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Assembly



The Open University



## Knowledge Exchange Seminar Series (KESS)

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

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This research was conducted on behalf of the Department of Justice 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.

#### **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 one focus group) with a total of 26 adult stakeholders drawn from 19 relevant organisations;
- 18 focus groups involving a total of 91 children and young people from diverse settings across Northern Ireland;

- an online survey of 426 young people, aged 15-16, across schools in Northern Ireland.

A video message from the Minister of Justice was shown to the young people at the start of each focus group 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 (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.

## **Findings**

### **Adult stakeholder views**

Adult stakeholders suggested that specialist knowledge and skills are needed to meet the legal needs of children and young people, to an extent not adequately recognised by many members of the legal profession. Despite pointing to many examples of good practice in all branches of the profession, e.g. dedicated and skilled solicitors, barristers and judges meeting the legal needs of children and young people, they suggested that the number of lawyers who have the relevant knowledge of children's rights, as well as the specialist skills and appropriate attitude required to work with children and young people is too small. As a result, they argued that the legal needs of children and young people frequently remain unmet.

Adults interviewed agreed that children and young people were often left poorly informed about their legal rights due to factors including insufficient time spent with them by lawyers and inappropriate communication on the part of the legal profession. Further, adults stated that delays constituted a major barrier to meeting the legal needs of children and young people.

They 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 that affect them. However, they considered that provision for independent representation for children and young people in family proceedings was needed to give effect to this right.

Adults consulted suggested that adequate funding for solicitors in voluntary sector organisations and legal aid practices was essential to provide sufficient time for specialist advice and representation in order to meet the legal needs of children and young people.

Further, they argued strongly that accreditation requirements for solicitors, barristers and judges working with children and young people in all areas of law should include appropriate professional standards, in order to reduce the extent of unmet need.

## Young people's views – focus groups

Young people 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. They also want lawyers to be honest in relation to potential outcomes. Some young people had positive experiences of the legal system:

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

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)

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)

However, overall, young people in the focus groups did not always feel that their needs and concerns are prioritised by the adults working for them. As one young person stated:

My voice won't get heard ..... whatever I say, no-one listens..... We need to be treated equal. I know we're the criminals and we're the ones locked up; we're still human beings, we still have hurts, we still have a life. (Young person, in detention)

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 their legal rights, as well as legal issues in general and how to access advice and information (identified through the focus groups and in the survey). Young people indicated that they had not learnt about their rights in school; rather they had learnt from experience. They did however see the importance of schools in educating them about their legal rights:

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)

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

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 in the focus groups 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.

### **Young people's views – survey<sup>1</sup>**

Participants in the survey were asked questions in relation to specific legal rights; results suggest that the young people knew very little. For example, just over one quarter (27%) identified correctly that the age of criminal responsibility is 10 years. 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 identified correctly the shortest length of time that an ASBO can last and just 2 per cent were aware of the age at which a young person can get a part-time job.

The young people 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. The most common issues experienced 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 experienced the following: 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%).

Notwithstanding the high percentage of young people reporting experience of some issues that *could* constitute a legal need, only 19 per cent of the young people surveyed responded 'yes' when asked directly if they had experienced a legal need<sup>2</sup>. These participants 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. Of the 80 young people who indicated that they had experienced a legal need, 42 per cent felt that their need had been met.

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 entitled to free school meals to have experienced a range of issues including: having noisy neighbours, having been spoken to, or treated unfairly by the police and being bullied (see Table 1). In addition, gender differences were identified in relation to the types of legal issues experienced by young people (see Table 2).<sup>3</sup>

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<sup>1</sup> It should be noted that the survey consisted of an opportunity sample. Schools were selected to ensure broad representation across all school types and areas of Northern Ireland. However, since this was not a random sample findings should not be generalised to the entire population. They are however indicative of the views of young people in Northern Ireland.

<sup>2</sup> The young people in the YPAG suggested that this discrepancy may be due to their peers equating the term 'legal need' primarily with criminal issues or with issues that require a 'solicitor'

<sup>3</sup> While the results presented are statistically significant, it should be noted that the effect sizes are relatively small ranging from .14 to .21.

**Table 1: Experience of legal issues by free school meal entitlement (reporting significant issues only)**

Have you ever.....	% saying 'yes'*	
	FSME	No FSME
Had noisy neighbours?	<b>58</b>	42
Been spoken to by the police?	<b>56</b>	34
Been bullied?	<b>37</b>	27
Felt treated unfairly by the police?	<b>36</b>	14
Been attacked?	<b>24</b>	10
Been suspended from school?	<b>23</b>	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)?	<b>23</b>	12
Been involved in crime?	<b>16</b>	9
Had to get help in school because you have a special educational need?	<b>14</b>	8
Been involved in legal issues about care, fostering or adoption?	<b>8</b>	3

\*All differences are statistically significant

**Table 2: Experience of legal issues by gender (reporting significant issues only)**

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

\*All differences are statistically significant

Like the young people in the focus groups, those who completed the survey 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.

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. 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 engage with young people.

## **Conclusion**

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

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 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 of knowledge and understanding of their legal rights on the part of young people (and to an extent their parent/guardians). Notably, adults point to a related 'lack of confidence' in young people accessing legal advice; young people emphasise 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 feel it would make little difference. A further barrier to young people's legal needs being met is the failure on the part of some adults to recognise young people as rights-holders. This is most acute in relation to young people's participation rights. Finally, there is agreement in relation to the impact of delay in legal proceedings and inappropriate detention (such as young people on remand being held in the Juvenile Justice Centre), particularly in relation to access to support for mental health problems.

There is undoubtedly great value in consulting professionals, attuned to the legal needs of young people, to gain extensive insight into both the positive and negative systemic issues within the legal system. However, what is evident from this research is the importance in ensuring that the views of the children and young people, who provide rich illustrations and examples of how these issues impact upon their lives, are sought, listened to and taken seriously.