competence

Accurate assessment of the competence of children and young people to give instructions was emphasised by most of the adult key stakeholders as fundamental to meeting their legal needs. Given the individuality of children and young people and the range of matters on which they may require legal advice or representation, interviewees stressed the importance and complexity of this primary aspect of a lawyer's role. This was described by a solicitor practicing in this field as a very difficult matter, partly because a child can go in and out of competence depending on the issue, making it a highly specialist skill. It was noted that children and young people's reaction to events during the course of proceedings may affect their competence. Furthermore, normal child development brings increasing maturity, making competency a crucial issue which lawyers have to keep under constant review in providing legal advice and representation for children and young people.

In order to act for children or young people who are the subject of a Children's Order application (care proceedings) solicitors are trained and assessed both by the Law Society and the NI Guardian ad Litem Agency (NIGALA). It was noted by several interviewees that, following an intensive selection process, which included specific training and testing on the ability to assess competence, approximately 80 solicitors were appointed to the NIGALA panel in 2012. Ongoing monitoring and professional development ensure maintenance of the necessary professional standards for solicitors acting for children and young people in care proceedings. This revised accreditation scheme was described as working well and there was consensus among the interviewees that children represented by NIGALA appointed solicitors reliably receive a high standard of service.

Accurate assessment of a child or young person's competence was seen by nearly all of the expert interviewees as equally vital and challenging for legal representatives in all other forms of legal proceedings. Thus, it was seen by most interviewees as crucial to meeting the legal needs of children and young people in areas other than care proceedings, that they be advised and represented by lawyers who are trained and skilled in assessing the competence of children and young people.

Appropriate communication skills

Most of the interviewees highlighted the need for children and young people to be advised and represented by lawyers exercising appropriate communication skills, in order for them to be able to explain their circumstances to their lawyers and receive legal advice which they understand. Some contributors noted the contrast between the type of language generally used in legal matters and child friendly language. There was consensus that some solicitors and barristers who represent children and young people are highly skilled in appropriate communication, enabling them to achieve the necessary levels of trust and thereby good mutual understanding. Lawyers who currently succeed in reaching these professional standards were considered to be predominantly, but not exclusively, those working in care proceedings, for which they have been specifically trained and selected, although some lawyers representing children and young people in youth justice cases were also recognised as having appropriate and excellent communication skills. A recent improvement in lawyers' communication was noted by a few interviewees, ensuring that children and young people are more often able to provide informed instructions. It was considered less common than was previously the case for children and young people to plead guilty to offences without having understood what they were accused of. This positive development was attributed to work done to raise awareness of children and young people's rights in the legal profession.

Recognition of children and young people as rights holders

Several key stakeholders interviewed for this research emphasised the prerequisite for recognition of children and young people as rights holders. It was noted that fulfilment of this legal need entails awareness on the part of lawyers and commitment to effect the rights of children and young people, not merely as the subject of litigation brought by their parents or other responsible adults. Some interviewees suggested that this may include acting on instructions from a child or young person which conflict with the wishes or views of their family or which contradict the intentions of professionals with statutory duties towards them. Clearly this is a complex matter inextricable from questions of competency, but the view of adult interviewees was that it is central to the legal needs of children and young people that lawyers perceive them as individuals with independent legal rights.

Most of the adult interviewees also referred to the right under Article 12 of the CRC to participate and have their voice heard in decisions affecting them as one which must be implemented by lawyers acting for children and young people in so far as is appropriate, commensurate to their competence. The multi-faceted nature of this right was described as including the need for children and young people to be appropriately and sufficiently informed of proceedings affecting them (noted above) in order that they can express their view. While the best interests of the child (see below) remain the overriding criteria, most interviewees emphasised that decisions affecting children and young people must take account of their views, which requires lawyers representing them to ascertain their views and ensure that these are communicated effectively to the decision maker.

Adequate time for cases

The importance of lawyers devoting adequate time to children and young people's cases was stressed by several interviewees. It was noted by two practitioners that effective, age-appropriate communication throughout, meaningful consultation at each relevant stage, child friendly explanation of the legal process, discussion of options and advice on appeal can entail significantly more hours work than would typically be required for equivalent legal representation of an adult. Interviewees stated that funding is therefore needed at rates which make it commercially viable for solicitors in private practice and barristers to commit the necessary amount of time to this often labour intensive field of legal specialism.

Client communication skills

Nearly all interviewees considered it essential that lawyers representing children and young people gain an accurate view from the outset of their client's ability to understand and respond to their circumstances. They noted that this may be drastically affected by issues such as literacy, speech and language difficulties, learning disability, mental health problems

and stress. Thus, interviewees suggested, the legal needs of children and young people include assessment of their individual situation and needs at the earliest possible stage, in order that communication with them can be appropriate and as effective as possible.

Legal specialism

Some interviewees also noted that a broad range of legal specialism is needed to meet the legal needs of children and young people. While there is clearly considerable overlap with adult law, a significant proportion of relevant provisions are specific to children and young people and/or the approach taken is distinct from adult cases. Examples provided included: care proceedings, accommodation and housing needs, policing and youth justice, education, SEN, health, mental health, disability, discrimination, immigration and asylum, employment, consumer, social security, family law, residence, contact etc.

In particular, a senior legal practitioner drew attention to the need for lawyers representing children and young people not only to have studied the field of law in which the legal problem arises to an adequate level, but also to have kept up to date on the relevant jurisprudence, given the pace of developments in many related fields.

4.1.2 Age appropriate treatment by police and in police custody

The adults interviewed who had experience of working with children and young people in the context of arrest or at police stations identified the need for police officers dealing with children and young people to be specifically trained and skilled in appropriate communication as well as the rights of children and young people.

In particular, while some children and young people in police detention will be accompanied by a responsible and capable parent, several interviewees drew attention to the need for children and young people whose parents are not able to respond effectively on behalf of the children and young people in such situations to be supported by a trained and capable appropriate adult.

As with representation it was noted by most interviewees that early identification of any special needs, communication difficulties etc., is crucial for children and young people at any stage of contact with the police (as victims or suspects). Where a child or young person in a police setting has any special needs, communication challenges or other circumstances heightening their vulnerability, several interviewees explained that it is crucial that all professionals concerned respond appropriately to ensure that their treatment is rights compliant.

Most interviewees viewed representation in police custody by an appropriately trained and

skilled solicitor (see 4.1.1 above) as essential, while noting that it may be the choice of the adults supporting a children and young people not to avail of legal representation. This choice was noted by some key informants as sometimes not in a child's best interests and may be exercised by parents out of fear, desire to shorten the encounter with the legal system, worry about legal fees or simply ignorance of the potential advantages for their child of being legally represented.

4.1.3 Child friendly facilities and buildings

The high proportion of children and young people in all sections of the legal system who have suffered major forms of deprivation, who have additional needs, mental health problems and/or who have been victims of abuse or neglect was highlighted by most interviewees. It was pointed out that the circumstances which lead to a child or young person's contact with the legal system usually involve them having suffered at least distress, if not more serious forms of harm such as abuse and emotional trauma. These are the complex factors which make the physical context and setting in which lawyers take instructions and interview children and young people particularly important in ensuring that their legal needs are fully met. It was the view of many key informants that it is less likely for full and accurate instructions to be given and legal advice understood where children and young people are daunted or intimidated by their surroundings. Conversely, child friendly settings were cited as more likely to lead to effective legal representation.

Several interviewees pointed out that even where the child or young person is a suspect or defendant, their experience of arrest and fear of prosecution may amount to a considerable strain, making it all the more challenging for lawyers to obtain both trust and meaningful instructions. Interviewees noted that this can be harder to achieve in an intimidating, formal setting, and may result in the lawyer having insufficient instructions on which to advise and represent the child or young person effectively, regardless of the lawyer's own skill or knowledge.

Thus, it was the view of most contributors that, as a requirement to meet the legal needs of children and young people, interviews should be held in age appropriate premises, which are as informal and child friendly as possible. Some examples of good practice were noted, with recognition of the benefit to the quality of the justice achieved where children and young people are able to give statements without feeling intimidated. For example, a barrister who invited a young client to meet in McDonalds was cited as an effective way to develop the necessary trust by meeting a children and young people in a setting familiar to them.

Where consultations with children and young people need to take place at court, interviewees viewed it as extremely important that this take place in appropriate surroundings, in particular in private. However, it was strongly advised by some interviewees

that the legal needs of children and young people cannot adequately be fulfilled by a meeting with a lawyer only on the day of a hearing at court premises. Interviews stated that time is needed in advance of court proceedings for the essential two-way communication described above, and this cannot be effected under severe pressure of time in daunting circumstances where a child or young person is meeting their representative for the first time.

Where a child is giving evidence some interviewees stressed that it was crucial for this to be done with sensitivity, particularly with the risk that the perpetrator may be attending court as well. Instances of good practice were cited as including the facilities opposite the courthouse in the NSPCC premises in Londonderry/Derry where a video link is available for child witnesses to give evidence from a separate building.

4.1.4 Age appropriate court proceedings

A number of sub-themes emerged from analysis of the interviews in relation to age-appropriateness of aspects of court proceedings required to ensure the legal needs of children and young people were met.

Age-appropriate timescales

Most interviewees cited the difference between adults and children or young people in how time is experienced, noting this as a highly relevant factor in meeting the legal needs of children and young people. Experiencing uncertainty or strain for a length of time which may not seem significant or challenging for an adult can be enormously difficult and have harmful consequences for a child or young person. Thus it was seen as essential to meeting legal needs of children and young people that age-appropriate timescales be applied in:

- The overall time from start of a legal matter to its completion;
- The length of interviews, questioning or meetings;
- Advance scheduling of hearing dates;
- Postponements of planned hearing dates;
- Starting times of hearings where court lists involve several cases listed for the same time and therefore inevitable waiting times.

In respect of the overall time taken, it was recognised that the Department of Justice have been actively seeking remedies to address the problem of delay in youth justice matters.

Age-appropriate communication

Where a child or young person is required to attend court hearings, many key stakeholders

described the preparation and advance information provided as integral to meeting the children and young people's legal needs, including appropriate information about what the hearing will involve, the roles of the relevant adults and the likely procedures. Several interviewees suggested that standard form letters may not adequately meet this need, depending on the child or young person's literacy, competence and abilities and those of their parents or guardians.

The need for hearings to be conducted so as to ensure full understanding by children and young people involved was emphasised in particular by contributors with expertise in court procedures. This was specified as including age appropriate communication throughout the hearing by all adults involved, and not only the lawyers representing the child or young person. Interviewees with current experience of court hearings commended some judges for their exemplary child friendly approach and welcomed efforts made to ensure respect for rights of children and young people as defendants during legal hearings.

Interviewees also stressed the need for children and young people need to be represented (or supported if attending as witnesses) at hearings (of whatever type) by professionals who they know and trust, who are fully informed of all relevant aspects of their lives and who have the necessary legal knowledge and skills.

Age-appropriate consideration of child or young person's view

Interviewees noted the requirement that the informed views of children and young people (subject to competency) be taken into account in all legal proceedings relevant to them, albeit that the best interests of the child are paramount and remain the deciding principle. While judges may conclude that the child or young person's best interests do not coincide with the child or young person's own views or wishes, this decision cannot correctly be reached without due consideration of their views.

Most stakeholders noted an increase in the number of cases where judges in Northern Ireland have heard directly from children and young people, and this trend was firmly welcomed. As an experienced practitioner said:

Our jurisdiction has been quite ahead of the game in relation to judges hearing from children. We certainly have been alive to voice of the child and – alive to them having effective representationI don't think a judge in any case I have dealt with has ever refused if child has made [a] request [to speak directly to the judge]. (Adult interviewee)

Some interviewees expressed respect for members of the judiciary who have shown commitment and skill in implementing the right of children and young people to

participation. Particular recognition was given to judges who have responded positively to requests for personal meetings with young people detained in secure accommodation. In one case a judge was commended as showing courage and determination to go to hear directly from a teenager one-to-one, given that there was a recent history of violence on the part of the young person against care staff. It was considered that this approach illustrated the importance of implementing children and young people's rights to participation in decisions directly affecting them as vital to meeting their legal needs.

Other instances of judicial practice described by several interviewees as exemplary, including the approach taken by some District Judges as well as the understanding generally shown by magistrates in youth courts. Some judges were recognised for generally being good at speaking directly with children and young people.

It was acknowledged that in care proceedings balancing the child or young person's right to participate with the obligation to protect the child from exposure to inappropriate material is complex. Examples of good practice cited included a care proceedings hearing on threshold (examination of the behaviour and actions of parents to decide whether a Care Order should be made,) conducted without involvement of the child or young person, because it involved evidence to which it was felt that they should not be exposed, but with the child or young person then being given the opportunity to attend the subsequent hearing on placement, so that they could participate appropriately in decisions being made about their future.

Finally, it was pointed out that hearings involving children should always be held in private in order to maintain confidentiality and that after a hearing or decision in a legal process follow up communication from the child or young person's lawyer is essential to ensure that the child or young person has fully understood of the outcome.

4.1.5 Youth justice process

In addition to the legal needs relevant to court proceedings of all types, some additional needs were identified in respect of youth justice.

First, where a child or young person is placed on bail, it was pointed out by several interviewees that any bail conditions must be appropriate and ensure that their best interests are served, for example enabling the right to education to be effected. Most interviewees also expressed concern that custodial remands should only be imposed on children and young people where necessary and appropriate. Further, some interviewees pointed out that when children and young people are in custody (on remand or after sentence) they continue to have fundamental rights (other than to liberty), with the right to education, appropriate medical care including mental health needs, being specifically highlighted.

Secondly, many stakeholder interviewees stressed the importance of youth justice cases being processed and concluded promptly so that there is a meaningful connection in the experience of the children and young people between offending behaviour and the outcome of the case (acquittal, disposal or sentence). For children and young people as victims or witnesses this need for prompt conclusion of a legal process is also significant.

Finally, two interviewees commended some of the modern youth courts buildings as suitable.

4.1.6 Immigration, asylum and separated children

Interviewees emphasised that the complex factors outlined above which affected children and young people's legal needs generally also apply to separated children. The matters set out above concerning the legal need for age-appropriate advice, representation and hearings were seen as particularly relevant to children and young people subject to immigration control and who are not accompanied by a responsible adult. These are likely to be highly vulnerable children or young people who, by definition, lack family support, who may have been trafficked, those who have fled persecution, in addition to the challenges of language and cultural barriers.

The appointment of a Guardian for each separated child, in accordance with the recommendation of the UN Committee on the Rights of the Child³⁷ and in line with practice for example in Scotland, was seen as necessary by key informants with specialist experience in this field. It was recognised that the protocol established between the Belfast Health and Social Services Trust and VOYPIC has significantly improved the extent to which the legal needs of separated children and young people are met in that geographical area. It was suggested that the Guidance requiring all Health and Social Services Trusts to consider care proceedings for trafficked children should logically and beneficially apply to all separated children.

One interviewee emphasised further that separated children have a legal need for advice from a solicitor who is not only expert in the highly specialist field of immigration and asylum law, but who is also skilled in assessing capacity. This latter point was identified as all the more challenging when it must be conducted through translation and across cultural divides. Provision of legal advice to this standard was not as essential before any steps are taken which may be irreversible, such as the children and young people being removed from the UK. Even where a children and young people is understood to want to be 'repatriated', this cannot be seen as an informed, and therefore legitimate, choice unless the children and

³⁷ Committee on the Rights of the Child, General Comment No. 6, Treatment of Unaccompanied and Separated Children Outside their Country of Origin (Thirty-ninth session, 2005), U.N. Doc. CRC/GC/2005/6 (2005).

young people has been given adequate legal advice on their circumstances and entitlements.

While the numbers of separated children and young people in NI are thought to be small, the consequences of failing to meet their legal needs was seen by interviewees as potentially life threatening. Meeting the legal needs of this specific group of highly vulnerable children was described by some interviewees as both vital and achievable.

4.2 Unmet legal needs of children and young people

Section 4.1 above discussed the issues raised by adult stakeholders in relation to the specific legal needs of children and young people. This section discusses the perceptions of adult interviewees regarding the unmet legal needs of children and young people in NI, in particular in relation to: legal advice and representation; policing and youth justice; children friendly facilities and buildings; delays; changes to representation; court proceedings; and detention.

4.2.1 Legal advice and representation

A number of sub-themes emerged from analysis of the interviews in relation to the unmet legal needs of young people at the stage of advice and representation. These resonate with the themes identified as specific legal needs in section 4.1.1 above.

Accurate assessment of competence

Nearly all interviewees felt strongly that there are insufficient lawyers in NI who are skilled in assessing the competence of children and young people in legal proceedings. It was pointed out that the absence of a professional accreditation requirement means that *any* solicitor can advise or represent children and young people. As one key stakeholder, with extensive relevant experience, stated assessment of children and young people's competence in legal proceedings is *'certainly not something that every solicitor in Northern Ireland would be able to do.'*

Given the fundamental importance of identifying whether a child or young person is able to give instructions in the matter in question, the small proportion of the profession who are trained and skilled to assess competence was seen by most interviewees as amounting to a widespread and basic area of unmet legal need.

Appropriate communication skills

All interviewees considered that many lawyers do not communicate appropriately with children and young people, as a result of which children and young people routinely do not understand what happens in legal proceedings in which they are involved. While the good practice of some lawyers in communicating appropriately was recognised and commended, this was seen unanimously as exceptional. It was the view of specialists with directly relevant and extensive experience that children and young people '*generally*' do not understand what was said to them at appointments with solicitors nor during court proceedings. Comparison was made, by one interviewee, with a solicitor seeking to advise or represent an adult client who has a limited understanding of English or a deaf client who uses sign language. It was suggested that it would clearly be seen as unacceptable for the lawyer to attempt to advise and represent a client without an effective means of communication, and it would immediately be considered a professional necessity for the lawyer to engage an interpreter. However, it was reported as a regular occurrence that children and young people do not understand the language in which their lawyers communicate with them. Most interviewees considered that such a failure to communicate appropriately with a child or young person inevitably means that the child or young person's legal needs are not properly met.

Moreover, a few interviewees stated that some solicitors assume wrongly that children and young people and/or their parents are sufficiently literate to understand standard legal correspondence. The experience of interviewees on the other hand is that there are high levels of illiteracy among children and young people in the youth justice system, in particular. This, they noted, results in problems such as a young person receiving a letter, which they cannot fully understand, advising them of a hearing date and attending court unaware of the subject of the hearing.

Notably, it was the view of most interviewees that these problems arise far less in care proceedings. This was attributed to the training and accreditation process by which solicitors acting for children and young people in such cases are selected.

Adequate time for cases

Some interviewees noted that when lawyers do not devote sufficient time to a case, the legal needs of children and young people are often seen to remain unmet. This was attributed in part to funding pressures, with recognition that lawyers working in solicitor private practice or as self-employed barristers have commercial constraints, albeit that many work with dedication from vocational motivation.

Where solicitors or barristers are representing several clients with cases listed on the same

day, this may lead to the lawyer rushing between courts without adequate time given to individual clients. It was reported by some interviewees that solicitors often remain in the court room because they are also representing clients in a subsequent case, leaving a child or young person coming out of court at the end of their case without their solicitor providing an explanation of the outcome. It was noted that Youth Justice Agency staff regularly meet this need, often at request of the judge.

Legal specialism

Some interviewees stated that children and young people's legal needs are unmet where they have a problem or rights deficit in a field of law only practised by an insufficient number of lawyers in NI. This may result in a failure to find any legal representation or in representation by a solicitor who lacks the relevant specialist knowledge and experience. It was suggested that this interconnected to funding issues. Interviewees explained that cases in which representation cannot be legally aided and which are rarely privately funded, are commercially unattractive, making it unlikely that solicitors will have relevant experience and unlikely that they will consider it worthwhile training in the field. This has created excessive dependence on a few funded sources of representation in some areas of law affecting children and young people. However, some interviewees suggested that commercial interests were resulting in solicitors accepting instructions even when they lack the necessary knowledge or experience.

Professional standards

Nearly all of the key adult stakeholders interviewed expressed the view that professional standards should be set for solicitors and barristers representing children and young people. The question was asked by several consultees why specialist training and selection of solicitors is considered necessary and appropriate for solicitors to represent children and young people in care proceedings but is not required for children and young people in other circumstances. It was argued that children in the youth justice system share vulnerabilities to a considerable extent with those in the care system, making effective and specialist representation equally essential. Furthermore, it was asserted by most consultees that the professional skills in assessing competence and in age appropriate communication are necessary for effective legal advice and representation of children and young people in all fields of law, and not only in respect of care proceedings. While it was acknowledged and anticipated by a few interviewees that the legal profession would be resistant to the introduction of accreditation requirements for lawyers working with children and young people, effective implementation of such professional standards was firmly viewed as an urgent necessity by most of the experts who were interviewed, across the spectrum of statutory, private and voluntary sectors.

4.2.2 Policing and youth justice

A number of issues in the context of policing and youth justice were identified as unmet legal needs of children and young people by adult stakeholders, again resonating with some of the issues identified in section 4.1.2 above.

First, interviewees with relevant experience suggested that while some police officers are skilled to treat children and young people appropriately, others are not. This gap had negative consequences both in public settings (stop and search, arrest etc.) as well as in police stations.

Secondly, as noted in section 4.1.2 above, parents who attend a police station with their child may fulfil the role of appropriate adult; however, in terms of unmet need, it was suggested that not all parents are capable of supporting children and young people effectively.

Thirdly, as set out above (in section 4.1.2), early identification of, and response to, any special needs, communication difficulties etc. of children and young people in police custody, was viewed by some interviewees as essential to meeting legal needs. However, these interviewees considered it rare that this was adequately achieved, with the result that the legal needs of these children and young people are not properly met and often with negative impact on the interests of justice throughout the ensuing the legal process.

Fourthly, particular concern was expressed by some interviewees that duty solicitors called to represent children and young people at police stations frequently lack the necessary specialist skills (as set out at above), which may result in alarming forms of unmet legal need, including miscarriages of justice.

Finally, interviewees working in the youth justice system described the greatest complaint made to them by children and young people and their families is that they are subject to multiple, repetitive appointments with too many different agencies. Where a child or young person is asked the same questions by a series of professionals, it was considered likely that a level of disillusionment and cynicism sets in, with the result that subsequent instructions or assessments may be less accurate. Furthermore, it was considered the recent trend for multiagency attempts at intervention may have beneficial roots in social policy but can have negative out-workings when applied without consultation to families already engaged with welfare and support agencies. Where several professionals are working with one family the crucial importance of effective communication and joined up thinking was stressed by several consultees. It was suggested that the needs of children and young people and the legal system budget would both be well served by continuity in the form of a professional, such as a youth justice officer, making a thorough assessment at the time of detection or

charge, and that person and assessment being available throughout the process to disposal.

4.2.3 Child friendly facilities and buildings

Inappropriate facilities and buildings were identified by interviewees as resulting in a failure to meet the legal needs of children and young people as set out at 4.1.3 above. This was reported as currently problematic in terms of solicitors offices being uncomfortably formal settings which are likely impair children and young people's ability to express themselves and to understand the advice given by solicitors.

Meetings held in consultation rooms on court premises, particularly older buildings which were designed to be daunting, were considered by many of the interviewees to be often insufficiently child-friendly, and the practice of legal consultations taking place in corridors or hallways of court buildings, were criticised as lacking basic requirements of confidentiality. In particular, consultations held on the day of hearings also attended by the perpetrator of abuse against the child or young person, were highlighted as being extremely inappropriate.

Some modern courtrooms were viewed as good by a few interviewees; others questioned the suitability of these for youth justice hearings. Inappropriate use of adult facilities was cited as failing to meet the legal needs of children and young people, including instances such as when a District Judge continued sitting in the magistrate's court to hear a youth case rather than change venues.

Concern was also expressed that the facilities used for interviewing children and young people at the Home Office Belfast Public Enquiry Office are not suitably adapted. It was pointed out that, other than the colour of the wall paint, the room is the same as that used for interviewing adults. Further, it was suggested that the training given to Immigration Officers in interviewing children and young people does not overcome the intimidating effect of bringing children and young people (who may already be highly traumatised and vulnerable) into such a setting. Given the range of appropriate child interview premises available at little cost, this was seen as an unnecessary instance of unmet legal need.

4.2.4 Delays

The current extent of delays in many forms of legal proceedings was widely recognised by adult interviewees as constituting a significant area of failure to meet the legal needs of children and young people. While acknowledging that steps are being taken in an effort to reduce this problem in some areas, concern was expressed that the factors in relation to children and young people's experience of time as discussed above at 4.4.1. It was noted that a legal process may have been ongoing for a considerable period of time before it reaches court, so that the entire matter can stretch over years, which may be highly

detrimental for a child awaiting certainty about their future.

The 26 week guideline introduced recently in England and Wales for family law proceedings was noted although doubt was expressed by interviewees as to the benefit of a set time limit. Instead, the improvement being achieved by active judicial case management with protocols focussing on minimising delay was welcomed.

It was stressed that delays, such as of a year (which commonly arise), between an allegation arising and the conclusion of youth justice cases means that sentencing is so remote from the offending behaviour that it is often too late to achieve the intended effect. One interviewee said that, for example, in cases of sexually inappropriate behaviour the opportunity for therapeutic intervention is often lost because of delay between detection and disposal.

While acknowledging that the Department of Justice has recognised the problem of delay in youth justice cases, and welcoming the fact that steps are being taken in an effort to address the problem, concern was expressed by several interviewees that the recently piloted Youth Engagement Clinics do not necessarily fully meet the legal needs of children and young people.

One interviewee cited examples of children and young people attending court hearings listed for 10am which in fact started late in the afternoon. This was seen as detrimental for any children and young people having to wait under stress, and especially so where no parent or responsible adult accompanies the children and young people throughout their time at court, such as a child in care whose social worker has other commitments preventing them from staying with the children and young people all day. This interviewee considered it unacceptable for children and young people left waiting at court alone for lengthy periods.

4.2.5 Changes to representation

It was reported by several interviewees that children and young people are sometimes represented in court by lawyers who are insufficiently informed about their case, who have not previously met the child or young person and/or who have not prepared adequately for the hearing. It was suggested that this was common where a solicitor or barrister has cases at the same time in different courts, so the file is passed to another lawyer who has had no previous contact with the client. A specific example given of this form of unmet legal need was provided by one interviewee: a solicitor in the youth court speaking on behalf of a client they had not met was so lacking in basic information on the case as to be mistaken about young person's gender. It was stressed by this interviewee that where a change of representative is unavoidable but foreseeable, it was essential for the client to be informed in advance and efforts made for the new representative to meet the children and young people. If appropriate, adjournments should be sought (or at least a request for a case to be

put back in the list) to allow the new representative to meet the client and take instructions. It was seen as impossible for a lawyer to meet the most fundamental legal needs of a child or young person where rushed and that such superficial representation fails to achieve basic professional standards.

The impact of last minute changes of representation was pointed out by some of the interviewees as potentially diminishing children and young people's willingness and ability to communicate as necessary with their lawyer and harmful to the children and young people's confidence in the legal process as a whole. These resulting unmet legal needs were seen as all the more likely given that clients in the Youth Courts are almost by definition in stressful situations and are disproportionately likely to have complex needs and/or challenging social backgrounds such that continuity in the adults responsible for their welfare is additionally important.

4.2.6 Court procedures

Several interviewees expressed concern that youth courts regularly hear cases one after another in quick succession, without clearing the room between cases. These interviewees explained that this means that solicitors representing children and young people in consecutive cases have no opportunity to leave the court with their client to explain the outcome. Furthermore, failures to respect confidentiality are recurrent because people (professionals, parties and their families) involved in one case are often in the room when details of another case are discussed. The atmosphere in some youth courts was likened by one interviewee to '*a cattle market*'.

4.2.7 Detention

Two key issues arose in the context of inappropriate detention. First, many of the interviewees expressed strong disapproval of the detention of children and young people in Woodlands Juvenile Justice Centre purely because no appropriate place of safety is provided for them. This was reported as being a common occurrence, including its occurrence for children and young people charged with relatively minor offences for which they would not have received a custodial sentence. This was described by one interviewee as a '*drastic failure*' to meet the legal needs of those children and young people.³⁸

Several of those interviewed pointed out that where the state has taken on responsibility for looking after a child or young person, and a need as basic as a place of safety has not been

³⁸ The Youth Justice Review recommended that the JJC should not be used as a place of safety under Police and Criminal Evidence Act (PACE) and that looked after children should not be placed in custody in circumstances where this would not happen to other children.

met, that this amounts to a fundamental breach of duty on the part of the statutory authority. Causes of this problem were cited as the absence of sufficient appropriate accommodation facilities, alongside a mind-set which sees a child or young person going into the justice system as then being outside the care system. Some key informants highlighted the danger of this approach leading to children's needs not being met in crucial matters such as mental health and education as soon as they are seen as the responsibility of the justice system. It was asserted that in both law and reality children and young people who are charged with criminal offences continue to have rights and needs which other government agencies have statutory duties to meet.

While this was recognised by some interviewees as not directly a question of 'legal need', it was pointed out that this particularly inappropriate aspect of processing of children and young people in the youth justice system has long-term, damaging consequences, often making it more difficult and expensive to meet their legal needs, exacerbating their problems, increasing alienation and immersing them in a culture of delinquency. Furthermore, some key stakeholders pointed out that the conditions of detention in a justice rather than care setting significantly reduce a child or young person's ability to access proper legal representation, because of both practical hurdles as well as the emotional impact raising further barriers for those seeking to represent them.

Secondly, where a child or young person in detention has little face-to-face contact with their solicitor, several interviewees stated that their legal needs are not properly met. An illustrative instance was cited by one interviewee of a young person in detention on remand for over eight months who had had no direct contact with their solicitor for several months other than by video link immediately before the remand hearings. It was stressed by this interviewee that this allowed insufficient time for proper instructions and provided inadequate opportunity for the lawyer to properly assess the young person's understanding and circumstances.

4.3 Barriers to meeting the legal needs of children and young people

This section discusses the findings from the adult interviewees regarding their perception of the barriers to meeting the legal needs of children and young people in NI. The main issues identified are summarised in relation to the following themes: lack of substantive knowledge of children and young people rights; failures to perceive children and young people as rights holders; lack of knowledge of sources of legal advice and representation; children and young people and families lacking confidence; absence of professional standards and accreditation for lawyers; the training, selection and monitoring of judiciary; lack of identification of and

appropriate adaptation for children and young people with special needs; inadequate funding; buildings as barriers; and delays.

4.3.1 Lack of substantive knowledge of children and young people rights

On the part of lawyers

Interviews generally considered that lawyers advising and representing children and young people do not consistently have adequate knowledge of specialist issues relevant to children and young people. The lack of adequate training in children and young people rights as part of the qualification process for solicitors and barristers was seen as a barrier to meeting their legal needs. Likewise, the lack of professional accreditation as a requirement for lawyers representing children and young people was specified as a barrier.

As noted above, adult interviewees reported that there are insufficient lawyers with adequate knowledge in some key areas of law affecting children. Further, they noted that the few lawyers practising in these specialist fields are inadequately resourced to meet the demands for their services.

A geographical factor was noted by interviewees, with children and young people in rural areas or living in small towns faced with additional difficulties in accessing appropriate legal advice and representation. An interviewee from an organisation with extensive knowledge of the realities of vulnerable children and young people commented:

Generalist solicitors in small towns try to do everything so they don't have the relevant expertise. (Adult interviewee)

As noted by the interviewees, the difficulty of accessing solicitors some distance away is often more problematic for children and young people than for adults, as they may not be able to travel independently, may not have funds for public transport and are required to attend school during most of standard office hours.

Several interviewees referred to the common (and understandable) occurrence that a child or young person allows one solicitor to represent them in a range of legal matters. While this may have benefits in terms of trust, communication and understanding, some interviewees pointed out that this can create barriers to meeting the legal needs of children and young people. Given the depth of expertise needed in terms of substantive law and procedure in completely different areas of law, many of the interviewees had concerns that, for example, some care proceedings specialist are not be appropriately expert to also represent children and young people in youth justice cases. While an adult client with several different legal problems might chose to instruct separate, appropriately specialist solicitors, it was

considered less likely that a child or young person would have the knowledge, confidence, opportunity and resources to do so.

On the part of duty bearers and service providers

Most interviewees considered insufficient knowledge of the legal rights of children and young people on the part of duty bearers and service providers as a key barrier to meeting children and young people's legal needs. This amounts to a barrier to meeting their legal needs. Numerous examples of such instances were cited across the range of issues affecting the lives of children and young people. Areas highlighted as of particular concern included widespread breaches of children's rights in education, health and social care, policing, discrimination and disability rights. Illustrative was a case cited by an interviewee of a child whose first language was not English and who was inappropriately placed in a unit for children with SEN where he remained for two years, despite the fact that he had at no time been assessed as having any SEN. When a voluntary organisation became aware of the situation and referred the case to a children's legal advice service, they were able to ensure that the child was transferred to a mainstream school without the need for litigation. Due to this failure the child effectively lost two years of basic education and the lack of awareness of his rights and needs on the part of duty bearers generated a legal need for advice and representation.

One interviewee pointed out that the extent to which a child's special educational needs are met depends significantly on the SEN coordinator in each school - some of whom were seen as highly effective while others were considered insufficiently senior and under-resourced. Several interviewees pointed out that failure to meet a SEN entitlement often takes considerable time and legal resources to resolve and where the child and/or parents are not represented by a lawyer specialist in this field, the legal needs of the child or young person may remain unmet.

It was emphasised that solicitors in private practice rarely attempt to take on SEN cases, partly because of the absence of legal aid for tribunal representation and the low levels of remuneration for solicitors advising under the Green Form scheme (see Appendix 7 for a detailed overview of the position regarding legal aid in Northern Ireland). The labour intensive challenge of representing children with special needs was highlighted along with the complex nature of the relevant legal provisions. In respect of private practice solicitors taking on SEN cases one interviewee commented:

If a parent goes to a typical, general practice they won't have the skills and they won't have the time. (Adult interviewee)

It was suggested by interviewees that this barrier could be reduced by training to raise

awareness and greater systematic implementation of children and young people's rights as per the recommendations of the UN Committee on the Rights of the Child.

On the part of parents and other responsible adults

Most interviewees identified lack of knowledge of children and young people's rights on the part of parents and other responsible adults as a further barrier to meeting the legal needs of children and young people. While clearly it is not to be expected that people in non-professional roles will have legal knowledge, it was the experience, particularly of adult interviewees working with families under stress, that where a parent has no appreciation of the potential to assert their child's rights, the legal needs of that children and young people may well go completely unrecognised and therefore unmet. In some circumstances this was attributed primarily to a general lack of public awareness of children's rights. In other instances the lack of awareness is exacerbated by capacity issues, where a parent who may have their own disability, literacy, mental health or other difficulties which form a barrier to meeting their child's legal needs.

Although it would be hoped that a child in need and or already in care would be better placed to have their legal needs met, with parental responsibility being held by a professional duty bearer, this was reported as not consistently being so. Several interviewees described widespread instances of children in need or looked after children whose legal needs were not met. Examples cited included Health and Social Care Trusts failing to meet the legal needs of homeless young people in breach of their statutory duty to provide care and accommodation. Children in residential care, hospital and custody were reported as frequently failed in fundamental rights such as to appropriate education or mental health services. While resource limitations were acknowledged as being a factor in these failures, interviewees attributed the basic failure to even attempt to implement these rights as being largely due to lack of rights awareness on the part of the relevant professionals. This was evidenced by examples which have little or no resource implications, such as repeated instances of children and young people under school leaving age being released after a period of juvenile justice detention without notification being provided to the relevant Education and Library Board, with the result that a lengthy period elapsed without fulfilment of the children and young people's right to education.

On the part of children and young people themselves

In some circumstances awareness on the part of children and young people themselves may not be relevant (such as for infants or matters in which statutory bodies have specific obligations towards children and young people). However, in other circumstances the extent of children and young people's own knowledge of their rights may be fundamental to them taking the initial steps to draw attention to or seek help to meet their legal needs. Most key

stakeholders experienced children and young people as largely lacking the necessary knowledge to identify themselves as having legal needs (an observation verified by the data collected in both the survey of young people and through focus groups discussions with children and young people for this research, see Section 5.1.1 and 6.1 below). In the absence of this awareness, many of the legal needs of children and young people do not even reach the stage of contact with the legal system and remain unmet.

4.3.2 Failure to perceive children and young people as rights holders

On the part of lawyers

Even in circumstances where children and young people have contact with lawyers who have knowledge of the relevant legal provisions, their legal needs may remain unmet where lawyers fail to perceive the child or young person as a rights holder. While it may be that the needs and rights of parents coincide with those of their children, there may be conflicting needs and views. Specialists interviewed on this matter again identified the lack of training and accreditation for solicitors representing children and young people as a barrier to meeting their legal needs. They suggested that failure to identify a child or young person as in themselves a rights holder may result in failure to assess competency and, if appropriate, take separate instructions. Numerous examples of this barrier were provided by interviews, such as where an Education and Library Board applied for an Education Supervision Order and only at a very late stage did the solicitor begin to recognise the child as having rights as distinct from the parent's rights in the process.

On the part of duty bearers and service providers

Similarly, where duty bearers and service providers fail to identify children and young people as the holders of rights, this is a barrier to meeting their legal needs. Examples cited by some interviewees included immigration cases where the needs of individuals within a family may be different, family law or child protection matters where there may be a failure to separate the children and young people's needs from those of their parents. In significant areas of general law, such as employment, social security, housing and consumer law it was reported as common for children and young people's rights to be overlooked.

On the part of parents and other responsible adults

It was seen as essential by several interviewees that parents and other responsible adults perceive children and young people as having legal needs in their own right, and not as mere subjects of adults' duties or extensions of their parents' legal needs.

On the part of the legal system

The absence of separate representation of children and young people in family law proceedings (divorce, separation etc.) was seen by most adult interviewees as a structural barrier to meeting the legal needs of children and young people. It was argued by several of the key informants who had extensive, relevant experience that courts must at least have the power to appoint a Guardian, and for a child or young person affected by family law proceedings to be represented as a party, and not mere be the subject of proceedings. Several interviewees called for amendment to the rules in school expulsion and special educational needs cases, where the right to appeal is currently exclusively in the hands of parents or guardians, thereby causing a barrier to meeting the legal needs of the child or young person in their own right.

The proposals to change the means test for legal aid were highlighted by several key informants as a potentially very serious barrier to meeting the legal needs of children and young people: If legal aid assessment were to be made on the financial circumstances of parents rather than (as at present) on the child or young person's own savings and income, this could prevent access to justice for significant numbers of children and young people. Some interviewees noted that this would have particularly difficult consequences where the proposed litigation relates to a matter on which the child or young person is in conflict with their parents, such as a child in need of protection from a violent parent.

The lack of entitlement to Green Form Legal Advice and Assistance for people under the age of 16 (also noted as a funding issue at point 4.3.8 below) was stressed by several of the interviewees as a major barrier to meeting their legal needs (again, see Appendix 7 which clarified the position regarding legal aid).

On the part of children and young people themselves

Illustrations of this problem cited by interviewees included employment or consumer issues (ranging from minor trading standards problems to significant employment problems such as harassment, dismissal, discrimination). These are fields in which children and young people may well have some awareness that legal protections exist, but that there is a widespread mis-perception, including on the part of children and young people themselves, that such legal protections are only applicable to adults.

4.3.3 Lack of knowledge of sources of legal advice and representation

Failure on the part of children and young people and responsible adults to access legal advice or representation due to lack of knowledge of services available was identified by interviewees as a frequent barrier to meeting the legal needs of children and young people.

One example given was in the field of special educational needs where legal entitlements are set out in complex legislation and regulations, making it a very specialist area of law, practised by a small number of expert lawyers in NI. Some interviewees suggested that children and young people, their parents, and/or other relevant responsible adults may be unaware of an appropriate source of legal advice, since there are so few available in NI.

4.3.4 Children and young people and families lack confidence

Lack of confidence on the part of children and young people, parents and/or responsible adults was a barrier identified by several key informants as preventing children and young people from contacting solicitors for legal advice. This may be a lack of confidence in themselves so that a young people does not feel able to walk into solicitors' practice to ask for help. Lack of confidence in the legal system or adult services generally was also seen as a barrier to meeting the legal needs of children and young people who have had negative experiences of state care, policing, education or and /or of the legal system itself, with the result that they have become disillusioned, hostile or cynical about their prospects of fair treatment. Examples cited include children and young people who would not see it as worthwhile for them to report a crime or making a complaint against the police even where they feel strongly that they have been wronged.

4.3.5 Absence of professional standards and accreditation for lawyers

It was the view of most interviewees that only a minority of solicitors in Northern Ireland currently have the skills necessary to provide effective representation for children and young people. The absence of adequate training and a requirement of accreditation for solicitors representing children and young people was seen by most stakeholders as a major barrier to meeting the legal needs of children and young people. Some interviewees pointed out that in professions involving work with children and young people, specialist training is required, not only on a one off basis, but with regular refresher and update courses as well as monitoring and supervision. The view was expressed by one interviewee that the legal profession should not consider themselves excluded from these obligations to evidence their suitability to work with children and young people, particularly as this is a basic requirement in other professions.

It was asserted by several interviewees that lawyers representing children and young people need to respond to their clients as individuals, communicating at the pace suited to each child or young person and adapting their methods of taking instructions, giving advice and representing to their particular abilities. One interviewee pointed out that this flexibility and responsiveness, while is central to good practice in working with children and young people, but runs counter to a traditional legal mind-set and is in contrast to lawyers' training and usual practice. This was seen as a further reason why many lawyers are not effective in

communicating appropriately with children and young people and a strong ground for additional, specialist training and accreditation being a professional requirement for lawyers representing children and young people.

While resistance from lawyers on this point was anticipated by several interviewees, it was asserted that being subject to professional standards and requirements for advising and representing children and young people are changes which the legal profession should implement as a matter of urgency.

4.3.6 Training, selection and monitoring of judiciary

While it was noted by many interviewees that there is some exemplary practice on the part of some members of the judiciary in NI in their approach towards children and young people in the legal system, this was viewed as far from consistent across all courts. Several interviewees had witnessed inappropriate treatment of children and young people by judges, and this was seen as evidence that more judicial training on working with children and young people, as well as on children and young people's rights, is urgently needed.

Some interviewees considered the problem more one of attitude than lack of training, and did not believe that requirements to attend courses would greatly improve the inappropriate way in which some judges run courts involving children. Illustrative of unacceptable practices, witnessed repeatedly by some of the interviewees, was that of sending children and young people down to be locked in court cells until the afternoon court sitting, on the grounds that the district judge perceives the young people to lack 'manners'. A further comment on this issue was that behaviour interpreted as disrespect on the part of children and young people is frequently an expression of fear and nerves, sometimes attributable to an absence of effective adult support. Many interviewees consider that more child focussed selection procedures, monitoring and continuous appraisal of judiciary working with children and young people are essential to ensure that the legal needs of children and young people are met.

4.3.7 Lack of identification of and appropriate adaptation for children and young people with special needs

This was identified as a major obstacle to meeting the legal needs of the significant proportion of children and young people involved in the legal system who have difficulty in understanding language as routinely used by lawyers, being met.

It was pointed out by several key stakeholders that the parents of children with legal problems are disproportionately likely to be adults who themselves have problems such as

poverty, illiteracy, learning disabilities or mental illness. This compounds the difficulty facing these children and young people in accessing legal advice, since their parents may not be able to support them in doing so. This places all the greater onus on professionals responsible for the welfare of vulnerable young people who lack capable parents to provide appropriate and effective support where a young people needs legal advice and/or representation.

Several of the adult experts with extensive experience of the youth justice system pointed out that professionals often misinterpret children and young people. For example, a child or young person who outwardly appears disinterested or blasé about involvement in the legal system may well be profoundly traumatised, but is seeking to put up a front of bravado. Similarly children and young people who appear to be amused, or who agree to everything that they are asked, are often actually children and young people who have understood little or nothing of what is happening to them. It was described as very common for children and young people to answer positively when asked if they have understood, but actually to come away from court very unclear about what has happened

Interviewees pointed out that this factor is inter-related to the abilities and willingness of lawyers to assess competence, communicate appropriately, recognise the children and young people as the rights holder and identify as early as possible any special needs or vulnerabilities which are likely to be relevant to the proceedings. It was described as common that a child or young person's communication difficulties are not identified until they come into contact with the Youth Justice Agency, which is often a long way into legal proceedings, sometimes as long as a year after detection by the police. This indicates that children and young people are being dealt with by the police and their own solicitor without those professionals recognising that a children or young person has special needs.

4.3.8 Inadequate funding

The minimum age restriction applied to Green Form legal aid was pointed out as a barrier to meeting the legal needs of children and young people under 16 years old, as they have no entitlement to publicly funded legal advice and assistance *in their own right* (see Appendix 8).

No legal aid is available for representation in some important legal fora affecting children and young people, such as Special Educational Needs and Disability Tribunals. While tribunals may have been designed and envisaged as being informal hearings such that legal representation would not be needed, interviewees considered the need for specialist legal representation in children and young people in such fora to be essential in the light of:

- The complexity and specialist nature of the law involved;
- The standard practice of a solicitor and sometimes a barrister, appearing for the other side, creating a gross inequality of arms if a child or young person or their parents have to attend hearings without legal representation;
- The potential significance of the issue concerned, such as the child or young person's liberty or future life prospects.

It was stated that even in areas of law in which Legal Aid is routinely available for lawyers to represent children and young people, such as youth justice and care proceedings, the amount of funding provided under the Legal Aid schemes does not allow for the time needed to properly assess, consult, advise and provide proper representation. For the reasons set out above, legal representation of children and young people is highly labour intensive by comparison with representation of capable adults. As a practitioner in care proceedings commented, taking proper instructions:

... often takes many hours and indeed to skimp on this aspect risks inadequate representation of the child. (Adult interviewee)

This lack of adequate funding was cited as a reason why solicitors frequently dedicate insufficient time to take instructions and advise children and young people properly, and therefore constitutes a substantial barrier to meeting their legal needs.

Particular concern was expressed about proposed restrictions on Legal Aid in relation to care proceedings, in which the client is likely to be highly vulnerable, involving depth and detail of evidence, requiring the solicitor to liaise extensively with various parties, including the Guardian ad Litem, in cases which may take many months or even years to resolve. Solicitors practising in the field have estimated that care cases may require upwards of 75 hours of work before a hearing, which in itself may last several days. The current proposed maximum remuneration in the Family Proceedings Court is £1,200, and £1,400 for the Family Care Centre. These rates are not considered to be commercially sustainable by practitioners in this field, with the resulting danger that few solicitors practices will be willing or able to undertake care work if these levels are adopted. The absence of sufficient solicitors prepared to take on representation of children and young people would create a serious barrier to meeting the legal needs of children and young people.

4.3.9 Buildings as barriers

The instances of unmet legal need set out at 4.2.3 above in relation to premises which are not child friendly used in the course of legal proceedings a constitute barriers to meeting the legal needs of children and young people.

4.3.10 Delay

The issues set out at 4.1.4 and 4.2.4 above explain the significance of appropriate timescales and the extent to which delays in legal proceedings were seen by most interviewees as barriers to meeting the legal needs of children and young people

4.4 Conclusion

A number of key issues emerge from the analysis of adult interviews. First, it is clear that key stakeholders recognise that highly specialist knowledge and skills are needed to meet the legal needs of children and young people, to an extent not adequately recognised by all members of the legal profession. While participants identified many examples of good practice in all branches of the profession, with dedicated and skilled solicitors, barristers and judges meeting the legal needs of children and young people, the number of lawyers who have the relevant knowledge of children's rights, specialist skills needed and appropriate attitude was seen to be too small. As a result, participants considered that the legal needs of children and young people frequently remain unmet.

Secondly, adult interviewees considered that children and young people are too often left ill-informed about their legal circumstances due to factors including insufficient time spent by lawyers and inappropriate communication on the part of the legal profession. Further, delays were seen to constitute a major barrier to meeting the legal needs of children and young people.

Thirdly, participants acknowledged that progress has been made by the judiciary in Northern Ireland in implementing the right to participation and hearing the voices of children and young people in legal decisions which affect them. However, provision for independent representation for children and young people in family proceedings is needed to effect this right.

In terms of overcoming barriers a number of suggestions have arisen. Adequate funding for solicitors in voluntary sector organisations and legal aid practices is essential to provide sufficient time for specialist advice and representation to meet the legal needs of children and young people. Further, accreditation requirements for solicitors, barristers and judges working with children and young people in all areas of law would ensure appropriate professional standards and reduce the extent of unmet need.

5. Findings - views of children and young people

This section provides an analysis of the data collected from focus groups (n=18) with children and young people (n=91). It should be noted at the outset that specific incidents or legal issues referred to by the children and young people are reported as told to the researchers and as such are the views and self-accounts of the young people themselves. They are not intended to be representative of the experience of all young people. They should be understood as relating to the individual context of the young person offering their perceptions of their own experience. They are included in this report as examples indicative of the broader themes identified in the research.

A conscious effort has been made to ensure that the views of all the children and young people who participated in the research are represented as fully as possible, and in their own words, within the constraints of this report. To this end key themes emerging from the data were developed along with the young people from the YPAG (see Section 3 above) to ensure that the data analysis was not adult-centric.

The key issues which emerged in respect of children and young people's views on their legal needs are as follows: knowledge and understanding of rights; consequences of exercising rights; discrimination against young people; young people's participation rights; negative experiences of adults in the system; positive experiences of adults in the system. Findings are presented below under these headings (which are related directly to the phrases used by the YPAG to describe key themes).

In the presentation of each of these themes, issues pertaining to the distinctive legal needs of children and young people, the extent to which are these legal needs being met, barriers to children and young people accessing justice and potential solutions to overcoming these barriers will arise. Notably, the young people involved in the focus groups, rather than merely pointing to problems in the system, were enthusiastic in suggesting ways in which their legal needs could be best met. These issues are collated in the conclusion to this section.

5.1 Knowledge and understanding of rights (‘Learning about rights’)

A key theme emerging from the focus groups was the extent to which young people knew and understood their legal rights, were aware of legal remedies and knew how to access information or receive advice in relation to legal issues.

5.1.1 Young people's lack of awareness of rights

It was evident even from the outset of each focus group that many participants in this study lacked even a basic awareness of their legal rights, as typified by these spontaneous responses by young people as the research was introduced to them:

I don't really understand what my legal rights are. (Young person, Disability Group)

I haven't got a clue about my rights. (Young person, Community Group)

When asked directly about their knowledge of their rights, only a minority of young people stated that they felt they were aware of their legal rights. However, when probed for examples of specific rights most of these young people struggled to provide answers. Typical answers included:

right to remain silent (Young person, Traveller Community)

In two other focus groups young people identified the following:

right to have shelter and food... right to your own opinion right to respect....right to play (Young person, Special School)

right to education... right to safety...clean water (Young Person, BME group)

Notably, these young people attended UNICEF 'Rights-Respecting' schools, so they had been learning about the United Nations Convention on the Rights of the Child and were aware of its basic provisions.

Some young people offered examples of age-related legal rights; notably these were by and large factually incorrect (an issue addressed in more detail in Section 6 below which reports results from the survey of young people).

It was also evident that even those young people who had experience of legal issues lacked substantial knowledge of their legal rights. For example, as one participant stated:

I broke my bail. I didn't even know what bail was. I thought bail meant you go the police or something and then go back the next day. The next day I found out I was getting chucked in here [Juvenile Justice Centre]. I was like, 'What?' (Young person, in detention)

In this case, the young person explained that their solicitor had not been able to speak to them after their court hearing, leaving the young person lacking in understanding in relation to the outcome. This was not an isolated issue, with other young people expressing concern that their legal representation had not adequately explained matters to them (an issue resonating with adult concerns raised in Section 4 above, and discussed in more detail in section 5.5.2 below).

This serves to indicate a lack of awareness of legal rights among young people in general and a deficit in specific knowledge of particular legal issues for young people who have legal needs. As noted above (section 1.1.4), this is a primary barrier to young people having their legal needs met. This issue is addressed further in Section 6 in relation to similar findings from the survey of young people.

5.1.2 Young people's sources of knowledge about rights

A very small minority of young people involved in the focus groups were fairly well informed about their rights. This was largely confined to young people accessed through two organisations who had engaged the young people directly in programmes and activities to educate them specifically about their rights.

It was apparent from the focus groups that those young people who had *some awareness* of their rights had learnt this largely from experience of having to deal with legal issues (such as access to a child, special educational needs provision, suspensions and expulsions from school, matters relating to youth justice, matters relating to employment etc.), as typified by this comment:

No I wouldn't have learnt anything about it in school. All you got is, 'Don't get arrested, don't go drinking'. I only know what I know from experience so. (Young person, in detention)

Some young people, as noted above, had gained awareness of their rights through specific programmes or activities organised by the youth or community group with which they were associated.

A few young people indicated they had learnt '*something*' about their rights in school, in the context of 'Learning for Life and Work' (an area of the post-primary curriculum covering personal development, citizenship education and employability) but stressed that it was fairly superficial and basic. As one young person explained:

You didn't go into detail (Young person, Community Group)

This is unsurprising given the limited way in which legal issues are addressed within the statutory curriculum, as noted in section 1.1.5 above.

5.1.3 Overcoming young people's lack of awareness

Participants in the focus groups were in agreement that opportunities needed to be created for young people to learn about their rights:

I want to know my rights, that's it (Young person, Community Group)

Everyone should know their rights (Young person, Youth Group)

Regarding the age at which these opportunities should start, there was a range of views from the children and young people. Some suggested that it should start at primary school age,³⁹ with one young person offering the following rationale:

I think it has to go from primary school age because like some of them like their offences have been from like ten onwards, you know what I mean, so I think it needs to be people. People have been in you know, even in contact with the PSNI, or been told off or whatever from a very young age and don't really realise the consequences. (Young person, Community Group)

Others suggested that the main focus on education about rights should be on older teenagers, who would be more engaged and focused on learning about the issues, a view typified by the comment below:

I personally believe that anything under than 15, you get a – your impact is, 'Oh it's boring, it's negative, I can't be bothered with it'. You've got a negative pattern – subconsciously that stays with you throughout even when it's something important and you do it too late you're like, 'Oh, well why didn't I learn this before?' So it's finding the right age in which to teach the right details. (Young person, Youth Group)

In relation to how this might be achieved, a number of suggestions were made as to the most appropriate context and most appropriate methods for learning about legal issues, discussed below.

³⁹ Notably a number of interviews, both adults and young people, drew attention to the age of criminal responsibility as being too low

Where young people want to learn about their rights

The majority of young people felt that the best place to learn about legal issues was in school. Reasons cited were that it was 'safe place' to learn about the issues and also the one place that 'everyone has to go to'. Further, as one young person explained, a statutory programme on learning about legal rights would make sure that:

Everyone's going to hear the same thing (Young person, Youth Group)

In particular the young people suggested that learning about legal issues should be a high priority on the curriculum of all schools:

Well... in schools sexual education is offered so why is the education on your legal system not? (Young person, Community Group)

But if they [referring to the Department of Education] took the time and effort to actually push for an educational day or something through all the schools. (Young person, Community Group)

However some young people felt that more informal settings were most appropriate. These young people were concerned that if their peers were educated about their rights in school contexts it would not have the desired impact. As one young person explained:

... school nine tenths of the time is an environment where people don't enjoy it – nine times out of ten anything which is described as a 'class' is work; they're not going to enjoy it. (Young person, Youth Group)

In addition to this, young people explained that subjects such as 'Learning for Life and Work' has a low priority in schools and that if issues relating to rights were taught in this context then 'they wouldn't listen to it'. For these young people workshops in youth and community contexts which were interactive and tailored to the particular needs of participants were a more appealing option.

Young people involved in a peer disability group explained, through their youth worker, a way in which both formal and informal learning about rights could work in tandem, to ensure young people were fully conversant with not only their rights but also in how to exercise them. As she explained:

It can be difficult for some young people to remember their rights and so have difficulty in exercising their rights. The young people feel that this should be something they learn in school. They also feel that they will get a better chance to discuss issues around rights and when to exercise their rights or when they have not

had their rights met, through peer groups such as this. (Youth worker, Disability Group)

A small number of young people suggested that online opportunities could be provided. However, they were aware that online learning had its drawbacks, as explained in this comment:

Cause you get distracted, you go online and you look.... the way it would work here, you go online...they'd be on facebook, you'd be on photoshop, she'd be on youtube, he'd be watching something about cage fights... (Young person, Community Group)

In sum, young people saw the benefits of learning about legal issues in a school context, in that it would ensure equality of access to information, in a safe environment. However it was also clear that they wanted alternative opportunities to learn about their rights, and that regardless of context the information should be tailored to their needs and interests.

What young people want to learn about their rights

Young people expressed interested in learning about a wide range of their legal rights, in particular in age related law. They were keen to learn in a more detailed way about the legal system, in particular in relation to youth justice issues. As one young person stated:

Should [know] about sentencing and what can happen if, that type of thing ... and how long it'll take...and the consequences of that. And the cost, the cost as well. (Young person, Community Group)

When probed, the young person explained that he was referring to the financial cost as well as the emotional cost and the impact it might have on the young people and their family.

Young people were also interested in learning about legal issues through other people's 'real life' stories:

.... having somebody coming, using that as a reference point, who has maybe come through the system from maybe an early age, maybe going to and you know, in the way it's affected his like, you know, not like shock tactics, but like but can actually turn round and say this is real life this is the way my life's turning out shit because of this or that or whatever and this is, you know, different things like that there you know what I mean. You know actual physical evidence, people there standing and talking to you. (Young person, Community Group)

Notably young people, particularly those who had been in conflict with law, stressed the importance of engaging their peers with the reality of legal issues as a preventative measure. As one participant stated:

I wouldn't have done half I did whenever I was young if I had of known the consequences. (Young person, Community Group)

How young people want to learn about their rights

Participants were also keen to stress that information about legal rights had to be presented in an accessible way. Young people involved in a peer disability group explained, through their youth worker, how they would prefer material to be presented:

The young people feel that literature that is simplified with graphics would be one way of informing them about their rights.... and using various mediums of engagement like role-play and task based activities as well as discussions. (Youth worker, Disability Group)

The importance of alternative, accessible methods of communicating information was also highlighted by young people in youth and community settings. As illustrated by this exchange:

Young person: I've actually got a book in the house that my solicitor gave me.

Researcher: And is it useful?

Young person: I can't, I can't read it. I know how to read it, but I couldn't read it.

Researcher: So what would be the best way then?

Respondent: Someone sitting explaining it to us.

(Focus group, Community Group)

In sum, young people suggested that they wanted to learn about their rights (regardless of context) in a way that was 'fun' and engaging, that addressed real issues and through media that communicated the information in an accessible way. Further, they suggested that a greater emphasis on education around legal issues was needed in order to deter them from activity that may result in prosecution and in order to encourage them to engage more proactively with the legal system.

5.2 Consequences of exercising rights (‘Should young people challenge or not?’)

When asked if young people would challenge situations where they felt their rights were being denied or interfered with, one young person stated:

If young people actually knew their rights then they'd speak up more. (Young person, Community Group)

Notably, however, for those young people who *did* know and understand their rights, an issue arose in relation to the extent to which they would exercise them.

5.2.1 Confidence in exercising rights

Some young people gave examples of when they had been confident in calling into question adult behaviour towards them, for example in relation to treatment by the police, as illustrated in this extract:

Researcher: *And do you know what rights you have, around the police stopping you and things like that?*

Young person: *Oh aye, oh aye. I would say no. Sometimes I won't even give my name. There is no point them asking for my name, when they know me, do you know what I mean? I get their number, and all, when they tell me, oh yes. But there are a few cops that don't give it.*

Researcher: *And what would you say if they said no?*

Young person: *I would say I get their names and their numbers and write it down, and I would say it to them a number of times, but some of the cops don't do it, like. Oh I give them to my solicitor to sort out. She's rang the cops loads of times.*
(Young person, in detention)

Other participants in the study gave examples of exercising their rights in a range of other contexts, for example in education and employment. One young person, with disabilities, explained how she had written to a concert venue complaining about the level of access and facilities for wheelchair users, and that this had resulted in change.

5.2.2 Unwillingness to challenge adults

However, other young people were concerned that exercising their rights might lead to adverse consequences. For example, as one young person explained in the context of schooling, fear prevented her from challenging a teacher:

Young person: *My friend got distracted and because me and her were talking when it was work time. She got distracted herself but I got shouted at.*

Researcher: *And did you tell the teacher it wasn't your fault? No? Why not?*

Young person: *I was too scared to.* (Young person, BME Group)

There was a strong sense in this focus group and in others that young people saw challenging adults as a socially unacceptable thing to do:

You're not allowed to, like, be arguing with adults. (Young person, BME Group)

Yeah, you should respect them [adults] as well. You shouldn't be like challenging them. (Young person, Youth Group)

It's really until you're about 21 where you really start to think, 'This is another person'.... not 'This is another adult.' (Young person, Youth Group)

5.2.3 Fear of repercussion

Other young people explained that they chose not to exercise their rights *'just in case it got worse and stuff'* (Young person, Community Group). The fear of repercussion was of particular concern to a number of young people in relation to their interaction with police officers. The exchange below is indicative of conversations in focus groups between young people who were confident in exercising their rights and those who were lacking in confidence. In this context one young person had just related an incident involving a police officer that he felt had been unfair, when another young person offered advice:

Young person 1: *Ask for a report.*

Young person 2: *What?*

Young person 1: *Ask for a report*

Young person 2: *What's the point? They're just going to write blah da blah da blah.*

Young person 1: *But at least you know that particular officer on that night that stopped you, that intimidated you has been reported.*

Young person 2: *But if I did something like that that would have been took to court, something stupid, if I'd done something stupid, then I'd be taken to court, you know what I mean?*

Young person 1: *Aye but there's too many people not standing up, not standing up, that's what this is about*

(Focus group, Community Group)

Attached to this, was a sense amongst young people that there was *'no point'* in taking the risk in exercising their rights, as they would not be taken seriously anyway:

They're [adults in the legal system] not going to listen to a seventeen year old like.
(Young person, Community Group)

But it depends on the severity of it. If it was something like that it's more trouble than it's worth because you'll probably just end up starting a fight for something that wasn't worth it. (Young person, Youth Group)

In addition, it was suggested that it was difficult for young people to exercise their rights on their own:

Very few young people will do something by themselves to stand up and say, 'I'm right.' A lot of them are like, 'No, I won't do it unless I've got someone backing me

because I'm nervous' or something like that, which is understandable. (Young person, Youth Group)

Overall, this suggests that if young people are to be educated about their legal rights (as discussed in section 6.1 above) then they also need to be supported in exercising those rights in a manner that does not leave them feeling vulnerable, exposed and in fear of repercussion from adults. Further, they need to be assured that their concerns will be taken seriously and acted upon, a point elaborated upon below.

5.3 Young people's participation rights (‘Not being listened to’)

As noted above, under Article 12 of the CRC children and young people have the right to express their views on all matters concerning them, and to have their views given due weight, in accordance with age and maturity. Notably, the majority of the young people in the focus groups were aware of their right ‘to have say’. However, a theme cutting across a number of issues raised by children and young people was that they did not feel ‘*listened to*’ by adults with whom they interacted. While this was not the totality of experience for all young people (see positive examples of adults engaging with young people in section 6.5 below), it was raised in every focus group. Young people spoke in terms of adults in general not being prepared to take them seriously, as illustrated in this focus group extract:

Young person 1: *That's the normal thing for adults, anything you say doesn't matter, whatever you say it's not going to change nothing.*

Young person 2: *Right.*

Young person 3: *Because you're a young person you won't get heard.*

(Focus group, Community Group)

Notably, while young people from the Traveller community felt that adults within the settled community did not listen to what they had to say, they felt that adults in their own community did take their views seriously, as they are considered as young adults rather than teenagers.

In general, examples were given across a range of contexts where young people felt that their views were not valued in relation to legal needs or potential legal needs.

5.3.1 School

In the context of schools, some children related incidents when they felt they had not been believed by teachers when they reported bullying (Young people, BME Group; Alternative Education Provision Group), resulting in the incidents not being investigated. Further, there was a strong feeling in several focus groups that if young people raised a concern about treatment by teachers they would not be believed. As some young people explained:

Young person 1: *You just don't like ever, like if you were arguing with a teacher and teacher said stuff like, that they shouldn't have, the other teacher, whoever's taking care of it like would believe that teacher over the young person.*

Young person 2: *And like they don't take anything they say seriously.*

(Focus Group, Community Group)

5.3.1 Legal system

Other young people reported examples where they felt their participation rights had not being respected in court proceedings. As one young person stated, in relation care proceedings:

Young person: *Social services agreed to put me in care.... But when I went to court, the social worker said mam agreed to put us in it, but my solicitor was not saying that, so the solicitor got up and says to him no I have it written down here, she didn't agree to put him in. I was there, that day, with her.*

Researcher: *And in that situation, do you think that they listened to you?*

Young person: *No. They listened to social services.*

Researcher: *Did you get a chance to speak?*

Young person: *No.*

(Young person, in detention)

Likewise, another young person gave an example of where they initially felt they were being listened to, but subsequently felt their views were not considered:

He listened to me in – whenever we were in his office but say like the main part – in the court.... yeah, he just completely ignored everything I said. (Young person, Alternative Education Provision Group)

A lack of engagement with young people's views also appeared to be compounded by parental attitudes to young people's participation rights, a point noted by a youth worker and corroborated by the young people in the focus group:

Generally a lot of the parents speak on behalf of their children or young people [in the context of community restorative justice meetings]. And I find it extremely frustrating as a youth worker because ... you never really hear what the young person has to say or how they're feeling about it. Or the young person will be spoke [sic] about in third party when they're sitting right in front of you. (Youth worker, Community Group)

5.3.1 Service providers

Other young people provided examples of not being consulted by service providers, for example in the context of young people accessing medical services:

I was with my friend in hospital and she was getting an operation on her leg and we were there – they [doctors] spoke to her mummy about the stuff that was going to happen to her and she's like lying in the bed as if like, 'I'm still conscious! You can tell me what's going on!' (Young person, Youth Group)

In sum, the views of the children and young people who participated in the research align with the views of adults discussed above: that failure on the part of some adults (including lawyers, duty bearers, services providers, parents and other responsible adults) to recognise children and young people as rights-holders, in particular in relation to their participation rights, is a barrier to meeting the legal needs of children and young people. As the YPAG identified in their analysis of this theme, *'young people don't get heard; adults don't know how to listen.'*

5.4 'Discrimination' against young people

A major theme emerging from discussion with children and young people was the issue of discrimination. While instances of discrimination on the basis of ethnicity, gender and disability were cited, overwhelmingly the young people felt discriminated against on the basis of their age. For the young people in the focus groups this was evident in the way they were treated by a range of adults, and was largely perceived to be because adults based their views of young people on stereotypes.

5.4.1 Age discrimination in access to goods and services

The key issue in relation to young people's perception of discrimination was in relation to their treatment by adults in shops. Young people in every focus group reported examples of when they felt treated unfairly in trying to buy goods. As one young person explained:

Yeah they follow you around. Oh it annoys me so much! As soon as you go in, you're asked where you're going.... and just because you're younger, you're asked where you're going. And sometimes I've even been asked what I'm going to buy. It's like, 'Well why do you want to know what I'm going into Sainsbury's to buy?' So then you're asked and then you're followed around (Young person, Community Group)

Young people were adamant that adults would not be treated in this manner and certainly not asked what they were intending to buy. In addition to feeling 'under suspicion' in shops, young people also felt that they were not given the same level of customer service as adults. Again, the extract below typifies accounts given by young people who participated in this research:

Young person 1: See when you're in the chippy like just say it was bunged and it was all like older people, say like in their forties and all, and like, everyone says this like, they would, if I was standing there half an hour, two older men walked in, they would get served before I'd get served. Do you know what I mean?

Young person 2: Yeah... like being really like nice to them ones and then not even speak a word to you.

Young person 3: I know, I know.

Young person 2: and they tell the kids to get out don't they?

Young person 1: Yeah, like when adults walk in all hiya, how you doing and all, and we walk in it's like what do you want and all bluh bluh bluh.

Researcher: So you don't feel treated equally?

All: No.

(Focus Group, Community Group)

Young people also felt they were unfairly denied access to shops, often being 'barred' for 'just for stupid things' (Young person, Youth Group). This extract from a focus group is again indicative of many participants' accounts:

Young person 1: When you walk into a shop the security follows you in the shop and all as if you're going to take something.

Young person 2: Yeah.. and then like they're watching the camera thinking that you're going to steal stuff and all.

Young person 3: Well yeah like, in [names a particular local shop], like, see if you say like the wrong wee thing, they bar you.

Young person 4: Yeah! I touched a stapler in there and they barred me!

(Focus Group, Community Group)

Young people also indicated that when they complained about these types of issues, they felt they were not taken seriously because they were young:

They didn't do nothing about it, they just said we'll speak to him [taxi driver who had pulled the young passenger out of the car] (Young person, Community Group).

If you report something you don't know if anything's ever happened because they don't get back to you and let you know [in relation to a school bus driver who had been verbally abusive] (Young person, Community Group)

It was evident from the focus groups that many young people saw discrimination on the basis of their age as a barrier to them accessing goods and services and also felt largely disempowered in challenging adult treatment in such contexts. This is a timely finding, given the current debate in regard to proposed equality protection in relation to access to goods and services only applying to those over eighteen years old.

5.4.2 Age and treatment by police

Young people in the focus groups also felt that police officers acted negatively towards them on the basis of stereotypical views on young people. For example, as one young man explained he felt that the police only stopped him in the incident described below because he was wearing a 'hoody':

I was walking up to my nanny's with my hood up and then the police asked me, 'What are you doing?' And I goes, 'I'm walking to my nanny's house.' And they goes, 'Why do you have your hood up?' And I says, 'Because it's cold.' And then that was all, then they kept following me up the road, he rolled up his window but I went up the road and he followed me up the road, like driving along the footpath. It's very intimidating (Young person, Community Group)

Similar instances were reported across the focus groups with young people feeling unduly stopped and questioned or asked to 'move on', from their point of view solely on the basis of them being young and therefore assumed to be 'up to no good'.

Many young people were unaware of their rights in such situations; and those who did know their rights were, by and large, unwilling to exercise them (for the reasons discussed above in section 6.2).

5.4.3 Ethnicity

Some young people also reported having felt discriminated against on the basis of their ethnic background in a range of contexts. For example, some young people from Eastern European contexts spoke of how they were accused in school of bullying other children

because they were speaking to each other in their native language; the rationale being that they could have been *'talking about'* the children. These young people also reported that other children had said to them:

Like, 'Oh, you're not from my country so go, go away, go back to your country like'
(Young person, BME Group)

But when they had reported these incidents to their teacher, they felt that nothing had been done to help the situation; rather it exacerbated it.

Members of the Traveller community felt particularly discriminated against on the basis of their ethnicity, compounding their experience of age discrimination in relation to access to goods and services, as discussed above. For example, in local shops it was reported as common place for them to be followed by numerous security guards and to be denied access to a range of facilities.

These young people also gave accounts of poor treatment in the school. One example was given where a young traveller was told by a teacher to *'go and learn to speak English.'*

The young men in the Traveller focus group also reported negative treatment by the police, which they felt was driven by stereotypical views held in relation to their community:

Police just think travellers are all violent (Young person, Traveller Community)

They considered this to be the reason for what they saw as disproportionately strong reactions from the police towards the Travelling community in a number of examples of incidents they provided.

Notably, like other young people (see section 5.2 above) the young people from the Traveller community did not see value in taking action:

No point, I just give up (Young person, Traveller Community)

The police will never change (Young person, Traveller Community)

They also felt this more acutely in contexts of disputes with members of the settled community, stating that:

They're [police] never on our side (Young person, Traveller Community)

They [police] always take the side of settled people, before they'd take the word of a traveller (Young person, Traveller Community)

5.4.4 Disability

Some children and young people related that they had experienced difficulty in access to public buildings and facilities, for example shops, cinemas, swimming pools and concert venues. As one young person explained:

Big thing about swimming pools - getting into swimming pools (Young person, Disability Group)

Where accessibility was addressed the young people felt that it was not always as adequate as they would have liked. One young girl gave an example of a wheelchair accessible seat in a cinema that she felt was '*not right*'. The young person's youth worker explained, on her behalf (due to extreme communication difficulties):

That was the only place for them to sit and it was under the air conditioning – they were freezing, because of the air conditioning. (Youth worker, Disability Group)

While, examples of young people's experience relating to discrimination, participation rights, the consequences of exercising their rights and their knowledge and awareness of legal rights arose across a range of contexts, specific issues were identified in relation to young people's experience of the legal system, discussed below: negative experiences of adults in the legal system; positive experiences of adults in the legal system.

5.5 Negative experiences of adults in the legal system (‘Adults not doing their job’)

A number of themes emerged from the focus group data which pointed to young people's negative experience of adults in the legal system, described by the YPAG as adults '*not giving 100%*', '*making out they care but not following through*' and adults '*making you feel neglected and not important*'. These experiences build on the issues discussed above (discrimination; lack of awareness of and respect for young people's participation rights) but are focused on young people's experience of direct engagement with the legal system: policing; legal advice and representation; court proceedings; judges; detention and delays.

5.5.1 Negative experience of police

A major issue arising from the focus groups with children and young people was their experience of policing in public settings (stop and search, arrest etc.) as well as in police stations; with the young people accessed through community groups, young people in detention and young people the traveller community expressing particularly negative views.

Police treatment in public settings

Many young people across the focus groups spoke negatively of their perception of police attitudes towards young people in community contexts. The experiences described below are indicative of accounts given by a number of focus group participants, with young people expressing frustration at their perceived 'victimisation' and 'intimidation', when being asked to move on or when being stopped and searched by the police:

To be fair like sometimes they [police] pull over for nothing (Young person, Community Group)

I've been pulled over myself for no reason for walking down the street at the end of the night and I got searched for drugs (Young person, Community Group)

I was just walking home after getting a McDonald's and they stopped me and said, 'What are you doing? You look as if you've been drinking. You look underage, like you've been drinking'. I was 17! I was like, 'What? No, I'm just walking home.' And they were like, 'Right, well we just needed to check'" and they didn't drive away until I got right down the street. (Young person, Community Group)

Like there was people like on the street drinking but then even people that weren't drinking, they [police] still took their name, and still... even if they just walked out of the street and stood there for five minutes, and every five minutes the police came. They still would have took your name, they would've said, you were with them. I don't think that's right at all. (Young person, Community Group)

As noted above (section 5.4.2) the young people who had experienced these situations considered that the police were motivated largely by negative stereotypical views of young people. What was also apparent in these discussions is that many of the young people were unaware of their rights in these situations, as indicated by this young person:

See if like, say there was a crowd drinking like, you know at the pier or something, say the crowd drinking up at the top and it was just me and [name] or something and we're just sitting there not drinking and they [police] ask us to move on, do we have

to move on, if we're not drinking. Do we not have the right to sit there? (Yong person, Community Group)

Some young people indicated the cumulative negative effect of regularly being stopped by the police, as illustrated by this exchange:

Young person: They are stopping me every single day, they stop and search me, twice a day, three times a day.

Researcher: And did they tell you why?

Young person: No, just torture me. Never mind that I am not doing crime, they are just trying to get something to lift me for. So might as well do it then.

(Young person, in detention)

Police treatment during arrest and in custody

Young people also reported negative experiences with the police during arrest and while in custody. In particular they made reference to what they saw as 'heavy-handed' and 'disrespectful' treatment where little explanation of the situation was provided by police officer and little opportunity was given for the young people to state their views. As one young person stated:

Something happened on Christmas Eve but when the police came out and then they took a statement off the other person, the other party, they didn't even take a statement off me. They just walked straight into my house and arrested me and just took me away like. They didn't even ask me what happened or nothing. (Young person, in detention)

Another young person related the following incident which, while admitting that he had been violent, he felt was an example of unduly harsh treatment:

Young person 1: They stuck the handcuffs on me so hard I had bruises on my wrists for two weeks.

Researcher: Did you tell anybody about that?

Young person 1: No, I couldn't because, apparently, I was very violent at the time but, still, even if you're violent, they can't stick it on tight. They can stick it on so you can't like move about but, it was so tight, I had cuts, here, here, here and all over.

Young person 2: Big red marks still around your wrist.

Likewise, another young person related the context of his arrest, explaining how the situation had left him feeling humiliated and that he felt it could have been handled differently:

Young person: *Cops have walked into my house without permission. Walked from the bottom of my stairs to the very top of my house and right into my room... waited on me getting up out of bed...*

Researcher: *And how did that make you feel?*

Young person: *I was shocked like, felt humiliated so I did. I didn't like it like, opened your eyes and then they were just there... officers around your bed, 'You're under arrest'.*

Researcher: *And what would have been a better way for them to do that?*

Young person: *They'll wait outside the front door at least, or rap the door and asking, kind of thing, not just barge yourself up on into the house like. You know what I mean? No, it's not good.*

(Young person, in detention)

One young person in detention gave a particularly graphic account of an experience in custody - being strip-searched without a solicitor, parent or responsible adult present. The young person concerned stated that they were not aware of their rights in relation to this situation at the time, but, despite subsequently recognising this as a violation of their rights, saw no point in challenging the treatment for fear of repercussion and a belief that it would not result in a positive outcome. This was a common response from young people interviewed who had felt mistreated by the police, as summed up by one young man:

You have a criminal record, they don't, it's your word against theirs. They work for the law, you're a criminal. There's no way of doing it. (Young person, in detention)

Police treatment of victims of crime

Young people who had been victims of crime also expressed concerns regarding how the police had dealt with the situation. Their key concerns appeared to be in relation to the response times, as indicated in these statements below:

About a year and a half ago some man grabbed me by the neck and we phoned the police and two hours later they showed up and took a statement and stuff. And they came out another time after that about it and took another statement off my friend who was there and that was about a year and a half ago. (Young person, Community Group)

They've really honestly done nothing for us. I needed them once, four hours later, I could have been dead, genuinely, genuinely, I could have been dead. You know what I mean. Could have found me in my house with my head half way across the room. But no. (Young person, Community Group)

Another young person made a comparison between police treatment of them as a victim compared to how they felt treated by police in the community:

So where's the faith there, you know what I mean, where's the faith and where's the trust in the PSNI then? You phone them when you need them, four hours, four hours later they'll call at your door. You're walking down the street holding a beer in your hand, not even doing nothin' and they stop you and harass you. Have they not got better things to do with their life? (Young person, Community Group)

Overcoming barriers to legal needs

It was evident from many of the focus groups that young people's experience of negative treatment by the police service was resulting in unmet legal need and creating barriers to them accessing justice. However, the young people were keen to suggest ways in which this situation could be improved. One young man talked about the need for community based educational programmes to build trust between young people and the police. He described a programme he was aiming to set up:

Aye, there's going to be a project set up here that's going to be for young people to understand the right way to turn when they're in the need of the police. They need to understand that the police isn't actually all bad. So it's we've applied for the funding for it and all, and we're going to get the course up and going, just to get, you know, to try and build awareness and trust back with the PSNI. (Young person, Community Group)

Resonating with the adult stakeholder views above, that some police officers needed to develop better skills in dealing with young people, young people commented:

The PSNI need to work on training on how to actually approach and be effective for young people instead of coming up with an attitude themselves (Young person, Community Group)

Tell them to get their attitudes sorted and stop beating young people and treating us like scumbags. We're not scumbags. At the end of the day we are not scumbags. We might do stuff that's wrong, but we do learn from it like, you know what I mean? At the end of the day we're getting punished for it. They're just making it hard for us like. (Young person, in detention)

What was evident across the interviews with young people, in relation to policing, was that they wanted to be treated with respect and have their views taken seriously: to be recognised as rights-holders.

5.5.2 Negative experience of legal advice and representation

When asked about legal representation, young people who had experience of the legal system raised some concerns in relation to communication with legal representatives and inadequate representation.

Communication with legal representatives

A number of young people felt that their solicitors lacked the necessary skills to explain complex legal issues to them in a manner they understood:

*Well they don't use the right words for it if you know what I mean the simple words
(Young person, Community Group)*

In addition to verbal communication, young people also felt that written communication was *'difficult to understand'* and that the procedures were not clearly understood by them until after they had gone through the experience:

The procedure is that you have to go through the system that they don't really understand, so therefore it doesn't really make sense to them so they so they don't bother using it which is really poor because there needs to be something that is young person friendly to have an understanding of what the legal system is. (Young person, Community Group)

This aligns with adult stakeholders' views in relation to the need for lawyers representing children and young people to communicate effectively with their clients and also to be cognisant of the limitations to the clients' communication skills.

Further, young people also indicated that they found it difficult to get timely responses from many of their solicitors:

Young person 1: But one thing that I would notice is ...is trying to get a hold of your solicitors can be very, very difficult.

Researcher: Is that hard?

All: Aye

Young person 1: They're getting their lunch or they're away. They're on holiday... always seem to be on holiday

All: Yeah.

(Focus Group, young people in detention)

Moreover, the lack of adequate communication between young people and their solicitors lead to situations where young people were not fully informed about the progress of their case, potential outcomes or the implications of the outcome of court proceedings. This was noted particularly in relation to some youth courts where cases were often heard in quick succession, leaving little time for the client to be apprised of the outcome. In one example, noted above (section 5.1.1), a young man was left unaware of the implications of his bail conditions which he subsequently broke, resulting in him being put in to custody. This, in his view, was due to his solicitor not having the time to explain fully and effectively the outcome of his proceedings.

Overall communication problems with solicitors resulted in frustration for some young people; apathy for others. This resonated with the general perception (discussed above) that adults were not concerned with young people's views, and did not prioritise them and their needs.

Inadequate legal representation

Young people expressed frustration at the extent to which they felt their legal representatives adequately represented them. As one young person stated, when asked about his solicitor:

He just doesn't do anything in Court, he sits there and just basically, 'Yes Sir, no Sir, 20 bags full Sir' he just sits there, that's what he's like. That's what he's like in Court, he just sits there. Like the Judge says something and he more or less jumps... do you know what I mean like? I want to shout: Just talk to him man! He just sits there and says always 'Nothing we can do' (Young person, in detention)

This frustration was typical of young people in the focus groups who had experience of court proceedings. They felt strongly that they were not given the opportunity to '*speak out*' and that their views were not adequately represented. This appeared to be compounded in some situations by the fact that many of their solicitors lacked the necessary legal expertise to represent the young person's case in an effective manner. What emerged from the focus groups was that young people were seeking advice and representation from family solicitors or local solicitors who had been recommended to them (who lacked the necessary expertise for their particular case) or being allocated a duty solicitor (who similarly lacked relevant expertise).

For example, in an interview with a young man and his community worker, a situation was described where the young man, who insisted he was innocent, had been advised by his solicitor to plead guilty to a lesser offence. The young man felt he had been misrepresented but had been afraid to challenge the lawyer's advice. This, the community worker explained, was not uncommon in that particular community. As he stated:

They're [young people] taking advice from solicitors who aren't experienced in this sort of thing I don't know who his [the young man in question] solicitor is so I don't know what his speciality is, but other people have gone to this other solicitor when lifted for riotous behaviour and assembly etc. and his speciality's mortgage advice! You know so why would you go to a mortgage solicitor you know what I mean? (Community worker, Community Group)

This was the case across a number of focus groups, with one participant explaining that young people often chose a local solicitor without thinking of specialism, and that solicitors were also happy to take the case, regardless of their own expertise:

These guys there [talking about a local solicitor firm] are solicitors who specialise in family law. Not in criminal law. They specialise in divorce and all that other stuff. And thing is guys [young people seeking legal representation] are just going to whoever is in the area and the solicitor'll take it [a criminal case] because it's worth big money to them (Young person, Community Group)

In sum, it was evident from the focus groups that the young people interviewed who had experience of the legal system (in particular in relation to youth justice) were by and large dissatisfied with their legal advice and representation. It was the view of these young people that their legal representatives lacked the necessary skills of communication and legal expertise to adequately meet their legal needs. This led some to suggest that some solicitors needed to 'go back to school' in order to gain the requisite skills and expertise needed for effective engagement with children and young people. This resonates with adult stakeholder views that there is a need for legal specialism and a need for adequate training, professional standards and accreditation for lawyers working with children and young people.

5.5.3 Negative experience of court proceedings

Young people who had been engaged in court proceedings (both civil and criminal) found the experience (at least at first) intimidating. This was due largely to a lack of understanding of the procedures and the physical context of the building and facilities. This, for many young people, was compounded by the fact that they had not anticipated the length of time required for proceedings to reach a conclusion. As one young man explained in relation to a family case:

Whenever I started going through the court to make sure I got to see her [daughter in access case], I didn't have a clue what I was in for, I just thought, I was just told ah you go to court you get your daughter, well it's not like that at all. It took weeks and weeks of gruelling process, up and down from courts, in and out of courts, speaking to judges, speaking to lawyers that wasn't explained to me beforehand. Ah it was

scary... like it was scary, it's not easy, it's not easy. It's not easy going up there by yourself, sitting in the court office by yourself.... So because I'm going back to court again, for the same thing, but now I'm prepared this time, I know what I'm letting myself in for. You know what I mean but it, it's still not going to be good, it messes with my brain mentally. Really, really honestly. (Young person, Community Group)

These types of experiences were reported by a number of young people, who reflected in particular on the emotional impact court proceedings had on them. One youth worker, who was part of one of the community focus groups, developed this further:

It's like they have to be near enough trained to go into the court system, in a way that it's like a business, do you know what I mean, and the young person high on emotion and the lack of support, very vulnerable. I don't feel the court system supports that in any kind of way, it's not very humanised if you know what I mean and it's very an intimidating place, and I don't think that's successful.... and I think if there was a lot more preparation and back up work with the young people they would go through the system a lot easier. (Youth worker, Community Group)

5.5.4 Negative experience of judges

As noted above (section 5.3.1), young people reported incidences where their views had not been sought nor listened to by the judiciary during Courts proceedings. In addition some young people (in the context of youth justice) felt that when they did try to speak they would get 'told off' were told to 'keep quiet'. As one young person related:

I only spoke the one time and then I got told off. I nearly got remanded just for talking. But, even if you do get the chance to speak, everything you say, they're just, they won't listen to you. They'll use it against you, anything you say. (Young person, in detention)

Others indicated that they felt certain judges were unduly 'hard' on young people, handing out harsher sentences than the young people felt necessary, particularly for repeat offenders:

See, the thing with the judge in [name of town] is, no matter what the crime it is, he won't care for the first while but after he sees you about four or five times, he doesn't care if it's throwing a newspaper across the street. He'll put you away here for the craic of it. (Young person, in detention)

There was a strong feeling amongst the young people who had experience of youth justice that some judges made assumptions about the way in which they behaved in court. One young person related the following incident:

*He [judge] said, 'You think you're 15 and you think you run the show', and all this like and I said, 'I don't think that you stupid *****'.*

While the young people admitted that they themselves often responded to statements like this from judges with 'cheek' and 'disrespect', as noted by the adult interviewees above, this behaviour can frequently be an expression of fear and nerves.

5.5.5 Experience in detention

One key issue arising in relation to detention was the number of young people remanded to the Juvenile Justice Centre because they did not have a bail address. From the young people's point of view this was because their social workers 'wouldn't find them a bed'. As these young people stated:

I've been in here two and a half months, nearly three months with no bail address. I'd like to go for appeal but I don't have an address. It's her [social worker] job to get me an address and she won't do it (Young person, in detention)

It's a holding centre, that's all it is (Young person, in detention)

Two young men expressed frustration that they were being held on remand due to them being 'at risk'. As one young man explained:

*I'm on f***ing remand and I'm here in because social workers ... social workers. They say like 'We'll go to Court. Oh, [name of participant] is high risk, he's taking all of these drugs and all.' People don't come in here because they're taking drugs. For putting yourself at risk, taking drugs, running away, self-harming of whatever. They come in here for criminal offences. (Young person, in detention)*

The other young man was particularly distressed and spoke at length about his lack of access to the help he felt he needed for his mental health problems. The key issues for him was that he could no longer access the psychiatrist he had been seeing in his home town because he was now in custody. As he explained:

I was seen outside by psychiatrist. He was my psychiatrist and I got all my medication and all the help I needed and then I came in here and I got taken off it all for no reason. Every week that she's in [psychiatrist young man assigned to in JJC] she just keeps avoiding me, and avoiding me, and won't do her job, and now I'm slitting my wrists and everything, hit an artery and nearly killed myself, and they still won't listen. I want to have a psychiatrist that will listen to me and take in my opinion and help me with what I need help with, because I do have mental problems [the young man had related a number of serious mental health issues], and she won't do it, and the previous psychiatrist, he did help me. (Young person, in detention)

This young man felt very strongly that his views were not being listened to, as he went on to say:

My voice won't get heard because they're all in it together [referring to his perception that social workers were deliberating keeping him in custody to prevent him from returning to his home town]. Whatever I say, no-one listens..... We need to be treated equal. I know we're the criminals and we're the one locked up; we're still human beings, we still have hurts, we still have a life (Young person, in detention)

As noted in section 4.2.7, adult stakeholders expressed disquiet in relation to the number of young people on remand in the Juvenile Justice Centre and the impact this could have on young people's needs not being met in crucial matters, such as mental health. The experiences of these young people echo that concern.

5.5.6 Delay

A cross-cutting theme in relation to young people's experience of the legal system was the issue of delay. For example, one young person who was in detention in the Juvenile Justice Centre, described a scenario in relation to his court appointment in Enniskillen:

Woke me up at six in the morning [in Juvenile Justice Centre]. Brought me to Enniskillen, said I was going to be half an hour in cells, kept me in there for four hours. Brought me to court. Court was finished. I had to go back to the cells, stay there overnight and I only got to court at four the next day. There was some case on or else, I don't know what it was, there was some important case on in court but still, there's two court rooms. It doesn't need to take two days to get me to court. Like, they wouldn't even drive me back up here. I had to stay in the police cells for a day and a half. (Young person, in detention)

Another young person related an incident where he was arrested on Christmas Eve and held overnight in police custody. He went on to explain:

*Yeah, I was brought in here on Christmas Day. I got out on bail on Boxing Day. That's s***. (Young person, in detention)*

As noted by the adult stakeholders above, experiencing uncertainty for a length of time which may not seem significant for an adult can be difficult for young person. This was true for these young people, who also expressed that the incidents left them feeling like a low priority for the adults involved.

5.6 Positive features of adults in the legal system (‘Adults doing their job well’)

While the sections above have explored how young people feel unfairly treated by adults in relation to their (potential) legal needs, young people were keen to indicate examples where adults had treated them well – as the YPAG identified, examples of ‘*adults doing their job well*’.

5.6.1 Policing

Some young people, who were victims of crimes, provided positive examples in relation to police treatment, for example:

Young person 1: *There are some good police officers though, it’s worth saying.*

Young person 2: *There are some nice ones. The one that dealt with me when I got assaulted was absolutely brilliant, like he was absolutely - He was absolutely brilliant, he was impeccable and I couldn’t have asked for a better police officer.*

(Focus Group, Youth Group)

Other young people, who had experience of police in community contexts, though as noted above generally negative about policing, could point to examples of positive and sensitive community policing. For example, one young person provided an account of a conversation he had with a police officer in relation to how he dealt with young people drinking in public:

I was speaking to a police officerand he says to himself that there are sometimes that he’s turned a blind eye to things that have been going on. He says you know he’s seen a couple of lads out having a drink and they’re not causing a hassle, they’re just walking with a tin of beer and he’s turned a blind eye because they’re not doing nothing. But yet again he says as well like if he sees a groups of lads standing in front of a group of kids, you know like mum and children, then he has to do it because then the mum and the kids are going to be like you should be over there doing your job.... But he says that they do turn a blind eye and more of them than any of us will ever know. (Young person, Community Group)

Another young person explained a situation where the police had been called to deal with disturbance from a ‘*noisy house party*’. The young person felt that the police had handled it sensitively, explaining clearly what they could or could not do in the situation and liaising with local community representatives to ensure the dispute was resolved. The young person then noted:

So I think we kind of rely on the police if there's a burglary or anything and then other times we're like slating them. (Young person, Community Group)

When asked about what else had made them think differently about the police, one young person explained:

But sure we did a course in [name of community organisation] and it made you more aware of things, to know what the police can do for you and what you can (Young person, Community Group)

This was an issue that arose across the focus groups held in community restorative organisations where it was apparent that efforts were being made to improve relationships between young people and the PSNI. Young people spoke of courses or workshops that they had attended which had allowed them to engage directly in dialogue with police officers. These were clearly very effective in ensuring not only increased awareness of the role of the police amongst young people, but also increased awareness of the needs of children and young people amongst police officers.

Again, while the young people in detention who were interviewed were overwhelming negative about their treatment by police during arrest and while in custody (see section 5.5.1 above), one young person had experienced positive encounters with the police officers from the Repeat Offending Unit. He stated:

To be honest they are not bad like. I don't like them – like they are still cops but they don't get on bad They're just normal, more or less normal people like us. They have to treat you a wee bit better like. Oh aye treat you with respect like. But at the end of the day, they still do arrest you like. But at least you feel like they're trying to help you. (Young person, in detention)

What was apparent from the focus groups was that young people's positive experiences of policing were attached to the following features of police engagement: treating young people fairly and with respect; understanding young people and the communities they come from; explaining the situation to young people clearly; taking young people seriously.

5.6.2 Solicitors

Examples were provided by a number of young people of solicitors who they felt represented them well. Some young people explained how solicitors looked out for their best interests, particularly in relation to policing questioning and in relation to preparing them for court:

Aye, she [solicitor] stops them [police] when they are trying to like ... say, trip you up, she stops them (Young person, in detention)

My solicitor has prepared me for things months in advance (Young person, in detention)

My solicitor he kept me constantly up to date he constantly kept sending me letters telling me where I was, what stage of the process we were in [in the context of a family matter] (Young person, Community Group)

Others identified good practice in relation to ensuring that the legal issues were fully understood by the young person, as typified by this comment:

My solicitor just kinda dumbs everything down for you. He dumbs everything down for you, he doesn't talk to you like it kinda needs to be if you know what I mean... He just tells you what it is and he explains things. And if there's something my solicitor says ... that I don't understand then he'll change his wording (Young person, Community Group)

The following exchange about one particular solicitor points to some important characteristics of 'good solicitors' as identified by young people across focus groups:

Youth worker: *They feel they have a better rapport with him [speaking of a solicitor in the community]... and the young people have more, feel at ease with him.*

Young person 1: *Yeah, yeah, yeah, he's a very, very trustworthy man.*

Young person 2: *And he's honest with you. If you've done something wrong and you're in court he'll tell you if you're going down or if he can get you out of it and he tends to stick to his word.*

Young person 1: *Well you don't want a solicitor to say you're going to win, and the next day you've got yourself built up to win and the next...next thing you lose your case.*

Young person 2: *...so I do cause like he doesn't see you as a client. He treats everybody as an individual.*

(Focus Group, Community Group)

Similar to the features identified in relation to good policing, it was clear from the focus groups that young people appreciated solicitors who: acted in their best interests; treated them with respect; saw them as individuals; understood young people and the communities they came from; sought, listened and acted on their views; explained legal issues clearly to them ensuring they understood; and took the time to prepare them for proceedings and potential outcomes.

5.6.3 Judges

Young people who had experience of the judiciary in the youth justice system were able to identify examples of judges who they saw as 'fair':

Researcher: *How do you feel about your treatment in court?*

Young person 1: *Well, my judge [Belfast] was fair like.*

Young person 2: *It's their job to do that what they do so can't complain about it that way.*

Young person 3: *Can't say nothing bad about my judge in [rural context]*
(Focus Group with young people in detention)

Notably distinctions were made in relation to the Belfast judiciary, who were seen as being more positive with regards to young people than most other judges. As noted below:

Our Judges are completely different like [speaking of Belfast]. Our Judges listen to me. They take it all in. (Young person, in detention)

One particular judge was cited as a particularly good example of how to deal with young people, with participants identifying the following important characteristics he possessed:

He just focuses on you and whatever you're saying, he takes it in and listens to it
(Young person, in detention)

Oh he gives you a chance, like, that is what he does. (Young person, in detention)

He listens to you, and he says like 'I want to see you getting a better life, and sorting yourself out' (Young person, in detention)

Overall, it was evident from focus groups that 'good judges' listened to and respected young people, sought their views and had their best interests at heart.

5.6.4 'Ideal adult'

Young people in all of the focus groups were also asked to describe their 'ideal adult' in the legal system. For some, their suggestions were influenced by their experience of the legal system and reflected the characteristics of 'good practice' identified above and a 'reversal' of negative characteristics (discussed in section 5.5). For others, who had not experienced the legal system, their suggestions were influenced by the general treatment they had

experienced by adults in a range of contexts (such as in school and in the community). The suggestions were collated and summarised by the YPAG in terms of the following attributes.

An 'ideal adult' in the legal system:

- Asks young people for their views
- Takes young people seriously
- Knows how to talk to young people
- Can explain legal issues in a way young people understand
- Gives clear information
- Deals with your worries and concerns quickly
- Has expertise in the area - knows what they are talking about
- Is properly trained in the area you need help in
- Is trained in how to work with young people
- Makes young people aware of all the possible ways the legal situation might turn out
- Understands the community young people come from

The importance of young people receiving positive, respectful treatment from adults in the legal system was underscored by the comment below from one young man:

For myself, that little tiny bit of faith in the legal system was made by those one or two police officers who actually care and actually do their job well. And one or two solicitors but it's such a minority that it's an overwhelming majority who just doesn't care. (Young person, Youth Group)

5.7 Conclusion

From the point of view of the young people involved in this research three salient points emerged in relation to the distinctive nature of children and young people's legal needs. First, young people need to be treated with respect and to have their views sought, listened to and acted upon in matters relating to the legal issues they may have. Secondly, they require legal advice and representation from lawyers who have the legal specialism required and the necessary skills to communicate effectively with children and young people. In particular they want to be kept informed about proceedings and the decisions being made and for lawyers to be honest in relation to potential outcomes. Thirdly, they should feel that their needs and concerns are prioritised by the adults working for them.

Resonating with the adult stakeholder views, the main areas of unmet legal need, as identified through the focus groups relate to policing, standard of communication with lawyers, extent to which young people's participation rights are respected, young people's

ability to exercise their rights, delays in court proceedings and in accessing solicitors and the impact of detention on access to mental health support.

A primary barrier to meeting the legal needs of children and young people is their acute lack of awareness of the legal rights, legal issues in general and how to access advice and information. In addition, the lack of recognition of young people as rights-holders, in particular in relation to their participation rights, has implications for their access to justice across a wide range of legal issues.

Notably the young people were keen to identify potential solutions to these barriers and unmet needs, focusing on two main themes: training for lawyers; educational and awareness raising programmes for young people in relation to legal issues in general, and relationships with police in particular.

6. Findings - survey of young people

As noted in Section 3, a survey (see Appendix 5) was developed based on the key themes emerging from the focus groups with children and young people. The purpose of the survey was to ascertain: young people's knowledge and understanding of their legal rights; their experience of legal issues; their views in relation to how their legal needs could be better met.

This section provides an overview of the results of the survey, which was conducted with young people (n=426) aged 15 to 16 years old across a range of post-primary schools in Northern Ireland. Results are presented in relation to young people's knowledge and understanding of their legal rights, their experience of legal issues, experience of discrimination, how they have or would deal with legal issues and their views on how their legal needs could be best met. The section concludes with suggestions from the young people who participated in the survey as to how the Department of Justice could best engage with young people in the future. Additional results tables (Tables A1 to A14), can be found in Appendix 6.

6.1 Knowledge and understanding of legal rights

The young people were asked how much they knew about their legal rights and just over one half (53%) said they knew 'a little bit', 15 per cent knew 'quite a lot' and three per cent knew 'a lot'. Seven per cent of respondents knew nothing at all about their legal rights and almost one quarter (23%) said they were 'not sure'. More boys than girls said they knew about their legal rights while there were no significant differences in knowledge of legal rights in relation to religious background (Catholic, Protestant, Mixed/Other/None) or Free School Meal Entitlement (FSME) (Table A1). Respondents thought their parents/guardians knew more about young people's legal rights than they themselves did. Two in five (40%) said they thought their parents/guardians knew 'a lot' (12%) or 'quite a lot' (28%) about young people's legal rights while two per cent thought their parents/guardians knew 'nothing at all' (Table A2).

Respondents were asked how much they had learned about their legal rights from a range of sources including school, parents/guardians, internet and the media (Table A3). The source from which respondents reported having learnt the most was school (33% indicating that had learnt 'a lot' or 'quite a lot') followed by parents/guardians (29%) and the internet (27%). The sources from which respondents reported having learnt the least were experience (10% indicating that had learnt 'a lot' or 'quite a lot') and youth groups/clubs (9%).

The survey contained a series of multiple choice questions to ascertain what the young people knew about specific legal issues that could be considered to be relevant to them in their own lives. These were:

- The age at which a child/young person can be charged with a crime;
- The age at which a child/young person can get a part-time job;
- The number of hours a child/young person can work in a part-time job on a school day;
- The maximum total number of days a young person can be suspended from school during one school year;
- The shortest length of time an Anti-Social Behaviour Order (ASBO) can be given for.

The young people were asked not to guess the answers and to choose 'don't know' if they had no idea what the correct answer was. The results suggested that the respondents knew very little about these legal issues. Just over one quarter (27%) correctly identified that the age of criminal responsibility is 10 years while fewer than ten per cent knew the correct answer to each of the other four questions. Eight per cent of respondents knew how many hours a young person could work and eight per cent knew the maximum total number of days a young person can be suspended from school during one school year. Four percent correctly identified the shortest length of time an ASBO can be given for and just two per cent were aware of the age at which a young person can get a part-time job. In fact, 80 per cent of respondents thought that young people could not get a part-time job until the age of 16 years (Table 6.1).

The question to which more young people answered 'don't know' than to any other was in relation to the maximum total number of days a young person can be suspended from school during one school year (49%), followed by the shortest length of time an ASBO can be given for (47%). A further 16 per cent of young people said they did not know what an ASBO was. Only three per cent of respondents said they did not know the age at which a young person could get a part-time job which is unsurprising given that 80 per cent thought it was at age 16 years.

There were no significant differences between males and females or between those from a Catholic, Protestant and Mixed/Other/None religious background in relation to knowledge of these issues. Young people with FSME were slightly more likely to know the maximum total number of days a young person can be suspended from school during one school year than those who were not entitled to FSM (14% and 7% respectively) while there were no significant differences in relation to the other four questions.

Table 6.1: Knowledge of legal issues

	% respondents reporting the correct answer	% respondents saying 'don't know'
At what age can a child/young person be charged with a crime?	27	10
At what age can a child /young person get a part-time job?	2	3
How many hours can a child/young person work in a part-time job on a school day?	8	35
What is the maximum total number of days a young person can be suspended from school during one school year?	8	49
What is the shortest length of time an ASBO can be given for?	4	47*

*A further 16% of respondents said they did not know what an ASBO was.

The findings in relation to young people's knowledge and understanding of their legal rights align with the views from both adults and young people interviewed in the qualitative dimension of the study. The YPAG were not surprised by this overall finding, explaining that young people learn very little about their legal rights in educational settings, and tend to gain knowledge from experience of legal issues.

6.2 Experience of legal issues

The young people taking part in the survey were asked a range of questions to ascertain their legal needs in relation to access to goods and services, family matters, policing and criminal issues, school matters, part-time employment and discrimination. Participants who identified that they had legal needs were asked additional questions in relation to how these needs were met and the extent to which they were satisfied with the process and outcome.

6.2.1 Young people's experience of legal issues

The first question in this section asked whether the young people had ever had a legal issue which was further defined as a legal need or legal problem. The majority of respondents (68%) said they had not, 17 per cent said they had and the remaining 15 per cent were not sure whether they had ever had a legal need or not. However, following the identification and clarification of legal rights throughout the remaining questions in this section of the survey (see below) the young people were again asked if they had ever had a legal issue and

the percentage rose slightly from 17 per cent to 19 per cent. This increase came mainly from young people who had originally answered 'don't know'. While a small increase, it does suggest that when young people are even briefly exposed to some information in relation to their legal issues they can become more aware of their legal needs. The YPAG felt that even with clarification some young people still could not see certain issues as legal issues, explaining that it is more likely that young people perceive 'legal' to mean 'criminal'. Thus they felt that in reality the percentage of young people experiencing legal need would be higher.

More males (22%) than females (12%) responding to the survey said they had had a legal issue as did more children from a Mixed/Other/None religious background compared to their Catholic and Protestant peers (28%, 16% and 15% respectively). However, it is important to note that the number of young people in this 'Mixed/Other/None' category was relatively small (51 respondents). Respondents with FSME (26%) were more likely than their peers who were not entitled to FSM (14%) to say they had had a legal issue (Table A4).

The YPAG felt that the gender differences could be due to boys being more likely to 'get in to trouble' than girls; girls being less likely to admit to a legal need as it was less socially acceptable for girls to identify legal problems they might have had.

All survey respondents were presented with a range of issues relating to access to goods and services, family matters, policing and criminal issues, school matters, part-time employment and discrimination and asked whether they had ever experienced any of them (Table A5). The most common legal issues that had been experienced by the young people were buying items that were faulty (79%), having poor or bad service (79%), having noisy neighbours (45%), being spoken to by the police (39%) and being bullied (30%). Fewer than ten per cent of young people had ever had issues relating to having to get help in school because of a special educational need (9%), feeling treated unfairly by an employer in a part-time job (5%); being involved in legal issues about care, fostering or adoption (4%), being sacked from a part-time job (4%), having to deal with immigration issues (3%) or being expelled from school (1%).

Analysis by gender indicated that females were significantly more likely than males to report issues relating to faulty goods/services and medical needs while the opposite pattern emerged in relation to school matters, policing and criminal issues; these data are presented in Table 6.2. There were two statistically significant findings in relation to religious background (Table 6.3). One was that respondents who said they were from a Mixed/Other/None background were more likely to say they had been involved in legal issues about care, fostering or adoption than their Catholic and Protestant peers (12%, 2% and 3% respectively). The second was that respondents from a Mixed/Other/None background were more likely to say they had been spoken to by the police than their

Catholic and Protestant peers (53%, 42% and 33% respectively). However, as noted, the number of pupils who came from this background was small (51 respondents) therefore this finding should be treated with caution.

Table 6.2: Experience of legal issues by Gender

Have you ever.....	% saying 'yes'*	
	Males	Females
Bought something that turned out to be faulty (broken or needed fixed)?	72	88
Had poor or bad service (e.g. in a shop, business, online services etc.)?	74	85
Been unhappy with how your medical needs (health and mental health) were dealt with (e.g. by a doctor, dentist, counsellor etc.)?	16	29
Been spoken to by the police?	46	32
Felt treated unfairly by the police?	25	11
Been attacked?	20	8
Been suspended from school?	18	5
Been involved in crime?	16	6
Had to get help in school because you have a special educational need?	12	5

*All differences are statistically significant

Table 6.3: Experience of legal issues by Religious Background

Have you ever.....	% saying 'yes'*		
	Catholic	Protestant	Mixed/None /Other
Been involved in legal issues about care, fostering or adoption?	2	3	12
Been spoken to by the police?	42	33	53
Been attacked?	16	9	26
Been bullied?	25	29	49

*All differences are statistically significant

Analysis by FSME indicated that young people who were entitled to FSM were significantly more likely than those who were not to say they have experienced a range of issues including having noisy neighbours, having been spoken to, or treated unfairly, by the police and being bullied (Table 6.4).

Table 6.4: Experience of legal issues by FSME

Have you ever.....	% saying 'yes'*	
	FSME	No FSME
Had noisy neighbours?	58	42
Been spoken to by the police?	56	34
Been bullied?	37	27
Felt treated unfairly by the police?	36	14
Been attacked?	24	10
Been suspended from school?	23	8
Been involved in family disputes about any legal issues (e.g. about contact with a parent or other family member you don't live with, or about family finances)?	23	12
Been involved in crime?	16	9
Had to get help in school because you have a special educational need?	14	8
Been involved in legal issues about care, fostering or adoption?	8	3

*All differences are statistically significant

Respondents were asked if they had ever been discriminated against and, overall, 28 per cent said they had been discriminated against on the grounds of age; 16 per cent on the grounds of gender; 23 per cent on the grounds of religion/political background; four per cent on the grounds of sexual orientation; six per cent on the grounds of ethnic background and four per cent on the grounds of disability (Table A6). There were some statistically significant differences; more females (35%) than males (22%) said they had been discriminated against because of their age, and on the grounds of gender (females 23%; males 10%). In contrast, more males (7%) than females (2%) said they had been discriminated against on the grounds of sexual orientation and on the grounds of disability (males 6%; females 1%). There were no statistically significant differences in relation to religious background but more young people with FSME said they were discriminated against on each of the grounds than their peers who had no FSME. All of the differences were statistically significant with the largest differences associated with discrimination on the grounds of ethnic background (FSME 13%; no FSME 4%) and disability (FSME 9%; no FSME 2%).

The YPAG were again not surprised by these findings – particularly in relation to age discrimination, as they felt this was a key issue for young people their age. This also aligns with the views of young people in the focus groups.

6.2.2 Young people ‘dealing with legal issues’

Young people who had experienced a legal need

The 80 respondents who said they had a legal issue were asked what they had done about it. Six per cent said they had done nothing at all, 22 per cent had handled it themselves, 32 per cent asked their parents or another adult to deal with it and 39 per cent said ‘it depended on the problem’ (Table A7). The five young people who said they had done ‘nothing at all’ about their legal issue were given a range of responses and asked to select the ones that best explained why they had not done anything. The most common reason (selected by four respondents) was that they did not know it was a legal issue.

The 80 young people who said they had a legal issue were asked whether they had tried to get advice on how to deal with the problem. Just over half of these respondents (51%) said they had, 40 per cent had not and nine per cent said it depended on the problem (Table A8). Respondents who gave the latter response were asked to explain further. The answers included feeling that the issue was not important, being unsure about consumer rights and therefore asking adults for advice and contacting the Police Ombudsman if the issue related to the police.

The 48 young people who said they had a legal issue and had either sought advice for it or said it depended on the problem were asked who they had sought advice from and they were given a list of possible sources. Respondents could choose more than one source. As Table A9 shows, the most common source for advice was parents/guardians (36 respondents), followed by the internet (22 respondents) and friends (19 respondents). Ten respondents had sought advice from the police and seven from a solicitor. No respondents had sought advice from an independent advice centre. Of these 48 respondents, the majority were either happy (48%) or very happy (17%) with the advice provided (Table A10).

The 80 young people who said they had a legal issue were asked to think about the adults who helped them with their legal issue and to consider whether these adults had asked them for their views, listened to their views and took their views seriously. Three quarters (75%) of respondents thought the adults listened to their views, 64 per cent thought they took their views seriously and 60 per cent said the adults asked them for their views (Table A11).

When asked if they felt their legal needs had been met, 42 per cent of the 80 young people were happy that their legal needs had been met, 18 per cent thought that some of their legal needs had been met while 31 per cent were unsure. Two per cent of the young people

thought that a lot of their legal needs had not been met and six per cent thought their legal needs had not been met (Table 6.5).

Table 6.5: Overall, have your legal needs been met?

	%
Overall, have your legal needs been met?	
Yes - I'm very happy. My needs were met	42
I'm quite happy. But some of my needs weren't met	18
Unsure	31
I'm a bit disappointed. A lot of my needs weren't met	2
No - I'm unhappy. My needs weren't met	6
Total respondents	80

Young people's general views on dealing with legal issues

All respondents were asked what they would do if they had a legal issue in the future and 36 per cent said they would ask their parents/guardians to deal with it, 31 per cent would handle it themselves while four per cent said they would do nothing at all. Just over one quarter (28%) said it would depend on the problem (Table A12). The young people who said they would do nothing at all or who said it would depend on the problem (139 respondents) were asked what would put them off doing something about a legal issue in the future (Table A13). The most common response selected was 'I wouldn't know where to go to get help' (33%) followed by 'I'd be scared it would only make things worse' (30%) and 'I don't really know what legal issues are' (27%). Least likely to be selected was 'I don't think anyone would believe me' (12%).

The final question in this section asked all the young people where they would be most likely to seek advice from if they had a legal problem in the future. Respondents could choose more than one source. As Table A14 shows, the most common source chosen for advice on potential legal issues was parents/guardians (76%), followed by the internet (64%), friends (50%), school (32%) and solicitor (32%). These responses follow a similar pattern to those for the question that asked young people with a legal problem whom they did seek advice from. Least likely to be selected as a source of advice for a potential legal issue was an independent advice centre (8%).

The YPAG shed some light on respondents' preference for the 'internet' (after 'parents'). They explained that the internet provided 'anonymity'. They also suggested that whilst 'friends' might not be the best place to seek legal advice, it was understandable that it was a popular choice, in that young people trust their friends and would be likely to share concerns with them even if they were not relying on them for specific advice.

6.3 Meeting the legal needs of young people

The final section on the questionnaire focused on the young people's views on how best to meet the legal needs of young people in relation to two key issues which emerged from the focus groups: how young people could best learn about their rights; the 'ideal adult' in the legal system.

6.3.1 Learning about legal rights

Respondents were provided with a range of suggestions made by the participants in the focus groups as to how young people in Northern Ireland could best learn about and seek advice on legal issues. They were asked the extent to which they agreed or disagreed with these suggestions. In general, respondents agreed or strongly agreed with the suggestions made by the focus group participants, with 84 per cent agreeing with the suggestion that there should be a website where you can look up information, 80 per cent agreeing that it should be taught in schools and 77 per cent agreeing that there should be a website where you can put in your problem and get advice back, followed by workshops in the community (59%) and then use of social media (47%) (Table A15).

The YPAG suggested that the internet was a popular choice for learning about rights as it was accessible for most young people, anonymous and provided easy access to professional advice and information. However they also suggested that young people may not have selected this answer because often internet sites contained too much information in dense text and that not every source on the internet was trustworthy. They also suggested that the internet was somewhere you would go if you needed to seek advice: a reactive source of information. They were not surprised that school was a popular choice, since it is the most convenient place in which to learn.

Following these suggestions, the survey respondents were given an open question which asked for their views on the best way for young people to learn about legal issues. Their suggestions by and large were in alignment with the data above, with schools however as the preferred location for learning because it was *'the main area for the target audience'*. Some respondents problematized the idea of online learning, suggesting that placing legal needs in an online forum may lead to *'cyber bullying'*. Some young people suggested that a *'legal app'* could be developed for personal use.

Additional points arose from the free responses:

- Educational programmes in schools should be compulsory to ensure equality of access to information;
- Mechanisms should be found to educate parents and other responsible adults about the legal rights of children and young people;
- There was a need a professional input if the information was to be trusted;
- Regardless of mechanism, information should be presented in a fun and engaging way.

6.3.2 'Ideal adult' in the legal system

Survey respondents were also asked how much they agreed or disagreed with the suggestions made by the focus group participants about the best type of person to help them if they have legal problems and need help. Overall, the vast majority of young people responding to the survey agreed or strongly agreed with their focus group counterparts with over 80 per cent agreeing that the best type of person to help them if they have legal problems is someone who takes them seriously, can explain legal issues in a way they can understand, has expert knowledge and knows how to talk to young people (Table A16).

Following these questions, the survey respondents were asked how they would describe an 'ideal legal advisor' or 'ideal solicitor' or 'ideal adult in the legal system' for young people.

Many of the suggestions provided to this open-ended question were thorough and thoughtful insights. The suggestions provided can be categorised according to four main areas, that is, the 'ideal adult' in the legal system should:

- *Be professionally capable*: The young people felt that adults in the legal system should be qualified and well trained in terms of legal matters, with specific knowledge and expertise suited to each particular legal problem. Additionally, some also suggested that they should be familiar not only with the legal matters but also the young person's context, including an understanding of their community.
- *Have a caring personality*: As well as being professionally capable, the personality of the adult was also identified as a key issue. Many of the young people described the ideal adult as being caring, helpful, trustworthy, non-intimidating, non-judgemental, and patient. Some suggested that the ideal adult should also be 'young' and someone who was not just concerned about their own financial gain from the case but was genuinely aware of, and considerate of, young people's feelings.
- *Have experience with young people*: Related to professionalism and their ability to do their job, a key categorisation emerging from the data was that the young people

felt that the ‘ideal adult’ should be capable of, and experienced with, working with young people. For example, they suggested that they should be able to communicate effectively to young people, and to explain complicated matters clearly, in a non-patronising, engaging, interesting and honest manner.

- *Recognise young people as rights holders*: Finally, and related to the latter points, many of the suggestions provided highlight that the young people find it important that the ‘ideal adult’ recognises that young people are rights holders. Whilst all the young people did not necessarily directly use the language of rights, the issues they identified are fundamental to young people’s participation rights: listening to the young people, taking them seriously and providing information in an appropriate manner. Further, they suggested that the ideal adult would maintain confidentiality. In short the respondents saw an ideal adult as someone who treated young people with the same respect and good treatment that would be afforded to an adult.

Overall, these data suggest that young people clearly expect that adults working in the legal system on their behalf require more than the necessary legal qualifications. It is important to these young people that adults also understand and have experience of working with young people, and importantly, that they respect young people’s rights and treat them accordingly.

6.3.3 Suggestions on engagement with Department of Justice

Finally, the young people were asked to reflect on ways in which the Department of Justice could consult with young people in the future and/or provide information for young people on legal issues. Respondents were provided with examples of views from the young people who had participated in the focus groups before being asked to express their own views in an open response. Analysis of the suggestions indicated that young people made a distinction between two different types of communication mechanisms: mechanisms through which the Department of Justice could be proactive in consulting young people and educating them about legal issues; and mechanisms through which the Department of Justice could support young people in accessing information for themselves.

Proactive mechanisms

- Many young people suggested that the Department of Justice should consult through face-to-face contact, for example, through regular group discussions, talks, presentations, or workshops. Two main locations were often suggested for these types of encounters: school and in the community.

- With regard to mechanisms within *school*, young people suggested the use of school assembly, information days held at schools, timetabled information sessions in compulsory classes.
- Suggestions were also made that there was a need to appoint a dedicated person in the school to help with legal issues.
- With regard to the *community* several consultation ideas were provided, such as holding information events and discussion forums in community and youth groups. Respondents also suggested that parent information sessions should be held in the community.
- Advertising was also suggested as a method of information being disseminated to young people, via mass media. For example, via print-based advertising (on street poster/leaflet distribution), TV advertising, and online advertising (via popular websites such as Twitter and YouTube).

Supporting young people in accessing information

- Analysis of responses indicated that young people wanted the opportunity to seek information via a range of communication forms. There was a clear preference for online, interactive consultation methods consistent with young peoples' lifestyles. For example, web-based information sites, online surveys, popular social media sites (e.g., Facebook, Tumblr, Twitter), instant messaging services, and online videos.
- Additionally, more personalised approaches to seeking information were also suggested, such as helplines. However, this suggestion was offered much less frequently than the web-based suggestions.

It is likely that the preference for information being offered via personal contact versus the anonymity and flexibility of seeking guidance online is highly dependent on the individual. However, the data suggest that in order to engage effectively with *all* young people it would be beneficial for the Department of Justice to provide some face-to-face contact via schools and community groups, as well as providing additional support and resources via a variety of online sites and discussion forums.

6.4 Conclusion

The survey results underscore findings from the focus groups in relation to young people's knowledge and understanding of their legal rights. This lack of knowledge is a key barrier to young people's legal needs being met.

Further, the survey provides some indication of the range of legal issues young people are encountering, with respondents to this survey reporting experience of buying faulty goods, having poor or bad service, having noisy neighbours, being spoken to by the police and being bullied. Notably, respondents who were entitled to free school meals (a proxy indicator for socio-economic status) were significantly more likely than those who were not to have experienced a range of issues including having noisy neighbours, having been spoken to, or treated unfairly, by the police and being bullied.

The survey also provides insight into how barriers to meeting the legal needs of children and young people might be overcome – from the perspective of young people themselves. In relation to helping young people know and understand their legal rights better, the young people who completed this survey indicated a number of ways in which they wanted this to be achieved: learning about legal rights in school through the curriculum; having access to information and advice online. They also suggested that the Department of Justice should be proactive in consulting young people and educating them about legal issues (through face-to-face consultations and presentations in school and community settings); and also provide online, interactive mechanisms through which to consult young people. Finally, the young people surveyed also suggested that the 'ideal adult' in the legal system should be professionally capable, have a caring personality, have experience with young people, and recognise young people as rights holders (i.e. seek, listen to and act on their views).

7. Conclusions

Children and young people can experience legal needs that are: the same of those of adults such as employment disputes; different from adults involved in the same set of circumstances such as decisions about custody and contact during divorce; and issues unique to children and young people such as when problems arise at school.

It was apparent in this research that children and young people's legal needs are as varied and diverse as children and young people themselves and are affected by their age, ethnicity, gender, socio-economic status, family circumstances and sexual orientation etc.

The vulnerability of children and young people and their relative dependency on adults exacerbates the general problems, for example experienced by adults, in accessing justice and as such brings about specific legal needs. These particular needs include: accurate assessment of competence; appropriate communication skills for adults engaging with children and young people; the recognition of children as rights-holders with the particular right to have their views sought, listened to and taken seriously; adequate time for cases so that meaningful consultation can occur at each stage of the legal process; need for legal specialism in relation to the issues faced by children and young people; age appropriate treatment by police; child friendly facilities and age appropriate court proceedings.

In relation to unmet legal needs, evidence from adult interviews and focus groups with children and young people suggests that for some young people their needs are *not* being met. Notably, as identified in this research, these legal needs are not confined to youth justice matters but span a wide range of issues. The findings from the survey indicate that for some young people their legal needs *are* being met, and that these young people are content with the processes through which this occurred.

In terms of barriers to meeting the needs of children and young people, the views of adults and young people largely concur. Adults and young people agree that a fundamental barrier to meeting the legal needs of children and young people is the lack and knowledge and understanding of legal rights on the part of young people (and to an extent, their parent/guardians). Notably, adults pointed to a related 'lack of confidence' in young people accessing legal advice; young people on the other hand emphasised a 'lack of confidence' in relation to safely exercising their legal rights, for fear of repercussion, and a 'lack of willingness' to exercise rights because they felt it would make little difference. It was agreed across those interviewed that a further barrier to young people's legal needs being met, was the failure on the part of some adults to recognise young people as rights-holders. This was most acute in relation to young people's participation rights. Finally, there was

agreement in relation to the impact of delay and inappropriate detention, particularly in relation to access to support for mental health problems.

Young people raised the issue of age discrimination to a much greater extent than the adults, identifying this as a key barrier to having their legal needs met. Also, where adults emphasised the need for professional standards in relation to legal representation of children and young people, young people emphasised the need for training. Adults also drew attention to funding issues. Young people did not raise this, but were clearly experiencing the impact of this on their experience of the legal system.

What was apparent from analysis of the views of both adults and young people, was that while the adults interviewed, who were professionals attuned to the legal needs of young people, provided extensive insight into both positive and negative systemic issues within the legal system, the children and young people provided rich illustrations and examples of how these issues impact upon their lives.

Appendices

Appendix 1: Potential areas of legal need

The following statistics provide some insight into the potential areas of legal need for children and young people in Northern Ireland, in relation to some key areas of their lives.

Education

- According to DENI⁴⁰, in the school year 2012/13, there were 19 **expulsions** and 3,556 suspensions from schools in Northern Ireland.
- The majority of pupils expelled from school were male and attended post-primary schools. The three main reasons for expulsion were physical attack on a pupil, verbal abuse of staff and persistent infringement of school rules.
- Of the pupils who were **suspended** from schools, 78 per cent were male and 82 per cent attended secondary schools. The comparable figure for grammar schools was 11 per cent, for special schools it was two per cent and for primary schools the figure was five per cent.
- For the school year 2012/13, DENI reported that 21 per cent of pupils in Northern Ireland were recorded as having **special education needs** and 4.5 per cent had a statement of special educational needs (SEN).⁴¹

Care

- Children and young people in care, or who have left care, are **one of the most vulnerable groups in society**. Research has consistently shown that they are at higher risk of having for example, poorer educational outcomes⁴² and poorer physical and mental health⁴³ than those who are not in care or have never been in care.
- Furthermore, 16 per cent of care leavers had been subject to a **SEN** whilst attending school compared to four per cent of the general school population in Northern Ireland.⁴⁴
- Children in care and care leavers are also at higher risk of ending up in the **criminal justice system**⁴⁵. In their report, 'Care - a stepping stone to custody?', on behalf of the Prison Reform Trust, Blades et al (2011) argue that looked after children are

⁴⁰ DENI <http://www.deni.gov.uk/index/facts-and-figures-new/education-statistics/suspensions-and-expulsions.htm>

⁴¹ DENI http://www.deni.gov.uk/enrolments_in_schools_1213_-_february_release_-_final.pdf

⁴² DHSSPS: http://www.dhsspsni.gov.uk/ni_care_leavers_aged_16_-_18_2011-12.pdf

⁴³ HSCB *Delegated Statutory Functions Statistical Report (2013)*. Report sent to research team on 13/9/13 but not publicly available yet

⁴⁴ DHSSPS: http://www.dhsspsni.gov.uk/ni_care_leavers_aged_16_-_18_2011-12.pdf

⁴⁵ Blades, R., Hart, D., Lea, J. & Willmott, N. (2011) Care – a stepping stone to custody? <http://www.prisonreformtrust.org.uk/Portals/0/Documents/caresteppingstonetocustody.pdf>

over-represented in prisons and cite research carried out by the Social Exclusion Unit in 2002 which suggested that over one quarter (27%) of the adult prison population had once been in care.

- A further group of vulnerable children and young people are those who are on the 'edge of care'. In 2007, a report, 'Care Matters in Northern Ireland: A Bridge to a Better Future', published by the DHSSPS used the term 'edge of care'⁴⁶ to describe children and young people who, while not actually in care, were known to Social Services as being at risk of coming into care. One such group of children are those who, while living at home, are deemed to 'have unstable and fractious family relationships'.

Victimisation and crime

- Recent PSNI statistics (2012/13) showed that there were 68,765 offences recorded in Northern Ireland where there was a person **victim**.
- Eight per cent of this total was young people under the age of 18 years (5,816 offences).
- Over two thirds (67%) of the victims who were under the age of 18 years were victims of violence against the person, 18 per cent were victims of sexual offences, 13 per cent were victims of theft offences and criminal damage and one per cent were the victims of robbery.
- There were 13 crime victims under the age of 18 years per 1,000 of the population under 18 years.
- The rate per 1,000 of the population under 18 years for violence against the person was nine while the rate for sexual offences was two⁴⁷.

Youth Justice

- According to a recent report, in any one year up to 10,000 young people (aged 10 to 17 years) come into contact with the Department of Justice, representing approximately five per cent of the total population of young people in this age group⁴⁸.
- A Freedom of Information response by the PSNI to a request for the number of juvenile arrests (up to the age of 18 years) is available on the PSNI website⁴⁹. This shows that there were 4,851 arrests of young people up to the age of 18 years in 2009. The document also shows that between 1 January and 10 June 2010, there were 2,457 PPS case files with one or more juveniles.

⁴⁶ DHSSPS (2007) <http://www.dhsspsni.gov.uk/care-matters-ni-3.pdf>

⁴⁷ PSNI: http://www.psni.police.uk/police_recorded_crime_in_northern_ireland_1998-99_to_2012-13.pdf

⁴⁸ DoJNI: <http://www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/review-of-youth-justice---large-print-version-of-report.pdf>

⁴⁹ PSNI: http://www.psni.police.uk/juvenile_crime.pdf

Separation and divorce

- According to the DHSSPS, between one in four and one in three couples marrying in Northern Ireland will experience **separation** with one in six children affected by the separation of their parents before they leave school⁵⁰.
- Figures produced by the Northern Ireland Statistics and Research Agency (NISRA) show that, in 2012, there were 2,444 **divorces** recorded in Northern Ireland which was slightly above the average level for the last two decades. Over half of all couples who divorced had at least one child under the age of 18 years at the time the petition was lodged.
- The data produced by NISRA also show that in the same time period, of the 4,300 children/stepchildren affected by divorce in Northern Ireland, just over 2,500 (58%) were under 18 years of age⁵¹.

Disability and mental health

- The most recent Survey of People with Activity Limitations and Disabilities (NISALD) which was conducted by NISRA in 2007 suggested that 37 per cent of households in Northern Ireland included at least one person with a **disability** and that 20 per cent of these households contained more than one person with a disability. The survey also found that 21 per cent of adults and six per cent of children in Northern Ireland had a disability⁵².
- More recently, data from the 2012 Young Life and Times (YLT) survey of 16 year olds in Northern Ireland showed that ten per cent of respondents said they had a **long-term physical or mental health condition or illness**. A similar percentage (9%) of Primary 7 children taking part in the 2013 Kids' Life and Times (KLT) survey said they had a **long-term disability, illness or medical condition**.
- In 2011, the YLT survey assessed the mental health of 16 year olds in Northern Ireland using the General Health Questionnaire (GHQ12) which is a measure used to detect the possibility of **psychiatry morbidity** in the general population. Higher scores on the GHQ12 reflect poorer mental health and a score of four or more is usually taken to indicate a level of psychological distress that could be of clinical significance. Figures from the YLT survey in 2011 showed that 28 per cent of the 16 year old participants had a score of four or more on the GHQ12 (36% of females

⁵⁰ DHSSPS: <http://www.dhsspsni.gov.uk/separationinni-2.pdf>

⁵¹ NISRA (2013) http://www.nisra.gov.uk/archive/demography/publications/marriages_divorces/MDCP2012.pdf

⁵² DHSSPS: http://www.dhsspsni.gov.uk/disability_strategy_and_action_plan_-_2012-2015.pdf

compared with 19% of males). The equivalent figure for adults, based on data collected by the 2011/12 Health Survey Northern Ireland, was 20 per cent⁵³.

Minority Ethnic Groups

- The 2011 Census showed that two per cent of the usually resident population in Northern Ireland belonged to minority ethnic groups, which was more than double the proportion in 2001 (0.8%)⁵⁴.
- Reflecting this change in the general population, the number of children attending schools in Northern Ireland who are defined as 'newcomer'⁵⁵ has increased from 1,366 in 2001/02 to 9,417 in 2012/13⁵⁶.
- Figures reported by DENI⁵⁷ show that three per cent of school pupils in 2011/12 are from 'other ethnic groups'⁵⁸.
- A number of studies carried out in Northern Ireland over the past few years have suggested that children from minority ethnic groups and children who are 'new' to Northern Ireland face a range of issues including **racism and harassment, discrimination and bullying** (see for example, Geraghty et al, 2010⁵⁹, NCB NI and ARK YLT, 2010⁶⁰, Rooney & Fitzpatrick, 2011⁶¹).
- Among the general population, recent statistics reported by the PSNI show that there were 750 racist incidents and 470 racist crimes reported in 2012/13 which is a rise on the figures reported for 2011/12 (696 and 458 respectively).

LGBT children and young people

- It is difficult to get figures for the numbers of LGBT (Lesbian, Gay, Bisexual, and Transgendered) young people in Northern Ireland. The most recent YLT survey (2012) reported that six per cent of the 16 year old respondents said they had been

⁵³ NINIS: <http://www.ninis2.nisra.gov.uk/public/Home.aspx>

⁵⁴ NISRA: <http://www.northernireland.gov.uk/index/media-centre/news-departments/news-dfp/news-releases-dfp-december-2012/news-dfp-111212-census-2011-key.htm>

⁵⁵ DENI: A newcomer pupil is one who has enrolled in a school but who does not have the satisfactory language skills to participate fully in the school curriculum, and the wider environment, and does not have a language in common with the teacher, whether that is English or Irish. This has previously been referred to as English an Additional Language. It does not refer to indigenous pupils who choose to attend an Irish medium school.

⁵⁶ DENI: http://www.deni.gov.uk/index/facts-and-figures-new/education-statistics/32_statistics_and_research-numbersofschoolsandpupils_pg/32_statistics_and_research-northernirelandsummarydata_pg.htm

⁵⁷ DENI: <http://www.deni.gov.uk/search.lsim?sr=0&nh=10&cs=iso-8859-1&sc=&sm=0&mt=1&ha=deni-cms&qt=Pupils+at+schools+in+Northern+Ireland+in+2011%2F12+by+Ethnic+Group%09%09%09>

⁵⁸ Pupil ethnicity is recorded according to their parents' self-perception of ethnic group. Other ethnic groups includes pupils who recorded their ethnicity as Irish traveller, mixed ethnic groups and those of non-white ethnic group

⁵⁹ Geraghty, T., McStravick, C. & Mitchell, S. (2010) New to northern Ireland
http://www.ncb.org.uk/media/886382/ntni_web_final.pdf

⁶⁰ NCB NI and ARK YLT (2010) Attitudes to Difference http://www.ark.ac.uk/yld/results/Attitudes_to_difference_report.pdf

⁶¹ Rooney, E. & Fitzpatrick, B. (2011) Promoting racial equality in Northern Ireland's post-primary schools.
http://nicem.org.uk/uploads/publications/Education_report_-_Final_PDF.pdf

attracted to someone of the same sex as themselves⁶². Using data from the YLT surveys, Schubotz and O'Hara reported in 2011 that same-sex-attracted young people had poorer **mental health**, experienced more **bullying** in school and experienced higher social pressures to engage in **health-adverse behaviours** than their peers⁶³.

- Among the general population, recent statistics reported by the PSNI show that **homophobic** motivated incidents (246) and crimes (249) have increased year on year with the figures for 2012/13 the highest since 2004/05 (196 and 151 respectively)⁶⁴.

⁶² YLT 2012: <http://www.ark.ac.uk/ylt/2012/Identity/SEXATT.html>

⁶³ Schubotz, D. & O'Hara, M. (2011) A Shared Future? Exclusion, Stigmatization, and Mental Health of Same-Sex-Attracted Young People in Northern Ireland <http://yas.sagepub.com/content/43/2/488.refs>

⁶⁴ PSNI: http://www.psni.police.uk/quarterly_hate_motivations_bulletin_apr-sep_13_14.pdf

Appendix 2: Organisations approached for data

Organisation	Response
Advice NI	No response
Autism NI	No response
Barnardo's	No data available – service teams report no queries relating to children's legal needs or relating to requests for information
Cara Friend	Does not collect this type of data
Childline	Data not publicly available
Children in Northern Ireland	Does not offer advice services to children and young people
Children's Law Centre	Data received
Citizen's Advice Bureau	Data were to be sent - reminders sent but no data received
Contact a Family	No response
Court Service	Statistics Branch which covers all services – unable to assist as people seeking advice are referred to relevant organisations.
Disability Action	Data received
Equality Commission	Data received
Include Youth	No response
Mencap	Data received
National Deaf Children's Society	Figures were to be sent - reminders sent but no data received
National Children's Bureau	Does not have an advice capacity so no data collected
NICCY	Data received
NIGALA	Email(s) forwarded by administrative staff but no response
NIHRC	Refer any child-related queries to NICCY or to the Children's Law Centre
NILSC	Data received
NSPCC	Does not have this type of data
Rainbow	No response
RNIB	No response
Save the Children	Does not have an advice capacity so no data collected
Special Education Needs Advice Centre (SENAC)	Data were to be sent - reminders sent but no data received
Shine	Receives requests for information and advice on issues including health, education, employment and finance but cannot provide the information requested (has approximately 250 children and young people under 18 years on database)
The National Autistic Society	No response
VOYPIC	Data received

Appendix 3: Adult interview protocol

- What are the **legal needs** of children and young people you work with?
 - Probe in relation to details on categories, scale, ages, geography, level etc
- How are these legal needs **met (or not)**?
 - Probe re. services accessed e.g. quality, adequacy, age appropriateness, practical arrangements etc
 - Which, if any, legal needs of children and young people are in your opinion unmet? Probe re. details, scale, ages, categories, reasons etc.
 - What consequences or impact does this have, directly/ indirectly?
- What **barriers** exist preventing children and young people from accessing services which are available to meet their legal needs?
 - Are children and young people able to identify their own legal needs? How does this affect their ability to ensure that their legal needs are met?
 - What should be done to remedy any lack of awareness among children and young people of their rights?
 - Are the children and young people who you work with aware of legal remedies where these may be available to address their problems?
 - What should be done to remedy any lack of awareness among children and young people of legal remedies?
- Is the **right to participation** (Art 12 UNCRC) understood and implemented by lawyers who seek to meet the legal needs of children and young people?
 - To what extent do lawyers working with children and young people have the relevant training and skills to assess the competence and autonomy of young clients to give instructions etc?
 - To what extent do children and young people's lawyers communicate with their clients appropriately?
 - Are children and young people effectively and appropriately informed of their rights, relevant legal processes and outcomes of proceedings? If not, why not?
 - Should training accreditation be required to ensure professional standards for lawyers working with children and young people clients?
- What would see as the **ideal** way of ensuring the legal needs of children and young people were met?
 - How should unmet needs you identified above be met?
 - What would constitute appropriate and effective representation for children and young people?
- Any other comments?

Appendix 4: Young people focus group protocol

- What are the **legal needs** of children and young people?
 - Capacity building activity: post-it brainstorm in categories of home, school, community, work etc; prioritise these needs by ranking post-its
 - *What legal needs have you had? Probe for details re. nature, scope etc*
- How were these legal needs **met (or not)**?
 - *What did you do about these legal needs? What services did you use? Were these services any good? Helpful? Age appropriate?*
 - Are there any legal needs of young people in general that aren't met (i.e. properly dealt with)? Is it because they don't do anything about it? Don't know what to do? Advice isn't good enough? Support isn't good enough? Etc
 - *Have you had any legal needs that haven't been met (i.e. properly dealt with)? Is it because you didn't do anything about it? Didn't know what to do? Advice you got wasn't good enough? Support you got wasn't good enough? Etc*
 - *What impact did this have on you?*
- What are the **barriers** to helping young people deal with their legal needs?
 - Do young people know their legal needs/rights?
 - *How well do you know your legal needs/rights?*
 - *How do you find out about legal needs/rights? In school? Youth club? Do you know where to find out information about your legal needs/rights? If so, where? If not, why not?*
 - What should be done to help young people know more about their legal rights? In general? In school?
 - Do young people know about the different ways their legal issues can be dealt with? *What do you know about this? How do you know about this?*
 - What should be done to help young people know more about how to get help etc with legal issues (i.e. know about legal remedies)? In general? In school?
 - What stops young people using the services out there? *What stops you from using the services out there?*
 - What can be done to overcome that? Are the services and information etc in formats that suit young people (e.g. internet, facebook etc)? Are they age appropriate?
- Do you think young people's views are taken seriously (Art 12 CRC) when they have legal issues?
 - Are lawyers and other adults in the legal system able to communicate well with young people?
 - Are the rights, legal processes and outcomes of proceedings explained well to young

people? If so, how? If not, why not?

- What would you see as the **ideal** way of making sure the legal needs of children and young people are properly dealt with?
 - Activity: design the ideal representative for children and young people
 - Activity: the ideal service for children and young people
- How should the DoJ go about keeping in touch with young people on these issues?
- Any other comments?

Appendix 5: Survey

Legal Needs Survey

This survey is being carried out on behalf of the [Department of Justice](#).

1) **Please watch this message from the Minister for Justice David Ford.**

2) **Please press play.** 

Thank you for taking the time to complete this survey.

We would like to reassure you that the answers you provide will be [completely confidential](#). The information provided here will be sent to a researcher at Queen's called Karen. [Only Karen and other members of the research team will be able to see the answers.](#)

This is **not a test**. We just want to know what you think. So please answer as honestly as you can.

Important information: When completing this survey please **do not click the 'back' button** on your computer as this will automatically direct you to the start of the survey meaning you would have to start all over again!

Please click on the box below if you are happy to take part in this survey

3) *** I agree to take part in this survey**



Yes



Section 1

In the first section of this survey we want you to answer some **questions about yourself**. We need this information so that we can **explore if different young people have different views**, e.g. do boys and girls or people from different areas of Northern Ireland think differently about issues etc.

4) * Are you a boy or a girl?

- Boy
- Girl

We need to know **the name of your school** so that we can find out what part of Northern Ireland it is in and the type of school that it is.

5) * What is the name of your school?

6) * Are you entitled to a free school meal?

- Yes
- No
- Not sure

We would like to know **your postcode** so that we can see what area of Northern Ireland you live in - **it might be a bit different to where your school is**.

7) What is your home post code?

8) If you don't know your post code could you please give us the name of your town and street?



**9) * Which word best describes your ethnic background?
(You can only choose one answer)**

- White
- Chinese
- Irish Traveller
- Indian
- Pakistani
- Bangladeshi
- Black Caribbean
- Black African
- Black other
- Mixed
- If mixed please give details

10) * How would you best describe your religious background? (You can only choose one answer)

- Catholic
- Protestant
- I'm not religious but I come from a Catholic background
- I'm not religious but I come from a Protestant background
- I come from a mixed background
- None
- Other, please give details




Section 2

In this section we want to find out what **you know and understand about young people's legal rights.**


Some young people we spoke to over the summer felt they knew **very little** about their legal rights, while others felt they knew **a lot**.

11) * How much do you know about your legal rights? (You can only choose one answer)

- Nothing at all
 - A little bit
 - Unsure
 - Quite a lot
 - A lot
- 

Some young people we spoke to over the summer felt that their **parents (or guardians) knew very little about young people's legal rights**, while others felt their parents (or guardians) knew quite **a lot**.

12) * How much do you think YOUR parents (or guardians) know about young peoples' legal rights? (You can only choose one answer)

- Nothing at all
 - A little bit
 - Unsure
 - Quite a lot
 - A lot
- 

The young people we spoke to said that they had **learnt about legal issues in a range of different ways.**

13) * How much have you learnt about your legal rights from each of the following?

	Nothing at all	A little bit	Unsure	Quite a lot	A lot
School	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Youth groups/clubs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The media (TV, news, newspapers)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Internet	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Parents or guardians	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Friends	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Experience (e.g., from having legal problems yourself or your family dealing with legal issues)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



The next set of questions is about what **you know about some legal rights.** **Please don't guess an answer.**

If you haven't any idea what the answer is, it's **really important** for our survey that you click '**don't know**' - we need to know what young people don't know about their rights as well as what they do know!

14) * At what age does the law say a child or young person can be held responsible for a crime they've committed, i.e., at what age can you be charged with a crime?

- Don't know
- At any age
- From the age of 7
- From the age of 10
- From the age of 12
- From the age of 16

15) * At what age can you get a part-time job?

- Don't know
- From the age of 12
- From the age of 13
- From the age of 14
- From the age of 15
- From the age of 16



16) * What's the maximum number of hours a young person your age is allowed to work in a part-time job on a school day?

- Don't know
- 1 hour
- 2 hours
- 3 hours
- 4 hours
- There is no limit

17) * What's the maximum total number of days a young person can be suspended from school during one school year?

- Don't know
- 15 days
- 30 days
- 45 days
- 60 days
- There is no limit

18) * What is the shortest length of time an 'anti-social behaviour order' (ASBO) can be given for?

- Don't know
- I don't know what an ASBO is
- 6 months
- 1 year
- 2 years
- 3 years



Section 3

Now we would like to find out about any **legal issues** (i.e. legal needs of legal problems) you might have had.

19) * Have you ever had a 'legal issue' (i.e. had a 'legal need' or 'legal problem')?

- Yes
- No
- Not sure



Now we are going to ask you some questions about specific legal needs you might or might not have had.

Look at the list below - you mightn't even have realised that some of these are legal issues. The first list looks at things like **services, family, part-time jobs and school.**

For each one, click on the best response for you.

20) * Have you ever?

	Yes	No	Not sure
Bought something that turned out to be faulty (broken or needed fixed)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Had poor or bad service (e.g., in a shop, business, online services etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Had noisy neighbours	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Had neighbours who destroyed your home or personal property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Been sacked from a part-time job	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Felt treated unfairly by an employer in a part-time job?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Been involved in family disputes about any legal issues (e.g., about contact with a parent or other family member you don't live with, or about family finances)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Been involved in legal issues about care, fostering or adoption	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Had problems getting into the school you wanted to go to	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Been suspended from school	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Been expelled from school	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Had to get help in school because you have a special educational need	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



The next list focuses on things like **medical needs, the police, and criminal issues.**

Again for each one, click the best response for you.

21) * Have you ever?

	Yes	No	Not sure
Been unhappy with how your medical needs (health and mental health) were dealt with (e.g., by a doctor, dentist, counsellor etc)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Had to deal with issues around immigration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Been spoken to by the police	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Felt treated unfairly by the police	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Been attacked	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Been robbed/ had property stolen from you	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Been bullied	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Been involved in any crime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now we would like to know if you have ever been **discriminated against (treated unfairly)** for any reason.

Again, please click on the best option for you.

22) * Have you ever been discriminated against (treated unfairly) because of your:

	Yes	No	Not sure
Age	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gender (boy/girl)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Religion or political background	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual orientation (gay, straight, bisexual)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ethnic background	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Now that you've had some time to think through a range of legal issues, we'd like you to answer this question again.

You mightn't have realised some of those issues were 'legal issues'.

It's OK to change your answer from the first time if now you think you have had a legal issue.

23) * Have you ever had a 'legal issue' (i.e. 'legal need' or 'legal problem')?

- Yes
- No
- Not sure



NOTE: Questions 24 to 32 only asked of those who answered 'yes' to question 23

24) * What did you do about the legal problem (s) you had?

- Nothing at all
 - Handled it myself
 - Asked my parents or another adult to deal with it
 - It depended on the problem
- ➔

25) * Why did you do 'nothing at all' about your legal issue? (Tick all that apply)

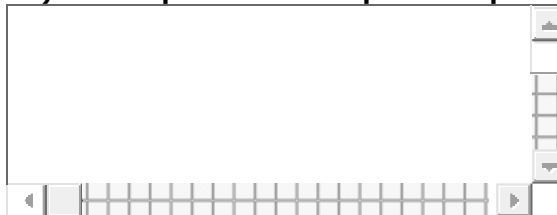
- I didn't know it was a legal issue
- I didn't know I could do anything
- I didn't see the point in doing anything because it wouldn't have made a difference
- I didn't know where to get help
- I was scared it would only make things worse
- I didn't think anyone would believe me
- I didn't think anyone would listen
- If other, please explain



26) * Did you try to get advice on how to deal with the problem(s)?

- Yes
- No
- It depended on the problem

27) If 'it depended on the problem' please explain





28) * Where did you get advice from?

- Internet
- Someone in my community (e.g., youth worker, community worker)
- Politician
- Citizens Advice Bureau
- Independent Advice Centre
- Helpline
- Police
- Solicitor
- Friend
- Parents/ guardians
- School
- Other, please explain

29) * How happy were you with the advice or help you got?

- Not at all happy
- A bit happy
- Unsure
- Happy
- Very happy



Think about the adults who were helping you with your legal issue, and answer these questions:

30) * How much do you agree or disagree with the following?

	Strongly disagree	Disagree	Unsure	Agree	Strongly agree
The adults asked for my views	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The adults listened to my views	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The adults took
my views
seriously



You have had some legal issues or problems to deal with. That means you have had some **legal needs**.

The Department of Justice wants to know whether or not you feel your legal needs have been '**met**' i.e. if you are **happy/satisfied** with how everything has **turned out** for you and with how your issue was **handled** by the adults you came across.

31) * Overall, have your legal needs been 'met'? (You can only choose one answer)

- Yes - I'm very happy. My needs were met.
- I'm quite happy. But some of my needs weren't met.
- Unsure
- I'm a bit disappointed. A lot of my needs weren't met.
- No - I'm unhappy. My needs weren't met.

32) You can use this box if you want to add any more detail about the legal need you had and how it was dealt with.

A large rectangular text input area with a vertical scroll bar on the right side and a horizontal scroll bar at the bottom, indicating it is a multi-line text field.

Remaining questions asked of all participants

These next questions focus on **if you had a legal problem in the future** and what you might do.

33) * If you had a legal problem in the future, what would you be most likely to do?

- Nothing at all
- Handle it myself
- Ask my parents or another adult to deal with it
- It would depend on the problem

34) If you answered 'it would depend on the problem' please explain



35) * What would put you off doing something about a legal issue in the future (Tick all that apply)

- I don't really know what legal issues are
- I wouldn't know where to go to get help
- I wouldn't see the point in doing anything because it wouldn't make a difference
- I'd be scared it would only make things worse
- I don't think anyone would believe me
- I don't think anyone would listen
- Other, please explain



36) * If you were looking for advice about a legal problem in the future, where would you most likely seek it from? (You can choose more than one answer)

- Internet
- Someone in my community (e.g., youth worker, community worker)
- Local politician
- Citizens Advice Bureau
- Independent Advice Centre
- Helpline
- Police
- Solicitor Friend
- Parent/guardians
- School
- It would depend on the problem
- Other, please explain

37) If you answered 'it would depend on the problem' please explain



Section 4

The Department of Justice is interested in your views on how the legal system in Northern Ireland can work as best as possible for young people like you.

Over the summer we asked young people what they thought was the best way to learn about legal rights and how to get help with legal problems.

Have a look at some of their suggestions below.

38) How much do you agree or disagree with these?

	Strongly disagree	Disagree	Unsure	Agree	Strongly agree
Make sure it's taught in school	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use social media (like Facebook and Twitter)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have a website where you can look up information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have a website where you can put in your problem and get advice back	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Run workshops for young people in their communities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Some young people disagreed with some of the ideas above. For example, some said there was no point teaching about legal rights in school because young people wouldn't listen. Some said young people would get distracted on the internet so there was no point trying to teach young people that way.

39) What do you think is the best way for young people to learn about legal issues?

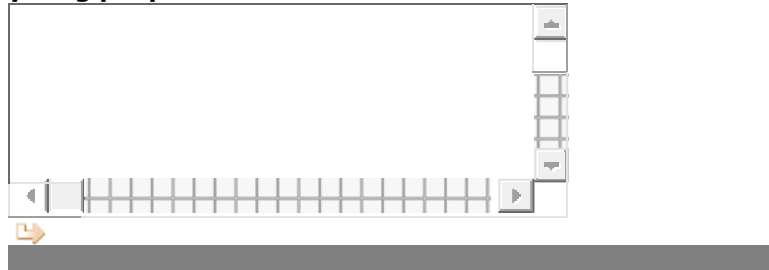
We also asked the young people to think about **the best type of person to help them if they have legal problems and need help**. Here are some of their suggestions below.

How much do you agree or disagree with their views?

40) * The best type of person to help young people with legal problems is someone who

	Strongly disagree	Disagree	Unsure	Agree	Strongly agree
Asks young people their views	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Takes young people seriously	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Knows how to talk to young people	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Can explain legal issues in a way young people understand	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gives clear information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Deals with your worries and concerns quickly	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Has expertise in the area - knows what they are talking about	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is properly trained in the area you need help in	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is trained in how to work with young people	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Makes young people aware of all the possible ways the legal situation might turn out	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Understands the community young people come from	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

41) * How would you describe an 'ideal legal advisor' or 'ideal solicitor' or 'ideal adult in the legal system' for young people?



Finally, the Department of Justice wants your ideas on the best way for them to keep in touch with young people so that they can keep up to date with young people's legal needs and problems. Here are some of the ideas from the young people we spoke to over the summer:

'Yeah they should Facebook us or something

"But don't make it patronising, don't be like "Hiya kids!"

'Get them down here to speak to us in our communities - don't expect us to go to them'

'Make links with specific groups already set up like disability groups or ethnic minorities'

'Go through schools to listen to young people'

'It's difficult to find another location but I think school is the wrong location - it's just convenient'

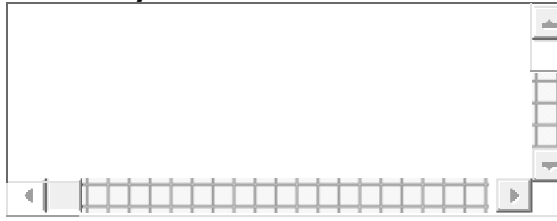
'Set up a group where you can have regular contact - meeting with them every few weeks'

'Have online surveys to ask young people what they think'

42) * What do you think is the best way for the Department of Justice to consult with young people?



43) If you want you can use this box below for any other comments you might want to make on issues raised in the survey.



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Appendix 6: Additional Tables

NOTE: Statistical significance was tested using the Chi-squared test. Statistically significant results ($p < 0.05$) were also tested for effect sizes. Effect size indicates the degree to which the results may be considered to have practical as well as statistical significance. The tests used were Phi (for 2 x 2 tables) and Cramer’s V (for larger tables). The convention for describing the magnitude of the effect size is as follows: .10 small effect; .30 moderate effect and .50 large effect. All the effect sizes reported in this study were, therefore, small.

Table A1: How much do you know about your rights?

	Sex*		Religion			FSME		All %
	Male	Female	Catholic	Protestant	Mixed/ Other/ None	Yes	No	
How much do you know about your rights?								
Nothing at all	8	6	7	6	12	9	6	7
A little bit	46	60	47	56	57	46	54	53
Unsure	24	21	25	22	20	21	24	23
Quite a lot	17	12	16	15	10	22	14	15
A lot	5	1	5	1	2	3	3	3
Total	100	100	100	100	100	100	100	100

*Chi-squared test $p < 0.01$ (effect size is small – 0.18)

Table A2: How much do you think your parents/guardians know about young people’s rights?

How much do you think your parents/guardians know about young people’s rights?	%
Nothing at all	2
A little bit	25
Unsure	33
Quite a lot	28
A lot	12
Total	100

Table A3: Sources of knowledge about legal issues

How much have you learned about legal issues from the following sources?	% respondents saying ‘a lot’ or ‘quite a lot’
School	33
Parents or guardians	29
Internet	27
The media	24
Friends	11
Experience	10
Youth groups, clubs	9

Table A4: Have you ever had a legal issue?

Have you ever had a legal issue?	Sex*		Religion*			FSME*		All %
	Male %	Female %	Catholic %	Protestant %	Mixed/Other/None %	Yes %	No %	
Yes	22	12	16	15	28	26	14	17
No	62	74	63	74	59	51	73	68
Unsure	16	14	21	11	14	23	13	15
Total	100	100	100	100	100	100	100	100

*Chi squared tests: p values ranged from p<0.05 to p<0.1; effect sizes were small and ranged from 0.14 to 0.21)

Table A5: Ever experienced these legal issues?

Have you ever.....	Yes	No	Not sure
Bought something that turned out to be faulty (broken or needed fixed)?	79	15	6
Had poor or bad service (e.g. in a shop, business, online services etc.)?	79	14	7
Had noisy neighbours?	45	50	5
Been spoken to by the police?	39	59	2
Been bullied?	30	65	5
Been unhappy with how your medical needs (health and mental health) were dealt with (e.g. by a doctor, dentist, counsellor etc.)?	22	72	6
Felt treated unfairly by the police?	18	76	5
Been robbed/ had property stolen from you?	17	81	2
Been involved in family disputes about any legal issues (e.g. about contact with a parent or other family member you don't live with, or about family finances)?	15	76	10
Been attacked?	14	84	3
Had neighbours who destroyed your home or personal property?	12	83	6
Been suspended from school?	12	86	2
Been involved in any crime?	11	83	6
Had problems getting into the school you wanted to go to?	10	87	3
Had to get help in school because you have a special educational need?	9	88	3
Felt treated unfairly by an employer in a part-time job?	5	92	2
Been involved in legal issues about care, fostering or adoption?	4	94	2
Been sacked from a part-time job?	4	95	1
Had to deal with issues around immigration?	3	96	2
Been expelled from school?	1	97	2

Table A6: Experience of discrimination

Have you ever been discriminated against because of your.....	% saying 'yes'							
	Sex*		Religion			FSME*		All
	Male	Female	Catholic	Protestant	Mixed/ Other/ None	Yes	No	
Age	22	35	26	29	31	37	26	28
Gender	10**	23**	13	19	16	20*	14	16
Religion/Political background	23	23	22	22	28	29**	21**	23
Sexual orientation	7***	2***	3	4	10	9	4	4
Ethnic background	8	4	6	6	10	13	4	6
Disability	6****	1****	2	5	4	9	2	4

*Chi squared tests: p values ranged from p<0.05 to p<001; effect sizes were small and ranged from 0.14 to 0.21)

Table A7: What did you do about the legal problem(s) you had?

What did you do about the legal problem(s) you had?	%
Nothing at all	6
Handled it myself	22
Asked my parents or another adult to deal with it	32
It depended on the problem	39
Total respondents	80

Table A8: Did you try to get advice on how to deal with the problem(s)?

Did you try to get advice on how to deal with the problem(s)?	%
Yes	51
No	40
It depended on the problem	9
Total respondents	80

Table A9: Source of advice*

Where did you get advice from?	N
Parents/Guardians	36
Internet	22
Friend	19
Someone in my community	10
Police	10
School	9
Solicitor	7
Politician	1
Citizens Advice Bureau	1
Helpline	1
Independent Advice Centre	0
Other (from relative)	1
Total respondents	48

*Respondents could give more than one answer

Table A10: How happy were you with the advice?

How happy were you with the advice or help you got?	N
Not at all happy	0
A bit happy	9
Unsure	8
Happy	23
Very happy	8
Total respondents	48

Table A11: Extent of agreement with help/support from adults

How much do you agree or disagree with these statements?	% respondents saying 'strongly agree' or 'agree'
The adults listened to my views	75
The adults took my views seriously	64
The adults asked for my views	60
Total respondents	80

Table A12: What would you do about a legal issue you might have in the future?

If you had a legal problem in the future, what would you be most likely to do?	%
Nothing at all	4
Handle it myself	31
Ask my parents or another adult to deal with it	36
It would depend on the problem	28
Total respondents	426

Table A13: What would put you off doing something about a legal issue in the future *

What would put you off doing something about a legal issue in the future?	% selecting the response
I wouldn't know where to go to get help	33
I'd be scared it would only make things worse	30
I don't really know what legal issues are	27
I wouldn't see the point in doing anything because it wouldn't make a difference	23
I don't think anyone would listen	14
I don't think anyone would believe me	12
Other	10
Total respondents	139

*Respondents could give more than one answer

Table A14: Who would you seek advice from in the future?*

If you were looking for advice about a legal problem in the future, where would you most likely seek it from?	% selecting the response
Parents/Guardians	76
Internet	64
Friend	50
School	32
Solicitor	32
Police	25
Someone in my community	20
Helpline	15
Citizens Advice Bureau	14
Politician	13
It would depend on the problem	10
Independent Advice Centre	8
Other	2
Total respondents	426

*Respondents could give more than one answer

Table A15: Extent of agreement with suggestions for sources of information

How much do you agree or disagree with these statements?	% respondents saying 'strongly agree' or 'agree'
Have a website where you can look up information	84
Make sure it's taught in school	80
Have a website where you can put in your problem and get advice back	77
Run workshops for young people in their communities	59
Use social media (like Facebook and Twitter)	47

Table A16: Extent of agreement as to the best person to help young people with a legal issue

The best type of person to help young people with legal problems is someone who...	% respondents saying 'strongly agree' or 'agree'
Takes young people seriously	89
Can explain legal issues in a way young people understand	88
Gives clear information	87
Knows how to talk to young people	86
Has expertise in the area - knows what they are talking about	85
Is properly trained in the area you need help in	84
Is trained in how to work with young people	81
Makes young people aware of all the possible ways the legal situation might turn out	80
Understands the community young people come from	80
Deals with your worries and concerns quickly	80
Asks young people their views	72

Appendix 7: Children and Young People - Eligibility for Legal Aid in Northern Ireland

CRIMINAL LEGAL AID

Criminal legal aid is available free of charge to all children (and adults) who are charged/under investigation or defending criminal proceedings. Criminal legal aid is granted by the judiciary. Legal Advice and Assistance (also known as Green Form) PACE advice is also available to children. Youth Engagement Clinics have waived the legal aid financial eligibility requirements

CIVIL LEGAL AID SERVICES

Legal Advice and Assistance (LAA) (also known as Green Form Scheme)

The child's means is aggregated with parent where child is 0-16 – the child's entitlement depends on parents means. A child 16-18 is assessed on their own means for LAA which provides for initial advice related to a point of NI law. Advice is given to the parent or guardian as the child is a minor and is a person under a legal disability whilst they remain a Minor.

Civil Legal Aid Scheme – Child entitled to legal aid for all cases within scope

Eligibility for cases within scope of Civil legal aid for children is based on financial resources of the child solely such as in road traffic accidents, accidents at birth, clinical negligence, judicial review. . Children under 18 will require their parent or guardian or “next friend” to apply for legal aid and to issue the proceedings on their behalf usually their parent or guardian. If their parent or guardian has a conflict of interest eg if the case is against the parent the other parent could take the case. If a child has no parent or guardian the Official Solicitor can act on behalf of the Child.

Judicial Review Cases which challenge legislation or policy matters can be taken on behalf of a Minor by way of a Civil legal aid funded Judicial Review. In Mental Health Review Tribunal cases children are entitled to a waiver of the Means test and subject to the Merits Test only for LAA and Civil Legal Aid. Immigration and Asylum and Trafficked Children are also potentially entitled to legal advice under Green Form Advice and Assistance Civil Legal Aid. The advice would be given to the adult who is acting as their Guardian ad litem eg a social worker etc.

Tribunals – Employment Tribunals and Special Educational Needs Tribunal – representation by solicitor and/or counsel at these Tribunals is outside the current scope of legal aid.

Preliminary advice can be given by a Solicitor under Legal Advice and Assistance where the means of the parents are aggregated with the child. The means of the parents aggregated in such cases may put the matter out of scope on financial eligibility grounds.

Children as subjects of proceedings

Public Law - Special Children Order Proceedings

The Children (Northern Ireland) Order 1995 places a mandatory duty on the Commission to grant cases regardless of means or merits under specified Children order proceedings referred to as “Special Children Order Proceedings” where Legal Representation is applied for on behalf of a child in respect of whom an application is made for an order under: a) Article 50 (a care or supervision order); b) Article 62 (a child assessment order); c) Article 63 (an emergency protection order); and d) Article 64 (extension or discharge of an emergency protection order) and Article 44 (Secure Accommodation Order).

In Public law children order cases the child will have a Guardian ad Litem (GAL) appointed from the NI Guardian ad Litem Agency (NIGALA) Panel of Guardians ad Litem. The GAL is an officer of the Court and is required by law to act in the best interests of the child.

Adoption – the child is represented in all cases by the NIGALA Guardian ad Litem.

The parents of the child and any person asserting parental responsibility is entitled to legal aid regardless of means.

Private law – in all cases which are not “Special Children Order proceedings” the child’s interests such as where seeking contact and/or residence are usually represented by their parent or guardian. The Official Solicitor can be appointed to act in the best interests of the Child where the child’s parent or guardian has a contrary interest or conflict of interest adverse to the best interests of the child.