



Knowledge Exchange Seminar Series (KESS)

...is a forum that encourages debate on a wide range of research findings, with the overall aim of promoting evidence-based policy and law-making within Northern Ireland



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

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RESEARCH OBJECTIVES

- To review existing literature on young people's legal needs in Northern Ireland;
- 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;
- To ascertain the views of a range of adults who provide services or advice/support for children and young people with legal needs;
- To ascertain the extent to which young people know and understand their legal rights;
- To represent the views of children and young people in relation to their legal needs and access to legal remedies.

RESEARCH PROCESS

Data collected from four sources:

- a review of existing data in relation to children and young people's legal needs in Northern Ireland;
- semi-structured interviews and a focus group with a total of 26 adult stakeholders drawn from a range of 19 relevant organisations;
- focus groups with a total of 91 children and young people (from across Northern Ireland);
- an online survey of young people aged 15 to 16 years old (n=426) across schools in Northern Ireland.

RESEARCH PROCESS

Young People's Advisory Group



RESEARCH PROCESS

'Designated Listener'



WHAT LEGAL ISSUES DO YOUNG PEOPLE FACE?

- Young people's legal needs are as varied and diverse as young people themselves.
- The most common 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%).
- However, only 19 per cent of young people surveyed responded 'yes' when asked directly if they had experienced a legal need.
- Of the 80 young people who indicated that they had experienced a legal need, 42 per cent felt that their need had been met.

ADULTS' VIEWS

- Need for specialist knowledge and skills to meet the legal needs of children and young people, to an extent not adequately recognised by many members of the legal profession.
- Children and young people are 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.
- Delays constitute a major barrier to meeting the legal needs of children and young people.

ADULTS' VIEWS

- Progress has been made by the judiciary in Northern Ireland in implementing the right to participation. However, provision for independent representation for children and young people in family proceedings is needed.
- Need for adequate funding for solicitors in voluntary sector organisations and legal aid practices
- Need for accreditation requirements for solicitors, barristers and judges working with children and young people in all areas of law that should include appropriate professional standards

YOUNG PEOPLE'S VIEWS - THEMES

- Knowledge and understanding of rights (*'Learning about rights'*)
- Consequences of exercising rights (*'To challenge or not?'*)
- Young people's participation rights (*'Not being listened to'*)
- 'Discrimination' against young people
- Negative experiences of adults in the legal system (*'Adults not doing their job'*)
- Positive features of adults in the legal system (*'Adults doing their job well'*)

'LEARNING ABOUT RIGHTS'

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?

(Young person, Community Group)

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)



‘LEARNING ABOUT 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)



‘LEARNING ABOUT RIGHTS’

| Issue | % correct | % ‘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 |



‘TO CHALLENGE OR NOT?’

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)



‘NOT BEING LISTENED TO’

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)



'DISCRIMINATION'

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)

Young person: They [police] 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)



'ADULTS NOT DOING JOB'

Well they don't use the right words for it, if you know what I mean, the simple words.

(Young person, Community Group)



‘ADULTS NOT DOING JOB’

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)



'ADULTS DOING JOB WELL'

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)



IDEAL ADULT

- **Be professionally capable:** well trained in terms of legal matters; familiar not only with legal issues but also with the community from which the young person came
- **Have a caring personality:** caring, helpful, trustworthy, non-intimidating, non-judgemental, and patient
- **Have experience with young people:** communicate effectively with young people; explain complicated matters clearly, in a non-patronising, engaging, interesting and honest manner.
- **Recognise young people as rights holders:** listen to the young people; take them seriously; provide information in an appropriate manner.



CONCLUSION

A fundamental barrier to young people accessing justice is their lack of awareness and understanding of their legal rights and their concern that exercising their rights will exacerbate the situation.

Programmes which seek to empower young people in relation to their rights should seek also to support young people in exercising those rights safely.

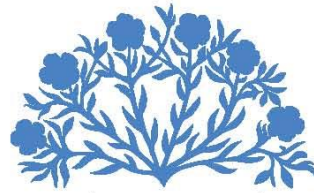
The vulnerability of children and young people and their relative dependency on adults exacerbates general problems in accessing justice and as such brings about specific legal needs.



CONCLUSION

The particular legal needs of children and young people include:

- appropriate communication skills for adults engaging with children and young people;
- need for legal specialism in relation to the issues faced by children and young people;
- adequate time for cases so that meaningful consultation can occur at each stage of the legal process;
- age appropriate treatment by police;
- child friendly facilities and age appropriate court proceedings;
- the recognition of children as rights-holders with the particular right to have their views sought, listened to and taken seriously



Northern Ireland
Assembly



The Open University



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