

CASEWORK POLICY

INTRODUCTION

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

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

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

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

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

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

REFERRAL POLICY

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

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

CONFLICT OF INTEREST

The Children's Law Centre will not advise a person in circumstances where a conflict of interest has arisen, for example, where another party has already sought advice in the same matter. Where a conflict of interest arises between a parent/carer and a competent child, the Children's Law Centre will act for the child and will advise the parent/carer to get separate legal advice (see Conflict of Interest Policy at page 195 of the manual)

MEDIA

There should be no communication with the media by parents/carers, any other adult acting on behalf of the child or young person, or the child or young person his/herself in cases in which the Children's Law Centre are instructed without the prior agreement of the Director or Head of Legal Services at the Children's Law Centre. Any breach of this requirement is likely to lead to the Children's Law Centre discontinuing involvement in the case.

REFERRING A CASE TO THE CHILDREN'S LAW CENTRE

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

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

The Immigration Solicitor will also accept referrals relating to unaccompanied asylum-seeking children (UASC); British and Irish citizenship applications for children residing in Northern Ireland; and complex EUSS applications relating to children from social workers and the Independent Guardian Service directly.

STRATEGIC CASEWORK AREAS

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

- The Right of the Child to a Practical and Effective Education
- Children's Rights and Child and Adolescent Mental Health
- The Right of the Child to Access Services under the Children (NI) Order 1995
- Equality and Discrimination
- The Rights of the Child in Immigration, Asylum; Citizenship Applications and EUSS Applications

CRITERIA

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

- a) Whether the case raises an issue of law which requires clarification
- b) Whether the case raises an issue of public policy which if positively defined would help not only the child or young person in question but also other children and young people
- c) Whether a successful outcome would have a positive impact in relation to the promotion of children's rights
- d) Whether the case has a reasonable prospect of success
- e) The ability of a solicitor in private practice to meet the needs of the client and secure funding for the case
- f) Whether the Children's Law Centre has the resources to represent in a case
- g) Any other circumstances which are considered to be relevant to the case

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

ADVICE AND INFORMATION

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

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

Last revised: January 2020