

**The Children
Order Advisory
Committee**

Tenth Report

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Foreword

The pages that follow contain details of a great many Children Order Advisory Committee (COAC) works that were under way in this reporting period which have since the year now under report, come to fruition along with others, such as the efforts to devise a secure means of electronic communication between the various participants in family proceedings that remain a work in progress. I will not anticipate the pleasure and satisfaction to be gained from the detailed descriptions of the work that follow in this Report by attempting in these introductory remarks to précis all that has been achieved in the course of the year.

However because of its practical importance, I do single out for particular mention the 'Guide to Case Management in Public Law Proceedings' the details of which may be found in Chapter 4. This provides a Northern Ireland solution to the problem of achieving consistent, efficient, prompt and effective progress in Public Law cases. We had the benefit of being able to learn from the experiences of those operating the Public Law Outline in England & Wales before drafting the final format for our own guidance; that experience has enabled what we believe be a less complex and formulaic but no less effective approach.

The members of COAC and all the disciplines and interests represented on it contributed greatly to the development of the Guide which has been extensively consulted upon. In its draft form, the Guide has been universally welcomed by all the professionals affected by it. They, together with Mr Justice Stephens and Michael Long Q.C. who together devised and are steering the work to conclusion, deserve much credit for developing effective mechanisms which will contribute much improvement to the timely and efficient resolution of children's problems. In the reporting period (1st April 2009 to 31st March 2010) the final version of the Guide will be placed before the Advisory Committee for approval with implementation to roll-out subsequently.

This major piece of work and the many other endeavours described herein once again demonstrate the practical advantages of the multidisciplinary resource that COAC provides for all those working in the interests of those children for whom the Children Order has something to say.

For my own part, the advantage of hearing views from differing standpoints but consistently expressed in a spirit of mutual resolve to work co-operatively to achieve the best outcomes for children, remains the overarching benefit of COAC. I have felt privileged to once more chair its deliberations and express my gratitude to both members and secretariat for their considerable work throughout another year.

The Honourable Mr Justice Weir
Chair of the Children Order Advisory Committee

The Children Order, The Courts and The Committee

The Order

The Children (Northern Ireland) Order 1995 ('the Order') came into operation on 4 November 1996. Widely recognised as the most comprehensive legislation relating to children ever introduced in Northern Ireland, it enshrines a number of key principles:

- The child's welfare shall be the paramount consideration in court proceedings
- Any delay in determining the question with respect to the upbringing of a child is likely to prejudice the welfare of the child
- No order or orders should be made unless that would be better for the child than making no order at all
- Where possible, children should be brought up and cared for with their own families
- Children should be safe and protected by effective intervention, but such intervention should be open to challenge
- Children should be kept informed about what happens to them and should ordinarily participate (subject to age and understanding) when decisions are made about their future and
- Parents continue to have parental responsibility even when their children are no longer living with them. They should be kept informed about their child and participate when decisions are made about their child's future

Court proceedings under the Order are known as 'family proceedings'. The term also encompasses a range of proceedings under other legislation including:

The inherent jurisdiction of the High Court in relation to children

- The Matrimonial Causes (Northern Ireland) Order 1978
- The Domestic Proceedings (Northern Ireland) Order 1980
- The Adoption (Northern Ireland) Order 1987
- Part IV of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989

- Section 30 of the Human Fertilisation and Embryology Act 1990
- The Family Homes and Domestic Violence (Northern Ireland) Order 1998 and
- Chapter 2 of Part IV of, or Schedule 15, 16 or 17 to the Civil Partnership Act 2004

The main court orders available under the Order are set out below under the broad headings of Private Law and Public Law. Orders concerning financial matters are not included:

Private law

- Contact, Prohibited Steps, Residence and Specific Issues Orders (Article 8)
- Family Assistance Orders (Article 16)
- Parental Responsibility Orders (Article 7)

Public law

- Care and Supervision Orders (Article 50)
- Child Assessment Orders (Article 62)
- Education Supervision Orders (Article 55)
- Emergency Protection Orders and Extension of Emergency Protection Orders (Article 63)
- Parental Contact with Children in Care Orders (Article 53)
- Secure Accommodation Orders (Article 44)

In any family proceedings in which a question with respect to the welfare of a child arises, the court may make an Article 8 order. This can occur either where a person entitled to do so makes an application, or where the court gives that person leave, or if the court itself considers that such an order is necessary. There are four types of Article 8 orders. These may determine with whom a child is to reside or have contact, may prohibit particular steps being taken concerning the child without the consent of the court or any other directions regarding specific issues concerning the child.

A family assistance order is available in exceptional cases and is the only order where the consent of all parties is required. The order offers short-term support and advice to a family, perhaps following a divorce or separation and usually where one or more Article 8 orders have also been made.

The Courts

The Children (Northern Ireland) Order 1995 confers concurrent jurisdiction on the High Court, county courts and magistrates' courts. It provides for two specialist classes of courts to hear any proceedings under the Order. At the county court level, these are Family Care Centres and at the magistrates' court level they are Family Proceedings Courts.

Family Care Centres – these courts are presided over by county court judges. Their function is to hear cases transferred to them and appeals from the family proceedings court. There are four family care centres, situated in Belfast, Craigavon, Dungannon and Londonderry.

Family Proceedings Courts – these courts are constituted as juvenile courts presided over by a district judge (magistrates' court) who sits with two lay magistrates. There are seven family proceedings courts – one for each county court division and they exercise jurisdiction throughout the division in which they are situated.

The concurrent jurisdiction referred to above is regulated to ensure that children's cases are heard at the appropriate level of court and that proceedings regarding the same child are heard in the same court. Subject to the overriding principle that delay is likely to prejudice the welfare of the child, Children Order cases may be transferred upwards to the higher courts when specific criteria have been established. These criteria can include where the matter is exceptionally grave, complex or important, or to consolidate with other family proceedings.

The general rule is that all Public Law proceedings under the Children Order are to be commenced in the family proceedings court. This is also the case with free standing Private Law applications i.e. those applications made when there are no other ongoing family proceedings. As regards connected Private Law applications e.g. where there are divorce proceedings pending in the county court or High Court, such applications are required to be made at that court.

The Committee

In recognition of the importance of the Order to children and their families, COAC was established:

- To advise Ministers on the progress of Children Order cases through the court system with a view to identifying special difficulties and reducing avoidable delay and
- To promote through Family Court Business Committees commonality of administrative practice and procedure in family proceedings courts and county courts and to advise on the impact on Children Order work of other family initiatives

COAC is chaired by the Judge of the Family Division of the High Court of Justice in Northern Ireland and its membership reflects the broad spectrum of disciplines and professions engaged in working with children, both in the courts and in other spheres. The membership of the Committee during the currency of the report is set out at Appendix 1.

Work of Sub-Committees during 2008/09

BEST PRACTICE STANDING COMMITTEE

In 2003, the Children Order Advisory Committee (COAC) developed and promoted a Best Practice Guidance in court procedures in order to identify and deal with difficulties and reduce avoidable delay. Although influenced by the approach exhibited in the Children Act Advisory Committee Handbook of Best Practice and Children Act Cases drawn up in 1997 in England & Wales, consideration was given to the unique circumstances within Northern Ireland.

Due to the passage of time and the ever-developing child care system, COAC subsequently took the decision to review and update the published Guidance. The group tasked with this substantial piece of work was representative of all professionals involved in the child care system and members were keen to adopt such an interdisciplinary approach.

The group has endeavoured to provide detailed information and direction throughout the Guidance to ensure consistency of practice in all Children Order cases and thereby reduce delay. It is hoped that the Guidance is flexible to enable an individual case to be considered on its particular circumstances and merits. To that end a Review Panel has been established to consider and agree the improved document.

It is anticipated that the revised Best Practice Guidance will be available in Spring 2010. It is hoped that it will further evolve through time and that reviews may take place with the benefit of experience together with the invaluable input from those involved in the child care system.

ELECTRONIC COMMUNICATION

During this reporting period, COAC was made aware that there was a piecemeal approach to the electronic sharing of information relating to family proceedings throughout the jurisdiction. It was equally apparent that there were considerable benefits to be derived by attaining agreement on systems and associated protocols for the secure electronic exchange of information between the respective organisations and disciplines involved in proceedings. A uniformity of approach would offer a quick, secure and efficient delivery of documentation that would contribute to the elimination of undue delay in processing cases before the family courts.

The Executive Director of the Northern Ireland Guardian Ad Litem Agency (NIGALA) was asked to convene and chair a working group with the mandate of providing a recommendation to COAC on how the aforementioned objectives might be achieved.

The working group was comprised of representatives from the following organisations:

- Law Society of Northern Ireland
- Northern Ireland Courts and Tribunals Service (NICTS)
- Northern Ireland Family Bar
- Northern Ireland Guardian Ad Litem Agency (NIGALA)
- Health and Social Care Business Services Organisation – Directorate of Legal Services (BSO, DLS)
- Health and Social Care Business Services Organisation – Directorate of Information Systems (BSO, DIS)

NICTS sits on the Northern Ireland Civil Service and Government Secure Intranet and the five Health and Social Care (HSC) Trusts, the HSC Business Services Organisation (BSO) {the Directorate of Legal Services (DLS) represents all five Trusts} and NIGALA all reside on the secure HSC Network. Solicitors in private practice, barristers and many expert witnesses however, are outside the secure highways enjoyed by HSC organisations and NICTS.

NIGALA has had a protocol on electronic transmission with NICTS since December 2008 which allows the individual courts to immediately notify NIGALA of appointments of Guardians ad Litem, forward relevant documentation and allows NIGALA to send correspondence and guardians' reports to the courts.

The picture within and between the five HSC Trusts was less clear and it became apparent that they would have to agree a single method of electronic transmission that would be acceptable to all. This would ensure uniformity in the secure exchange of documentation with their legal representatives BSO, DLS and with NIGALA. It was accepted that protocols would have to be agreed between BSO, DLS and NICTS and between the Trusts and NICTS, most probably based on that already operated by NIGALA and NICTS.

The working group researched the available options that would allow private sector solicitors and barristers to share documentation electronically with all stakeholders. In order to securely manage information within the family justice system, it was identified that documents to be transmitted electronically must have a protective marking of restricted (the relevant public bodies have networks with a protective marking of restricted). Products with a similar level of security approval were assessed in order to bring solicitors and barristers onto a single secure means of electronic transmission. The product selected after an options appraisal was the Criminal Justice Secure Mail (CJSM)¹.

The working group, having essentially undertaken a short scoping exercise, has been asked to remain in existence in 2009/10 to ensure that the appropriate protocols are drafted and agreed, applications are duly submitted for CJSM, timescales are established and communication within and between the relevant organisations/ disciplines is maintained.

An essential ingredient will be to ensure the system is user friendly but at all times secure. Individuals in the various disciplines/organisations will have to be clear about expectations and supported by the provision of protocols and training.

The prospect of electronically linking all those involved in transmitting documentation in family proceedings in 2009/10 is a significant prize to attain and when complete should have a positive impact on the efficiency of the case management process.

MULTI-DISCIPLINARY LITERATURE

This Sub-Committee was established to ensure that professionals from all disciplines working to the Children (Northern Ireland) Order 1995 have regular access to summaries of key literature and research informing the delivery of services to children in Northern Ireland.

This has been achieved through the twice yearly publication of a Newsletter summarising recent important legal judgments, research findings from academic journals and summaries of key books and Government reports. The editorial board of this Newsletter has representatives from the legal, medical, psychological and social work professions and includes members from the statutory, voluntary and higher education communities.

¹ Issues have since emerged delaying the obtaining of licences for CJSM in Northern Ireland. Alternative solutions are currently being examined.

A notable development in the past year has been the inclusion of short news items summarising new and important developments in the organisation and delivery of child welfare services in Northern Ireland. Recent items have included a report on the Care Pathways research from the Institute of Child Care Research and the Adoption Regional Information System established by the Department of Health, Social Services and Public Safety. The editorial board would be keen to receive submissions of news items for inclusion in future editions of the newsletter.

The Newsletter is made available through the Northern Ireland Court Service website at:

[www.courtsni.gov.uk/en-GB/Publications/Family Law and Childcare Literature/](http://www.courtsni.gov.uk/en-GB/Publications/Family_Law_and_Childcare_Literature/) and also by electronic distribution to subscribers and via professional networks. The Sub-Committee have also designed a promotional leaflet, which is being distributed at legal and child welfare conferences as a means of increasing awareness of the publication.

In the forthcoming year, the editorial board would intend to strengthen the Newsletter through the inclusion of more detailed summaries of key policy and practice developments and research findings.

As Chair of the Sub-Committee I would like to thank the members² who despite their very demanding professional lives, contributed to each edition of the Newsletter. Above all however, I would thank the editor of the Newsletter who is the driving force behind the whole project and to whom credit must be given for the production of each edition.

² Chair: His Honour Judge Rodgers; Editor: Dr John Devaney, Lecturer, School of Sociology, Social Policy & Social Work, Queen's University Belfast. Members: Ms Siobhan Keegan QC; Mr Greg Kelly Senior Lecturer, School of Sociology, Social Policy & Social Work, Queen's University Belfast; Dr Fionnuala Leddy, Consultant Child & Adolescent Psychiatrist; Dr Catherine Macpherson, Consultant Paediatrician, South Eastern Health & Social Care Trust; Robyn McCready, Policy Officer, Children in Northern Ireland; Mr Michael Heaney, Assistant Director, Youth Justice Agency.

Work of Family Court Business Committees during 2008/09

BELFAST

The Committee met on a number of occasions during the year. Its membership is representative of the users of the family proceedings court and family care centre and includes representatives of the judiciary, lay magistrates, Health and Social Care Trusts, solicitors, Bar, Northern Ireland Legal Services Commission, Northern Ireland Guardian Ad Litem Agency, Court Children's Officers, Northern Ireland Woman's Aid Federation, Family Mediation, Belfast Education and Library Board and Northern Ireland Court Service. The membership of the Committee is set out in detail to demonstrate the breadth of interests, knowledge and experience available to deal with any issues that may arise.

During the year, court staff in the family office introduced a new statistical report detailing the number of cases received, transferred, dealt with or outstanding. The new system is more user friendly and allows everyone to appreciate progress in the disposal of cases. It should also allow the Committee to identify causes of delay which will in turn enable us to tackle such causes.

The Committee welcomed the appointment of additional Court Children's Officers but expressed regret that they would only be available in the family proceedings court. A meeting was arranged with representatives of the relevant Trusts to discuss this issue.

During this reporting period the Trusts introduced a new Referral Form for Article 4 Reports to facilitate the delivery of reports within the time directed by the court and covering topics relevant to deciding the issues between the parties. If this proves successful, it will be welcomed by the Committee as delay in the delivery of reports is the single most common cause for cases being adjourned and resolution of the disputes between the parties being delayed. Delay is compounded by courts being advised often only near the hearing date that a report will not be available on time; the delay occasioned can only be to the detriment of the child.

The Committee also considered the 'Public Law Outline: Guide to Case Management in Public Law Proceedings' utilised by judiciary in England & Wales and which it is proposed to adapt for use in Northern Ireland. Again the Committee welcomes this very important development and trusts that this should standardise best practice in Public Law proceedings.

Over a substantial part of the year counsel withdrew their services in the Family Care Centre in furtherance of a dispute over non-payment of fees. This caused concern to the Committee as no disputed cases were progressed in the Family Care Centre for a lengthy period. The ending of the action was welcomed by the Committee.

CRAIGAVON

This Committee was chaired by Her Honour Judge Loughran until September 2008 and subsequently by Her Honour Judge McReynolds. Major issues which have been discussed are as follows:

Contact Centres for Craigavon and Newry

During 2008, the commencement of contact sessions at the two contact centres {the Newry centre (run by Barnardo's) is based in the Family Resource Centre at Lisdrum House; the Craigavon service (run by Zero-8-Teen) is situated in Moylinn House} was a development which was warmly welcomed.

For some years the Committee has highlighted the need for and worked towards the establishment of this service. It is particularly valuable for those families where it is desirable to gradually re-establish contact between the child and the non-resident parent or where there is a lack of trust between the parents of a child. Members of the Committee have visited both centres and have been hugely impressed by the dedication of the staff and the volunteers who strive to create a family friendly environment for the development of a relationship between a child and the parent with whom s/he is not living.

Largely through the efforts of the Committee and through court-circulated information there has been a rapid response. Already, there are 16 families (20 children) regularly using the Craigavon Centre and 6 families (7 children) using the Newry Centre.

Protocol for the Guide to Case Management in Public Law Proceedings

The Committee has discussed the need for training for all involved in the implementation of the Protocol including the judiciary, lawyers, social services staff and Guardians ad Litem. Each member of the Committee has been able to contribute in respect of preparatory arrangements for such training.

Facilities at Lisburn Courthouse

The restricted space available for waiting and consulting has for a long time been an issue which impacted particularly on family court users at this venue and has been of concern to this Committee. In light of this concern, in summer 2008 the Director of the Northern Ireland Court Service and the then Minister David Hanson visited the courthouse and thereafter the first floor was refitted, soundproofed and redecorated. The Committee considers the refurbishment to be a major improvement particularly in respect of the expansion of Court 2 waiting room and provision of improved consultation facilities. The Committee expressed its gratitude in respect of the response of the Court Service on this point.

Court Time / Case Progression

During spring 2009 there was discussion in respect of calendar and hearing time both within the care centre and family proceedings courts. The Trust and practitioners were commended for their determination to avoid prejudice to the interests of children during a time of industrial action.

It was noted that the increasing pressure on court time did not result from such action but from the increasing complexity of cases within this geographical area. The care centre sits approximately 4/5 days each month and the number of Craigavon Family Proceedings Court sitting days has been reviewed and increased (Newry Family Proceedings Court also has an additional day).

The Committee observed that the Craigavon Care Centre area runs from Poleglass to the border south of Newry and encompasses areas of particular social deprivation. Given the relatively high percentage of parents for whom English is not the first language, additional allocation of court time may be required in the relatively near future. The 2008 Judicial Statistics for Craigavon demonstrate a high level of business for a care centre with such limited allocation of judicial time relative to other areas.

DUNGANNON

The Committee met on two occasions within the reporting period.

The family court system continues to function at an adequate level within the Division of Fermanagh & Tyrone with no substantial issues to report.

However, the system continues to suffer from the lack of coordination between the jurisdiction of the Northern, Southern and Western Health and Social Care Trusts and the court Division. This is particularly acute in the Dungannon and Cookstown

areas, placing families from these regions involved in Private Law disputes at a disadvantage.

As Court Children's Officers are employed by individual Trusts, the issue will remain problematic until such times as the Trusts agree to appoint - on a joint basis - one Officer.

LONDONDERRY

A number of issues were considered by this Committee during the reporting period including:

Performance

The analysis of performance was a recurring theme and it was noted that all applications were within target from receipt to first listing. It was agreed that monitoring first listing to disposal would be a much better measure and the introduction of such would be welcomed.

In January 2009 a significant increase in the number of new cases was noted resulting in considerable pressure on administrative resources. Problems were exacerbated by the backlog in provision of Article 4 Reports. It was agreed that as an interim measure no family care centre cases should be listed on the same day that contested cases were listed in the family proceedings court in an effort to reduce delay where for example, counsel are unavailable to consult because they have cases listed in both courts. It was agreed that this matter be kept under close review and an update should be provided for subsequent meetings of the Committee.

Contact Centres

The Committee received regular updates on the work and progress of both the Foyle and Limavady Contact Centres. It appeared that the Foyle Contact Centre was heavily subscribed but that during the relevant period only one referral had been made to the Limavady Centre despite mail shots to the local solicitors. It is hoped that the workload may be shared where appropriate.

Article 4 Reports

A significant increase in requests for Article 4 Reports was noted throughout this period; concerns were raised regarding the timely forwarding of requests for

such reports and the efficiency of the social workers in meeting timescales. The launch of the Court Children's Service in December 2008 was welcomed as was the appointment of a Court Co-ordinator. It was anticipated that this appointment would result in one specific person receiving all court directions and therefore lead to increased efficiency in meeting timescales. It was also felt that the production of statistics regarding the making of Article 4 requests and the efficiency of meeting timescales would prove useful in assessing business trends.

Young Father's Project

The Committee welcomed the establishment of this project (based at Shepherds Glen in the Waterside) aimed at young fathers between the age of 14 and 25. Courses on parenting skills, basic first aid, numeracy and literacy are provided together with practical advice on a range of everyday issues.

Accommodation

The provision of appropriate accommodation for children at Londonderry Courthouse was reviewed throughout the relevant period. Particular concerns were expressed about age appropriate accommodation for older children and an action plan has been formulated to deal with this issue.

Issues Considered/Addressed by the Committee during 2008/09

CHILDREN'S SERVICES

During a recent meeting of the Advisory Committee, reference was made to a project in England where volunteers are working with families with children on the child protection register. It was agreed that information would be made available to the Committee on the use of volunteers in this capacity in Northern Ireland. Subsequently the Office of Social Services wrote to the leading children's organisations in Northern Ireland as well as the Directors of Children's Services in each of the five Health and Social Care Trusts. This report contains a summary of the information received in response as well as an account of the English project run by Community Service Volunteers.

Northern Ireland

NSPCC

The NSPCC utilises volunteers in a number of services. Although none are specifically targeted at children on the child protection register, the users of these services include children and young people who are, who have been or who will be on the register. The NSPCC reports that all volunteers go through a rigorous selection process and benefit from specific training programmes. They also undergo screening with an advanced level check.

Child Line is a free 24 hour helpline for children in distress or danger. Trained volunteer counsellors comfort, advise and protect children and young people who contact Child Line. Nationally 1400 volunteers provide this service which is overseen by a team of professional supervisors and managers. Calls to Child Line cover a wide range of issues but the most common reasons for making contact are abuse (both sexual and physical), bullying, serious family tensions, worries about friends' welfare and teenage pregnancy. Belfast is one of 14 centres operating in the UK.

The Young Witness Service provides support and information to young prosecution witnesses under 18 years of age in criminal cases in accordance with the Children's Evidence (Northern Ireland) Order 1995. The service includes support to young witnesses and their parents/carers before, during and after any trial with the

majority of direct support being provided by appropriately trained volunteers. Support before trial may include sessions in the young person's home and in all cases there will be a pre-trial visit to the court which is undertaken with the cooperation of the Northern Ireland Court Service. The service also provides the court with information about the needs, wishes and feelings of the witness in advance of trial. It was commenced in 1999 initially operating in Belfast and Londonderry; in 2003 it was extended to all Crown Courts. The service has also commenced in the Magistrates' Court in Belfast, Craigavon, Lisburn and Londonderry with a rollout across the province planned for the coming year.

The Independent Visiting Service works with children and young people who are 'looked after' by social services and have little or no contact with their parents. The service aims to provide 'Independent Visitors' to these children and young people to offer them a source of care and support. Self referrals from children and young people are accepted. The service has teams working in the districts of Antrim, Ballymena, Ballymoney, Carrickfergus, Coleraine, Cookstown, Larne, Magherafelt, Newtownabbey, Omagh, Enniskillen and Strabane.

Barnardo's

Like the NSPCC, Barnardo's provide volunteers in a number of projects for children and families in Northern Ireland. They have specifically identified the following projects with volunteers working directly with children who are on the child protection register. Barnardo's report that all volunteers go through a rigorous selection process and benefit from specific training programmes. They also undergo screening with an advanced level check.

The Tullycarnet Family Project is based in Tullycarnet Primary School on the outskirts of East Belfast in an area that experiences high levels of deprivation and educational disadvantage amongst its children and young people. The project was set up to help pre-school children be better prepared for school and to support parents to be more actively involved in their children's education. Over time, in response to needs in the area the project has widened its focus to provide family support and parenting skills training. In addition to providing services within Tullycarnet Primary School, an outreach service of home-based visiting is also offered. Referrals are received from a number of sources including Health Visiting and General Practitioners. As well as offering parenting and educational support the project also offers specific services for people experiencing domestic violence. Although exact numbers of the volunteers currently involved in the project are not available they do include a number of local parents.

The Young Carers Project. Unfortunately, no details were provided on this project other than confirmation that it uses volunteers in direct work with children on the child protection register.

Action for Children

Action for Children does not specifically have any volunteers who are recruited to work in child protection situations. However, they do have a number of volunteers working as mentors who have contact with children who are on the child protection register. These volunteers are all appropriately trained and vetted. The Mentoring Programme is one of the services run by Action for Children from their Clooney Family Centre in Londonderry and it involves the partnering of a young person with a mentor for a one-year period with the aim of giving the children the opportunity to improve their self-confidence and help them achieve their full potential. The mentors provide one-to-one support and spend time with children doing everyday things such as playing sport or games, talking about school and encouraging them to set and achieve goals for themselves. Action for Children are currently planning to introduce a new service called 'Choices' which will be seeking to recruit new volunteers to work with vulnerable adolescents; it is anticipated that a number of these young people will be on the child protection register.

Homestart

Homestart is a national organisation which runs several projects in Northern Ireland. Homestart aims to increase the confidence and independence of families through parenting support provided in families' own homes. This support is provided by volunteers all of whom have parenting experience themselves. Many of the families are known to social services and include situations where children are on the child protection register. Nationally, Homestart has 15722 volunteers all of whom go through a training programme and have an enhanced criminal records check. Homestart services are provided in accordance with national standards for parenting support programmes.

Contact Centres

Contact Centres provide a valuable service facilitating contact between children and non-resident parents in circumstances where this is not possible in other settings. Although not specifically a service for children on the child protection register, a number of such children have benefit from this facility. Up until recently these centres operated almost exclusively on a voluntary basis and though they all now receive some Government funding, volunteers remain pivotal to their operation. There are a total of thirteen such centres operating across Northern Ireland.

Women's Aid Federation Northern Ireland

Women's aid provide services and temporary refuge to women and children suffering domestic violence be that emotional, physical, financial, verbal or sexual abuse and in doing so seek to recognise, respond and care for the emotional needs of children and young people. There are ten Women's Aid projects across Northern Ireland all of which utilise volunteers. As with other volunteer work, these projects are not specifically orientated towards the needs of children on the register but do include a number of such children. The work volunteers undertake includes childcare, facilitating programmes and taking part in trips/outings for mothers and children.

England

Community Service Volunteers: The Volunteers in Child Protection (ViCP) programme

Community Service Volunteers (CSV) was founded in 1962. The aim of CSV is to involve young people aged 16-35 in voluntary service in the UK, to enrich the lives of volunteers and those they help and to generate social change. CSV are the UK's largest volunteering and training charity. The ViCP programme began in Bromley and is now being rolled out in Lewisham and Southend. Bromley social services departments, working with children on the child protection register and Children in Need are using special volunteers to complement the relationships and activities of their staff and other professionals in relation to vulnerable children. CSV is responsible for recruiting, training, matching and supporting volunteers. It also monitors the extent to which they are able to support social workers in their professional task to help to keep children safe. In April 2007, the University of London carried out research into the success of the pilot project run in Bromley and Sunderland. In Bromley, of 10 families followed through from referral to living independently, no child was re-referred to a social service department - the average in Bromley is an 11% re-referral rate. Volunteers offer help with improving parenting skills by way of providing a sound role model and practical help to get families back on track. Volunteers have the skills to work closely with social workers and the time to visit their matched family several times a week for a minimum six-month period.

Conclusion

The above information in relation to the utilisation of volunteers is not a comprehensive evaluation of volunteers in relation to children on the child protection register. However the information is sufficient to conclude that volunteers

are making a significant contribution to the lives of vulnerable children and are an effective and efficient way of augmenting those services provided by salaried employees. The information relating to the ViCP provided by CSV in England is significant in that in contrast to the Northern Ireland projects, it is specifically targeted at children on the child protection register and it may be that there is potential to develop a similar project for Northern Ireland.

COURT CHILDREN'S OFFICERS

When parents separate and cannot agree on arrangements for a child they may apply to the court so that unresolved issues concerning 'residence' and 'contact' can be addressed. Courts, mindful of the child's rights can ask a Health and Social Care Trust to provide additional information under Article 4 of the Children (Northern Ireland) Order 1995. Trusts have a statutory duty to report to the courts in such Private Law matters. Arrangements in Northern Ireland to meet this statutory duty have however, lacked consistency. In September 2007, COAC asked the Trusts to consider:

- Having one dedicated 'Court Officer' to represent all the Trusts within a particular court.
- Ensuring cover during periods of Court Officer absence due to illness or leave.
- Avoiding unnecessary delay in completing reports through giving higher priority to Private Law work.
- Covering the full range of courts, including the family care centres and the High Court.

Over £120,000 was subsequently made available by DHSSPS on a recurrent basis to appoint dedicated Court Officers. This gave the opportunity to develop a consistent, standard approach across Northern Ireland.

A working group, comprising representatives from each Trust and an adviser from the Eastern Health and Social Services Board concluded that it would be feasible to operate on a cross-Trust basis. Having benchmarked current staffing arrangements, it recommended that the additional investment should be allocated to the Belfast, Northern and Western Trusts to ensure equitable provision across courts' boundaries. This was agreed by all Trusts and Boards and work commenced on developing a regional Court Children's Service for Northern Ireland. This work was completed and endorsed by the COAC judicial representative on the working group and Directors of Trusts in June 2008.

Operational arrangements were agreed as follows:

- Each family proceedings court would have access to a Court Children's Officer who would represent all Trusts attending the court in Private Law cases.
- Court Children's Officers would upon direction from the court and receipt of essential referral information from solicitors, provide specific oral and/or written Reports to the court.
- Court Children's Officers would work across traditional Trust boundaries to engage with children and families and utilising mediation or conciliation skills, endeavour to assist families in agreeing arrangements for their children.
- A range of age appropriate information leaflets was provided for use with children and parents, to promote their understanding of the role of the Court Children's Officer and ensure their voices were heard and rights upheld.
- A consistent regional approach would be applied to reporting, recording and administration, the procedure and thresholds for referring child protection concerns to Gateway and Family Intervention or Family Support Teams and the management of complaints.

A multidisciplinary conference to launch the Court Children's Service took place in December 2008.

It is intended to undertake an evaluation of the Court Children's Service during 2010. A range of quantitative and qualitative measures will be used to evaluate effectiveness, measure throughput and inform further service improvement and development.

EDUCATIONAL NEEDS OF LOOKED AFTER CHILDREN

It had been recognized by COAC for some time that action was required to address the problem of educational under-performance by some 'looked after' children. COAC acknowledged that there were already a number of strategic initiatives in this context including LACE (Looked After Children in Education) a project established in 2001 to look at the educational experiences of children and young people in Northern Ireland and to inform practice and policy development through the legacy Health and Social Services Boards.

Another cross-departmental, multi-agency initiative was the publication in 2007 by DHSSPS of 'Care Matters in Northern Ireland - A Bridge to a Better Future' which outlines a strategic vision for wide ranging improvements in services to children and young people in and on the edge of care. 'Care Matters' seeks to reduce the

number of children who need to be in care and to improve outcomes for those who do, by implementing a number of proposals including improving their educational opportunities. Some of the initiatives being taken forward in this context include the 'Letterbox Club' a scheme to help children in care in primary 4 or 6 with their numeracy and literacy.

Another initiative, GCSE revision courses has been running at several school sites over the past 2 years; tuition is primarily available in English, Mathematics and Science but can (subject to demand) cover other subjects. In addition, under the fostering achievement scheme, 800 computers have been installed in foster homes, over 100 young people have been learning to drive and hundreds of children have received one-to-one tuition in numeracy, literacy, academic and non-academic subjects. Fostering achievement also funds a numeracy and literacy fun learning summer scheme for primary school age children and has supplied hundreds of education resource packs to children in care. Training, advice and support has also been provided to foster carers to better equip them to support the education needs of children placed with them.

Of particular concern to the courts are children who are the subject of Public Law applications. The goal is to have in place a protocol which would provide the courts with full information, addressing issues to include the level of a young persons present educational achievement and any curricular and extra-curricular intervention deemed necessary to improve that level. This would help to ensure that the educational needs of these children and young people are properly addressed by the relevant Health and Social Care Trust.

To take this work forward, a working group under the auspices of the LACE Project with representatives from legacy Health and Social Services Boards and Education and Library Boards has met and agreed that in order to ensure that current systems used by social workers to access information required by the courts are in place, a detailed education pro forma should be produced which would to be completed by all Trusts in respect of the educational needs and aspirations of all these looked after children.

A pro forma has been drawn up and piloted throughout the five Health and Social Care Trusts. An evaluation, which includes feedback from the judiciary, is ongoing and it is expected that a final version of the form will be available in the near future.

EMERGENCY PROTECTION ORDERS

As a consequence of recommendations endorsed by COAC, the Northern Ireland Court Service has set out revised arrangements for the conduct of 'Out of Hours' emergency applications under Articles 63, 67 and 69 of the Children (Northern Ireland) Order 1995 ('the Order').

The revised arrangements provide for:

- The participation of district judges [magistrates' court] (DJ)[MC] in the 'Out of Hours' service
- The hearing of such applications in designated courthouses
- The attendance of the duty clerk at the court venue and
- The electronic recording of evidence

Where a party wishes to make an out of hours ex parte application for an order under Article 63, 67 or 69, the applicant should contact the duty clerk for emergency applications under the Order.

A rota system for duty clerks is established in each court venue to provide a contact point for relevant authorities to set up an ex parte application. It operates on weekdays between the hours of 5.30pm and 9.00am and on a 24-hour basis every Saturday, Sunday, bank or other public holiday. When an out of hours ex parte application is requested by telephone, the duty clerk must establish a clear account of the emergency reported and the reasons why the situation cannot await either the sitting of a scheduled court or the presentation of an application for a Care Order. The duty clerk will contact the rostered DJ [MC]; this roster is currently being established. If he/she is not available, the duty clerk should contact a lay magistrate. The DJ [MC] or lay magistrate will determine whether or not to grant leave to bring the proceedings.

The duty clerk should confirm the court venue, court room (and chambers) which will be opened for hearing of the application. A courthouse has been designated in each County Court Division³ for the hearing of out of hours emergency applications. The duty clerk should arrange the courthouse opening together with ensuring an appropriate security presence (as a minimum, two Resource officers will be in attendance at the court venue) and then contact the applicant to confirm the court venue, time of hearing and direct them to attend to make the application for the appropriate order.

³ Designated Court Venues are Ballymena Courthouse, Newtownards Courthouse, Newry Courthouse, Old Townhall Building, Craigavon / Lisburn Courthouse [rota basis], Omagh Courthouse and Londonderry Courthouse

The hearing will be conducted in the designated court venue for the Division and the DJ [MC] or lay magistrate will be attended by the duty clerk. All emergency ex parte applications will be recorded electronically.

Inter Partes Hearing

There is no legislative authority to make provision for a lay magistrate to deal with an inter parte application. Similarly, there is similarly no legislative provision for a DJ [MC] to deal with an inter parte application out of hours. However if the applicant considers that it is appropriate to give notice of the hearing to any other party to the proceedings, this should be indicated to the duty clerk and be communicated by the duty clerk to the DJ[MC] who will determine if such notice should be given. Other than the moving party, Resource should not permit anyone access to the court hearing without a clear direction from the DJ [MC].

Further information regarding arrangements for out of hours applications is set out in the Lay Magistrates' Manual which will be adapted to extend its application for the use of DJ[MC]s.

EXPERT FEES AND THE NORTHERN IRELAND LEGAL SERVICES COMMISSION

COAC has continued its ongoing discussions with the Northern Ireland Legal Services Commission (NILSC) and the Law Society of Northern Ireland to seek to find ways to improve practice within the family courts and in particular to reduce delay wherever possible. A major cause of delay in family cases, both Public Law and Private Law, relates not only to finding a suitable expert but also to the funding by the NILSC of an expert's fee. It is always preferable to have a joint appointment if possible and to obtain at the earliest opportunity the expert's CV, fee estimate and likely timescale for completing the necessary examination or assessment and for the filing of a court report. A lead solicitor should be identified for completion of the letter of instruction, compiling the list of key discoverable documents to be sent to the expert and agreeing the letter and discovery with the other parties' legal representatives. Unless the expert is to be privately funded or paid for by the Health and Social Care Trust or the Official Solicitor, then application must be made at the earliest possible date to the NILSC for approval of all legally aided parties share of expert's fees.

In order to expedite authority from the NILSC for the appointment of an expert, a Legal Aid Pro Forma has been developed and approved by COAC in conjunction

with the NILSC and the Law Society of Northern Ireland. A copy of the Pro Forma and an explanatory note approved by the NILSC are produced below.

Practitioners are urged as a matter of good practice to submit the completed Pro Forma to the court office together with the Form C2 application and also to arrange for the expert to complete and sign Part B of the Pro Forma. If the judge grants leave then the lead solicitor should ask the court clerk to sign Part C of the Pro Forma at the conclusion of the directions hearing. The Pro Forma can then be submitted to the NILSC without delay and the lead solicitor can lodge the court order granting leave immediately that order becomes available.

Explanatory Note

The NILSC was consulted about the format of the Legal Aid Expert Witness Instruction Pro Forma developed by COAC to reduce delay in the authorisation of funding for expert witnesses in Children Order cases. The Pro Forma, if properly completed captures the information required by Commission staff when making funding decisions thus reducing the need to revert to practitioners to clarify details that could lead to increased costs. The decision-making process for all funding decisions operates on the basis of authority formally delegated by the Commission Board to staff at different levels within the Commission and to the Legal Aid Committee (LAC).

Where an expert witness's proposed costs are above the levels delegated to staff they are currently referred to the LAC. The LAC comprises external lawyers nominated by the Law Society and the Bar. The levels of delegated authorisation are continually reviewed by the Commission to maintain control over legal aid expenditure and also to ensure undue delay is not caused where authority for an expert is required. The use of the Pro Forma has demonstrated its value to decision-making within the Commission. It is therefore recommended that practitioners always utilise the template when seeking legal aid authority for expert witnesses in Children Order cases.

PART A

SOLICITOR

LEGAL AID PRO FORMA - EXPERT INSTRUCTION

Name of Case:

Court Reference number

1. Parties Involved:

Assisted Person's Name/Party Status	
Solicitor's Name	
Firm's Name	
Legal Aid Certificate Number	

Assisted Person's Name/Party Status	
Solicitor's Name	
Firm's Name	
Legal Aid Certificate Number	

Assisted Person's Name/Party Status	
Solicitor's Name	
Firm's Name	
Legal Aid Certificate Number	

Assisted Person's Name/Party Status Solicitor's Name Firm's Name Legal Aid Certificate Number	
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Assisted Person's Name/Party Status Solicitor's Name Firm's Name Legal Aid Certificate Number	
--	--

2a) Please state who is the lead solicitor in this application

--

b) Please state lead solicitor's practitioner's code

--

c) Please state other parties in this application and proposed apportionment of fees

Other parties	Apportionment

3. THE CASE

- a) Please state type of proceedings for which legal aid authority is sought and in which court the case is being dealt with.

- b) Please state the date when the case is next in court

Note: It is imperative that this information is provided

4. EXPERT DETAILS

- a) Please state the name, address and field of expertise of the expert you now wish to engage (attach CV if possible)

- b) Describe the purpose of the appointment

c) Please indicate whether it is proposed to instruct the expert to

<p>Provide a report based on papers only</p> <p>Provide a report based on papers and examination/or assessment of a person or persons</p> <p>Attend court to give evidence</p> <p>Attend a consultation with other professionals involved</p> <p>Meeting of experts</p> <p>Other</p>	
--	--

**5. Is it proposed that the expert tender his/her evidence via Video Link?
If so, state proposals.**

--

6. Are there other experts involved in this case? If so please attach the Schedule of Assessments per relevant Appendix of COAC Best Practice Guidance.

Other experts	Yes	No
Schedule	Yes	No

Signed:
Solicitor

Print Name:

Party Status:

Date:

Reminder:
Have you attached the Schedule of Assessments and draft letter of instruction?

GUIDE TO CASE MANAGEMENT IN PUBLIC LAW PROCEEDINGS

The fundamental objective in Public Law proceedings is to achieve a solution or if none is available, an outcome without delay which is in the best interests of the child. In relation to delay it is important to bear in mind two factors. Firstly a young person's timescale is different from that of an adult. Secondly delay in reaching decisions about a child's future almost invariably adds to the stress and anxiety being experienced by the child, particularly if in addition the child experiences a threat - actual or imagined - of separation from those to whom he is attached. Avoidable delay can be described as system-induced harm inflicted by adults, who participate in Public Law proceedings either as parties or as professionals, on children.

The 'Guide to Case Management in Public Law Proceedings' is a tool devised to assist in achieving a number of objectives though in a sense they can all be brought back to the fundamental objective of achieving an outcome without delay in the best interests of the child.

There are 6 key stages set out in the guide.

Key stage 1 is the pre-proceedings stage. It is a requirement at this stage, except where it is not possible to do so consistently with the best interests of the child or where immediate intervention is required, that a letter be sent by the Trust (or other applicant) to any prospective party prior to the issue of proceedings setting out the detailed concerns which lead the Trust to believe that the child has suffered or is likely to suffer significant harm and what exactly the Trust proposes ought to be done to protect the child from suffering such harm in the future. In short, the letter tells (usually) the parents exactly what is perceived to be wrong and exactly what the Trust perceives should be done. It gives the Trust, the parents, (usually with the benefit of legal advice) and the children a structure in which to work towards a resolution at a pre-proceedings meeting and if resolution is secured, it avoids all proceedings. Accordingly at key stage 1, in achieving the objectives of providing necessary information to the prospective parties, identifying important issues, encouraging co-operation and encouraging prompt resolution, the Guide gives a structure to seeking to achieve the fundamental objective of achieving a solution without delay in the best interests of the child at the pre-proceedings stage.

The Guide does not differentiate in importance between each of the key stages. It recognises that each stage is of crucial importance and it demands equal attention to each stage.

Key stage 2 deals with the issue of proceedings. It requires the Trust to bring clear definition to its case and to provide documents. It crucially covers the appointment of a representative for the child. Thereafter it is incumbent on the child's representative to immediately and actively enter the arena on behalf of the child. Temporary arrangements for the child may not be ideal; it is a false assumption that those temporary arrangements may not become permanent. For the child's advocate to achieve for instance, the same temporary placement for all siblings, might be a significant contribution to the permanent outcome for the children concerned.

Issues such as this should be addressed by the child's advocate at Key stage 3, the first directions hearing. At this stage directions are being given to bring definition to what is being said on behalf of the parents and on behalf of the child. The parents are required to respond at a much earlier stage than has previously been the practice in order to ensure early identification of the important issues and elimination or resolution of the less or unimportant issues. Also the Guardian ad Litem on behalf of the child has an obligation at an earlier - and therefore at a more effective stage - to proactively identify the issues and to provide an initial analysis. There is a shift in emphasis in respect of those who represent the child from re-action to the evidence of others once complete, to pro-action. We would also highlight that at this stage all the parties should have a fairly clear view as to the direction and shape of the issues in the case so that they can deal effectively with matters such as the commissioning and preparation of expert evidence. The timetable for the proceedings should be set, not in general terms but through to a date for the trial (Key stage 6).

Key stage 4 is the case management hearing which is expected to occur by day 45. By this stage the evidence should be complete or almost complete and the target is that this hearing should deal with all outstanding case management issues. One of the tasks to be undertaken by the court at this stage is the consideration of what issues should be capable of resolution at an issues resolution hearing in advance of the full trial.

Key stage 5 is the final review hearing. This is the last opportunity before the trial (**Key stage 6**) to ensure that the case is ready and that the trial will be able to focus sharply on the real issues.

The strength of the Guide is that it has emerged out of our experiences in this specific jurisdiction and also out of an extensive pre-implementation consultation process, an essential component of which was consultation with those who represent children. Though initially prompted and informed by the Public Law Outline in England & Wales its final form is significantly different. It has emerged from the lengthy and

extensive consultation process as a Guide devised by and when in its final form, as a Guide approved by and crucially as a Guide for all those who participate in these proceedings in Northern Ireland. As a result those who have the responsibility for implementing its procedures can have confidence that the Guide is an appropriate tool to be used proactively to assist in achieving the fundamental objective of achieving an outcome without delay in the best interests of the child.

The Committee wishes to acknowledge and thank all those involved in the consultation process for the considerable work undertaken⁴.

UNDERSTANDING THE NEEDS OF CHILDREN IN NORTHERN IRELAND (UNOCINI) AND REFORM IMPLEMENTATION

The Reform Implementation Team (RIT) drawn from a number of agencies in the statutory, voluntary and community sectors was initiated to reform child protection services within the new Health and Social Care Trusts in order to safeguard children and young people in Northern Ireland. Its establishment followed on from a number of case management reviews and the findings of the Social Services Inspectorate inspection of child protection services entitled 'Our Children and Young People - Our Shared Responsibility'.

The overview report identified a number of deficiencies and recommended action to improve arrangements for safeguarding children and young people, increase public awareness in this important area, enhance professional practice, multi-disciplinary and interagency working and service provision and inform policy development with regard to safeguarding children and young people.

The RIT project has created the means by which reform can be implemented and is supporting this process by making explicit what is required. Using a project management approach, ten work streams have been established with responsibility for different elements of the planned reforms. The products of each work stream are designed to provide a framework for good practice in key areas of social services practice and its interfaces with other disciplines and agencies and will be implemented in practice as appropriate across children's services in Northern Ireland. A number of work streams have concluded their work and new work streams have been established to take forward reform in other related areas.

⁴ One particular individual has played a very significant role; we pay particular tribute to Michael Long Q.C. to whom we are all especially indebted.

UNOCINI is a single assessment model which aims to produce a uniform approach to assessing the needs of vulnerable children. It is recognized that a critical component of enhancing professional practice, multi-disciplinary and interagency working is improving the assessment process. The UNOCINI framework does this by providing a balanced assessment model which is consistent and capable of meeting the requirement of professionals from all agencies working with children. A guide has been prepared following extensive consultation with frontline professional staff in Trusts and other agencies. It aims to help practitioners achieve a sufficient understanding of the needs of children in Northern Ireland to ensure that effective and safe decisions are made about their needs and how these needs may be addressed.

Appendix 1

The Membership of the Committee (1st April 2008 to 31st March 2009)

Chair

The Honourable Mr Justice Weir	High Court Judge (Family Division) High Court of Justice in Northern Ireland
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Deputy Chair

The Honourable Mr Justice Stephens	High Court Judge (Family Division) High Court of Justice in Northern Ireland
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Members

His Honour Judge Rodgers	County Court Judge and Family Judge of the Belfast Family Care Centre
His Honour Judge Marrinan	Recorder of Londonderry and Family Judge of the Londonderry Family Care Centre
Her Honour Judge McReynolds (Replacing Her Honour Judge Loughran with effect from 22 January 2009)	County Court Judge and Family Judge of the Craigavon Family Care Centre
His Honour Judge McFarland	County Court Judge and Family Judge of the Dungannon Family Care Centre
Master Wells	Master of the Office of Care and Protection, High Court of Justice in Northern Ireland
District Judge (Magistrates' Court) Meehan	Council of District Judges (Magistrates' Court) Northern Ireland
Mr Ronnie Williamson	Executive Director of the Northern Ireland Guardian Ad Litem Agency
Mr Perry Donaldson (Replacing Mrs Janet Leckey with effect from 15 May 2008)	Chair of the Northern Ireland Lay Magistrates Association

Mr Fergal Bradley	Head of Child Care Policy Directorate, DHSSPS
Mr Sean Holland (Replacing Mr Paul Martin with effect from 22 January 2009)	Acting Chief Officer, Office of Social Services
Mrs Catherine Dixon	Solicitor
Mr Brian Dornan	Representative of the Association of Directors of Health & Social Services Board
Mr Hugh Connor	Director of Social Services, Eastern Health & Social Services Board
Mrs Siobhan Keegan QC (Replacing Mrs Gillian McGaughey with effect from 02 October 2008)	Barrister at Law
Ms Kathryn Minnis	Directorate of Legal Services, Central Services Agency
Miss Brenda Donnelly	Official Solicitor to the Court of Judicature of Northern Ireland
Mrs Laura McPolin	Civil Law Reform Division, DFP
Mr Chris Heatley	Northern Ireland Court Service
Ms Kathryn Stevenson	Children in Northern Ireland
Mrs Audrey Quigley (DHSSPS)} Mr Austin Harper (NI Court Service)}	Secretariat

Appendix 2

Statistics

The statistics which form the basis of the tables and figures in this appendix are collected from Children Order business in all the courts in Northern Ireland. Except where otherwise indicated, all figures and tables cover the financial year 2008/09⁵.

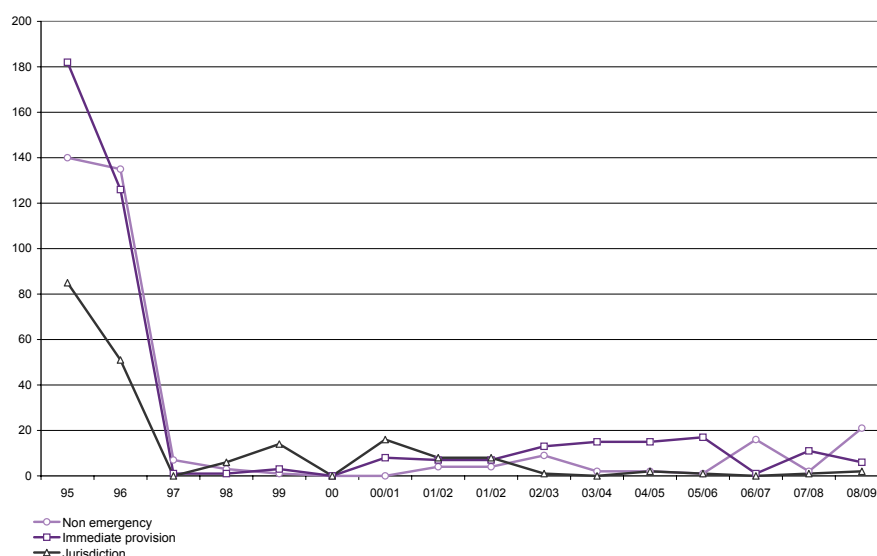
Wardship Actions

At the time of introduction of the Children Order in November 1996, a marked decline in the number of wardship actions made in the High Court was observed reflecting the restrictions placed on such applications by the Children Order. Since the introduction of the Order, wardship actions have remained at a consistently low level with no significant change observed in recent years (Table 1) since the sharp decrease following the introduction of the Order (Figure 1).

Table 1: Wardship Actions (April 2004 - March 2009)

Wardship Actions	04/05	05/06	06/07	07/08	08/09
Non-Emergency	2	1	16	2	21
Immediate Provision	15	17	1	11	6
Jurisdiction	2	1	0	1	2

Figure 1: Wardship Actions (Trend statistics 1995 - 2008/09)



⁵ Prior to 2007/08 there may be more than one application per child and more than one child per case; in 2007 a new computer system was introduced therefore caution should be used when comparing figures prior to 2007.

Applications and Disposals

Tables 2a and 2b show the number of applications lodged and disposed of in all court tiers for 2008/09. Applications lodged out-numbered disposals causing an increasing number of outstanding applications. For a breakdown of applications received and dealt with by the Family Care Centres and their related courts, please see Annex 1 (Tables 8 and 9).

Table 2a: Applications 01/04/08 - 31/03/09

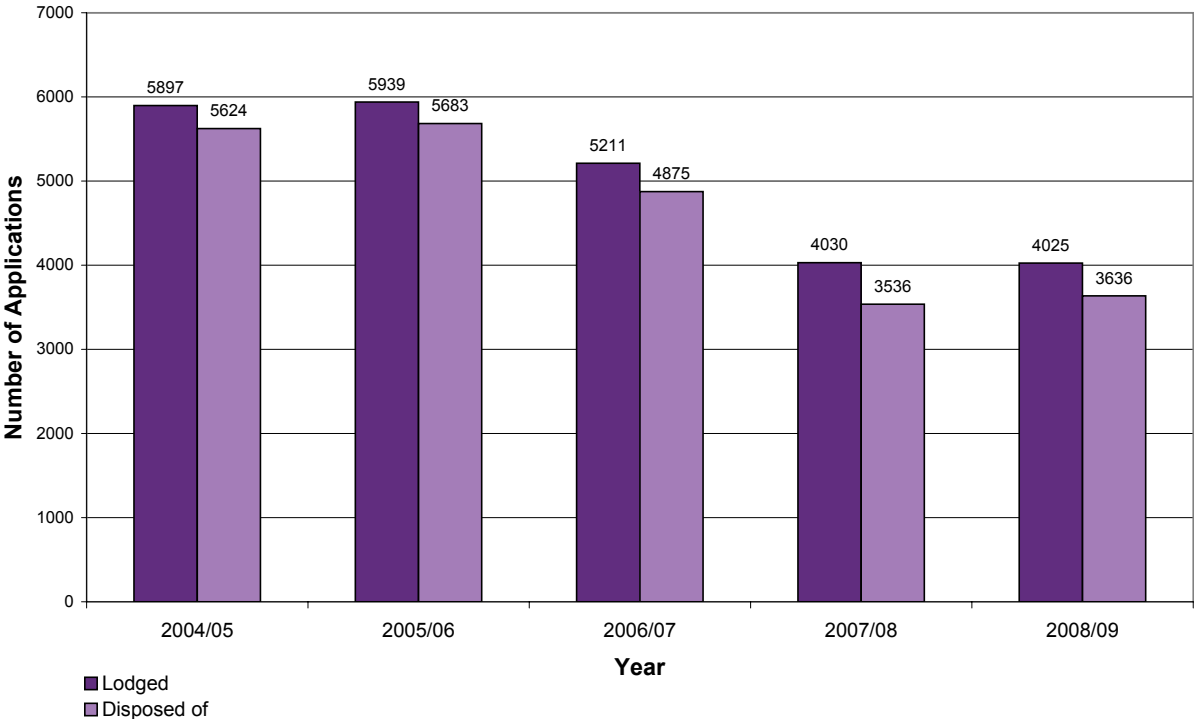
Applications	High Court	County Court		Magistrates' Court		Total
	High Court	Care Centre	Other	FPC	Other	
Public Law	19	16	0	389	0	424
Private Law	137	154	0	3310	0	3601
Total	156	170	0	3699	0	4025

Table 2b: Disposals 01/04/08 - 31/03/09

Disposals	High Court	County Court		Magistrates' Court		Total
	High Court	Care Centre	Other	FPC	Other	
Public Law	36	119	0	377	0	532
Private Law	120	269	0	2715	0	3104
Total	156	388	0	3092	0	3636

Figure 2 shows the number of applications lodged and disposed of each year since 2004.

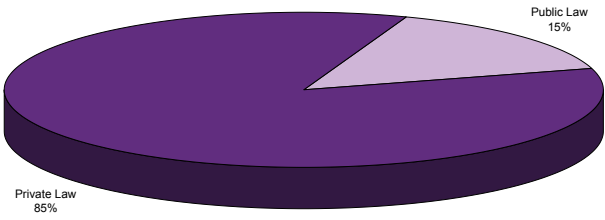
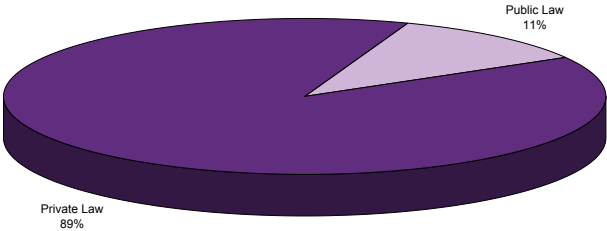
Figure 2 Applications Lodged and Disposed of (April 2004 - March 2009)



During 2008/09, 11% of applications lodged concerned Public Law and 89% concerned Private Law. In terms of disposals, 15% of applications disposed of concerned Public Law and 85% concerned Private Law (See Figures 3a & 3b).

Figure 3(a) Applications Lodged (April 2008 - March 2009)

Figure 3(b) Applications Disposed of (April 2007 - March 2008)



The following graphs depict applications lodged and disposed of in each year from 2004/05 to 2008/09 by the type of orders made.

Figure 4a depicts the number of applications for supervision orders lodged and disposed of. Figures show that the number of supervision applications disposed of increased from 29 to 56 between 2007/08 and 2008/09. Overall, the numbers of applications for supervision orders lodged and disposed of are relatively small and therefore any trend should be treated with caution.

Children Order Public Law Applications Lodged and Disposed of (April 2004 - March 2009)

Figure 4(a)

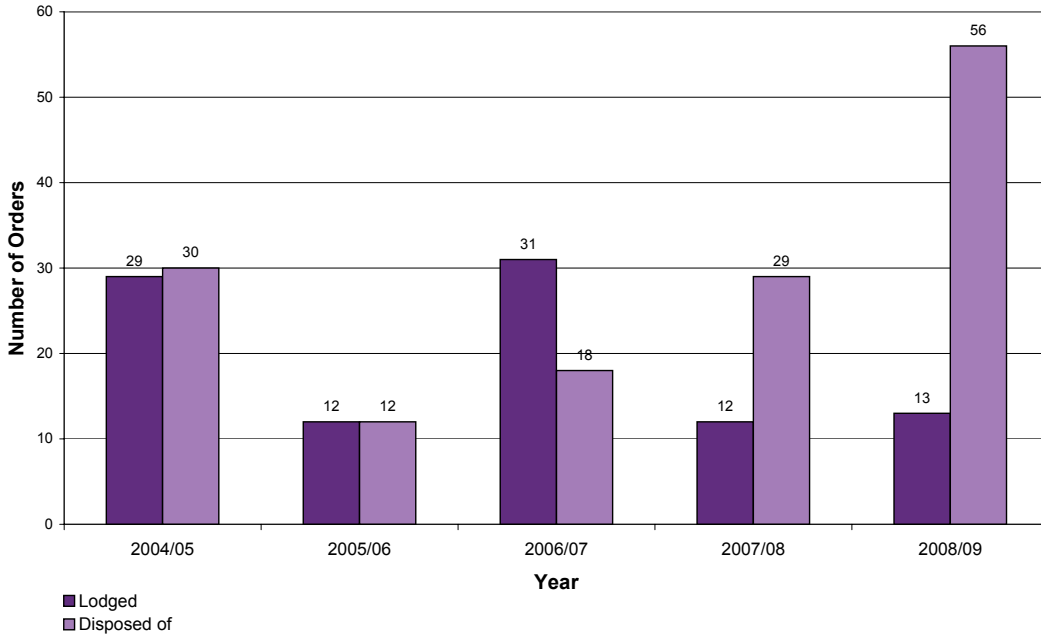


Figure 4b depicts the number of applications for care orders lodged and disposed of. Figures show that these applications have shown a downward trend over the past five years - a decrease of 47% for care applications lodged together with a decrease of 43% for such applications disposed of.

Figure 4(b)

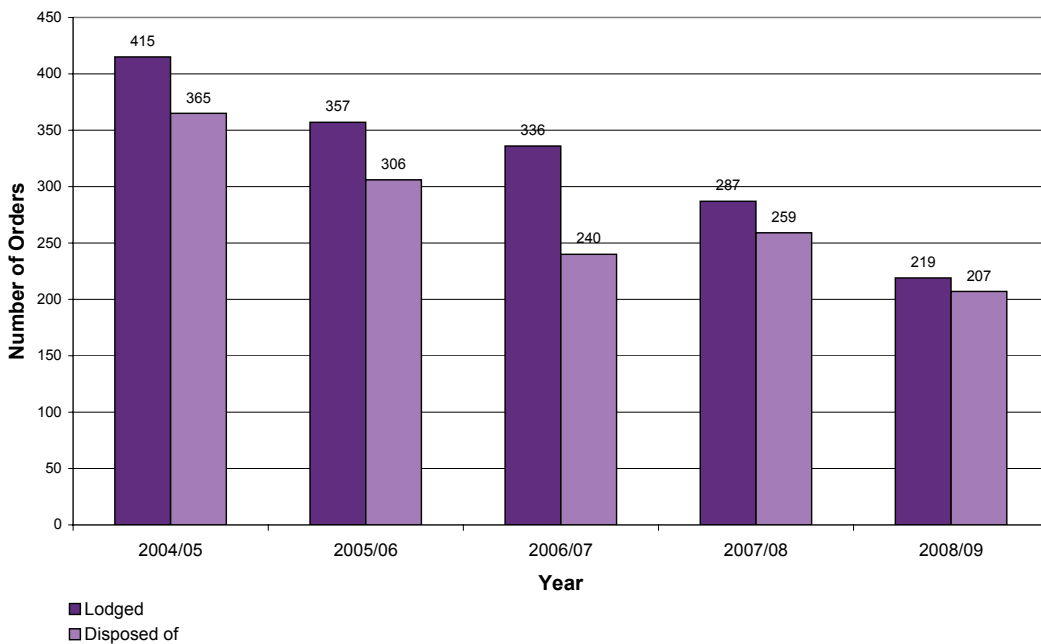
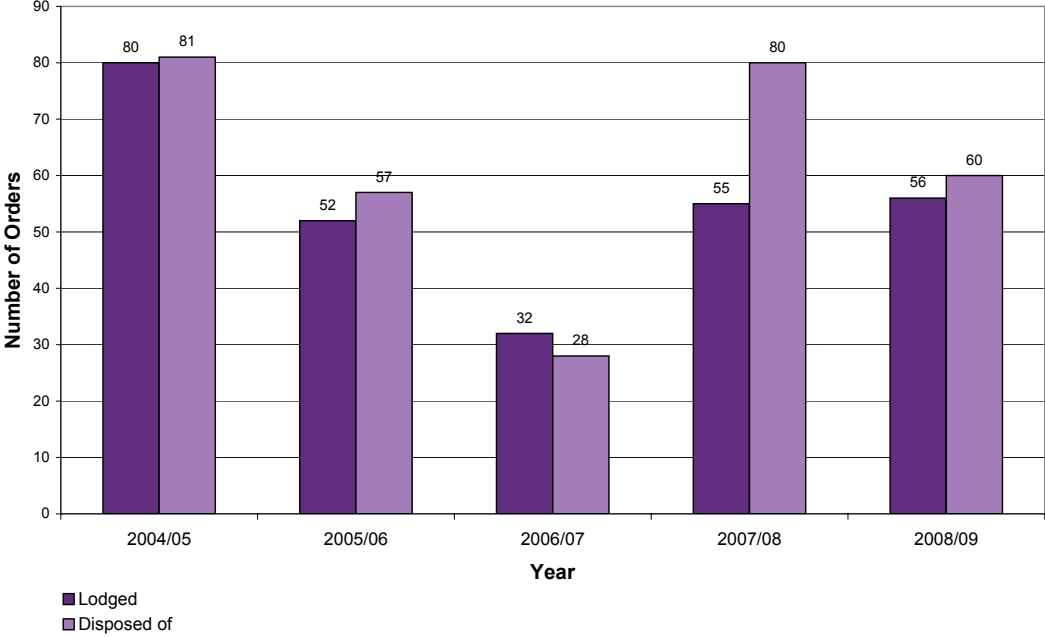


Figure 4c depicts the number of applications for emergency protection orders lodged and disposed of. Figures show that these applications have shown no overall trend since 2004/05. Overall, the numbers of applications for emergency protection orders lodged and disposed of are relatively small and any apparent trend should therefore be treated with caution.

Figure 4(c)



In terms of the court tier for lodgements and disposals, figures are depicted below. Figure 4d shows applications lodged and disposed of in the Family Proceedings Court; there is a negligible increase this year; 2008/09 figures show an increase in lodgements (1%) and an increase in disposals (1%) since 2007/08 in these courts.

Figure 4(d) Applications Lodged & Disposed of in Family Proceedings Court

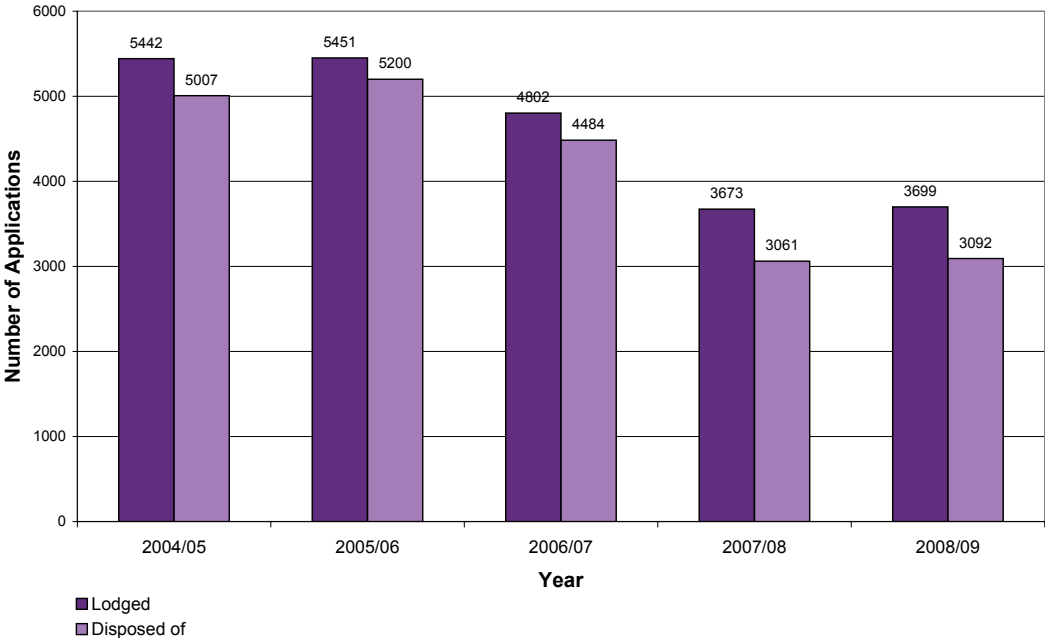


Figure 4e shows applications lodged and disposed of in the Family Care Centre; these have remained relatively steady over the past 5 years. 2008/09 figures show a negligible decrease in lodgements (2%) with an increase in disposals (24%) since 2007/08 in these courts.

Figure 4(e) Applications Lodged & Disposed of in Family Care Centre (April 2004 - March 2009)

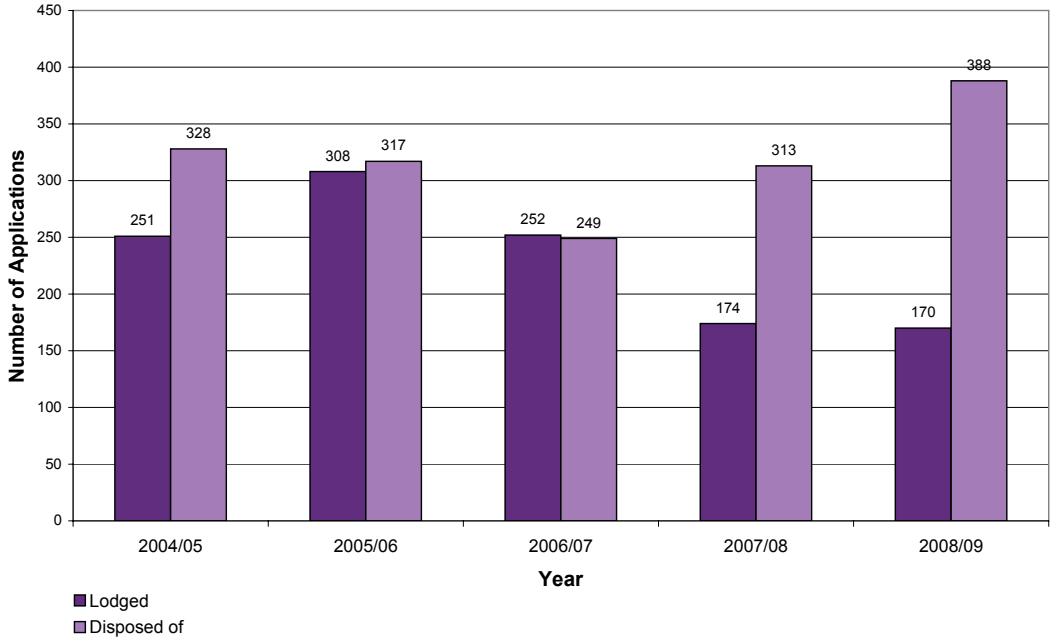
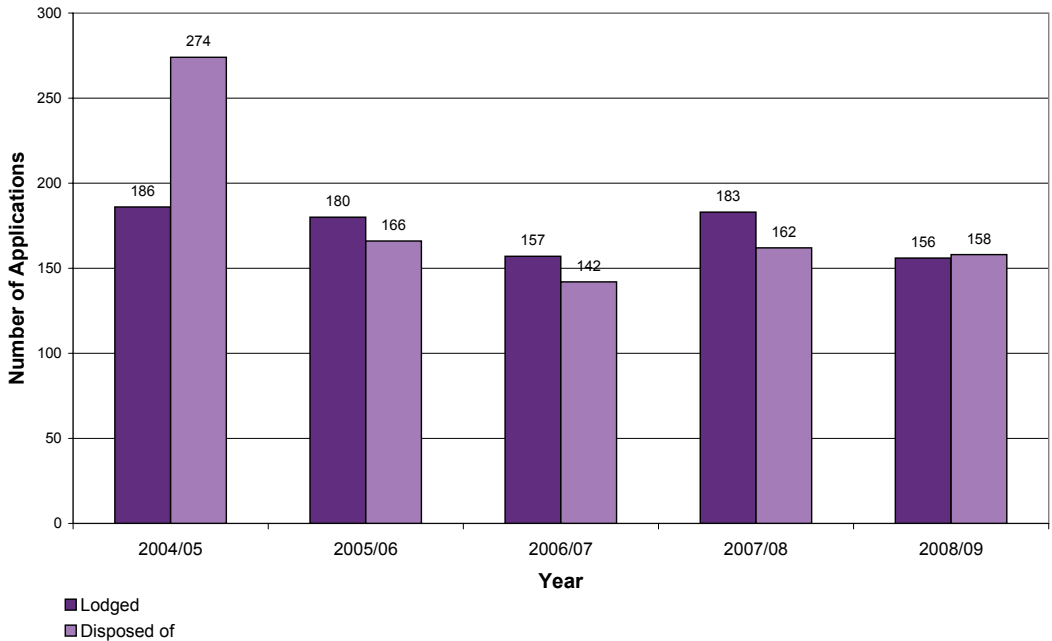


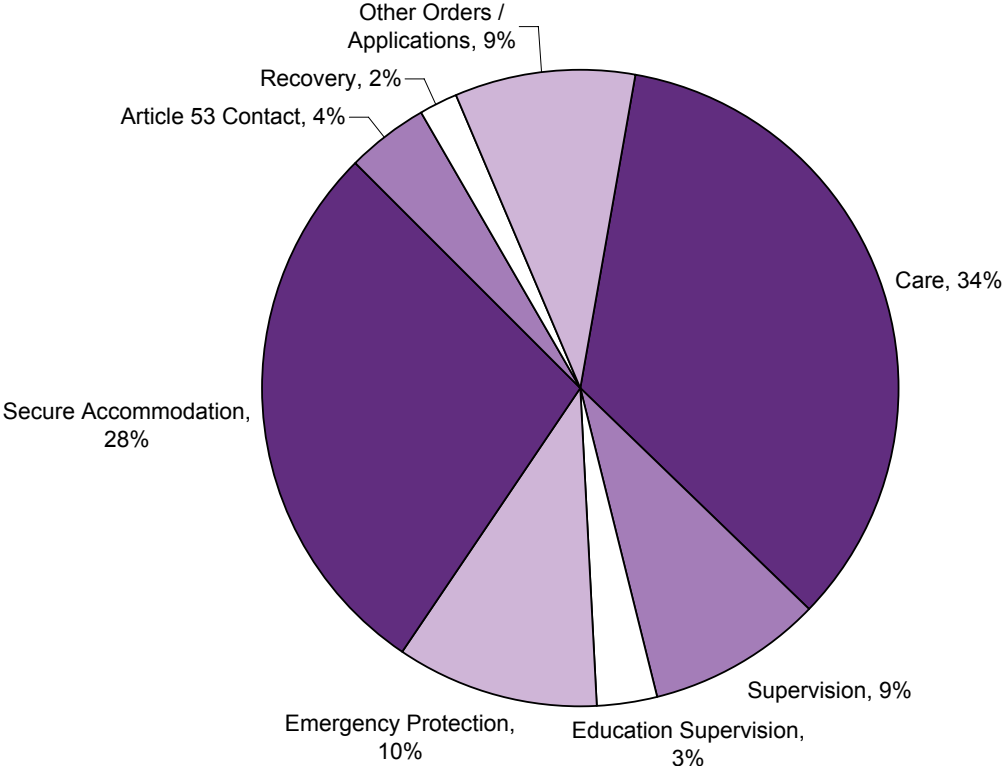
Figure 4f shows applications lodged and disposed of in the High Court; these have remained relatively steady over the past 4 years. 2008/09 figures show a decrease in both lodgements (15%) and disposals (2%) since 2007/08 at this court tier.

Figure 4(f) Applications Lodged & Disposed of in High Court (April 2004 - March 2009)



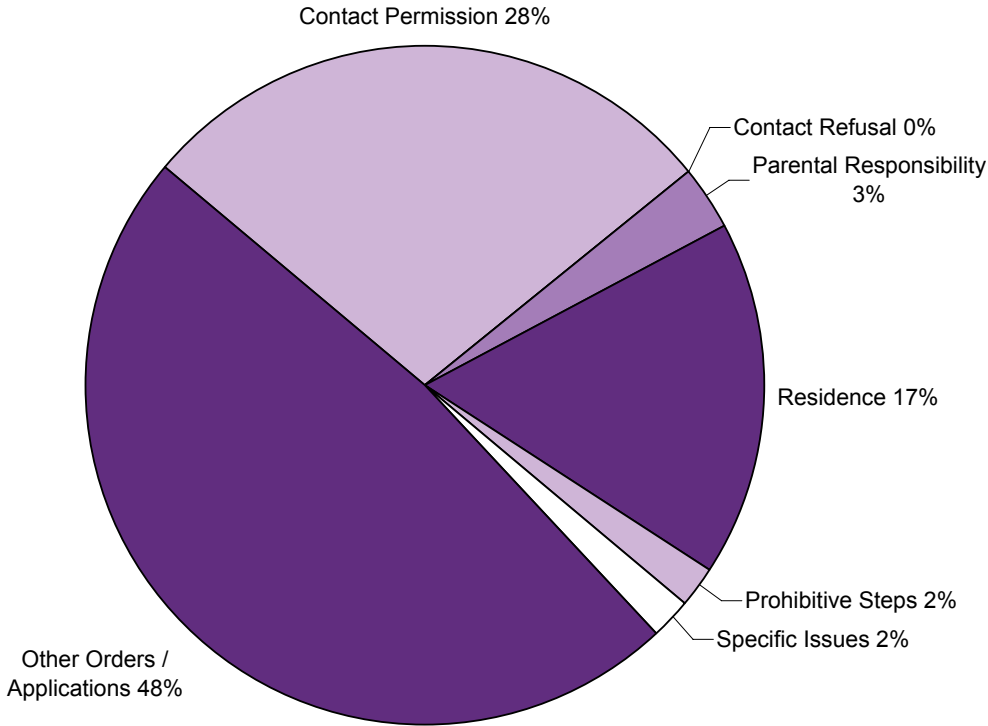
Care applications & secure accommodation applications accounted for the majority of Public Law orders (62%) in 2008/09 (Figure 5a). Supervision orders in 2007/08 were 4% of all Public Law orders and make up 9% in 2008/09; emergency protection orders in 2007/08 were 13% of all Public Law orders and make up 10% in 2008/09. The percentage of orders classed as 'other' has decreased from 11% in 2007/08 to 9% in 2008/09.

Figure 5(a) Public Law Orders Made (April 2008 - March 2009)



The most common types of order made in Private Law were 'other orders/ applications' (48%) and contact (permission) (28%) (Figure 5b). In 2007/08, contact orders were 28% of all Private Law orders and again make up 28% in 2008/09; residence orders in 2007/08 were 17% of all Private Law orders and make up 18% in 2008/09. The percentage of orders classed as 'other' has decreased from 49% in 2007/08 to 48% in 2008/09.

Figure 5(b) Private Law Orders Made (April 2008 – March 2009)



Transfers

Table 3 shows the number of cases transferred and the reasons for transfer quoted. The most numerous reason given for transfer from the Family Proceedings Court was complexity (37%) while for transfers from the Family Care Centre, the main reasons were complexity and 'other' (39% and 40% respectively in 2008/09). During 2008/09 transfers from the Family Proceeding Court to the Family Care Centre made up 73% of all applications transferred.

Table 3: Transfer of Business (Reasons) 01/04/08 – 31/03/09

From	Convenience	Urgency	Gravity	Importance	Complexity	Consolidation	Other	Total reasons ⁶
High Court								
Wardship & Adoption	1	0	0	0	0	0	5	6
Sub-Total	1	0	0	0	0	0	5	6
Care Centre								
Belfast	3	4	2	0	30	4	18	61
Dungannon	0	0	0	0	4	3	3	10
Londonderry	0	0	0	0	1	1	2	4
Craigavon	2	1	0	0	6	1	19	29
Sub-Total	5	5	2	0	41	9	42	104
Family Proceedings Court								
Ballymena	13	0	2	0	7	8	6	36
Belfast	1	0	0	0	41	20	28	90
Dungannon	1	0	0	0	7	2	3	13
Omagh	0	0	0	0	2	0	2	4
Londonderry	4	0	0	0	7	4	8	23
Newry	4	0	0	0	18	6	3	31
Ards	0	0	0	0	6	12	10	28
Craigavon	0	0	0	0	7	7	12	26
Lisburn	0	0	0	0	14	3	15	32
Strabane	0	0	0	0	0	0	0	0
Coleraine	0	0	0	0	0	2	3	5
Enniskillen	0	0	0	0	0	0	0	0
Antrim	0	0	0	0	1	1	2	4
Larne	1	0	0	0	0	1	1	3
Armagh	0	0	0	0	0	0	1	1
Sub-Total	24	0	2	0	110	66	94	296
NI - Total	30	5	4	0	151	75	141	406

⁶ There may be more than one reason given for transfer of a case.

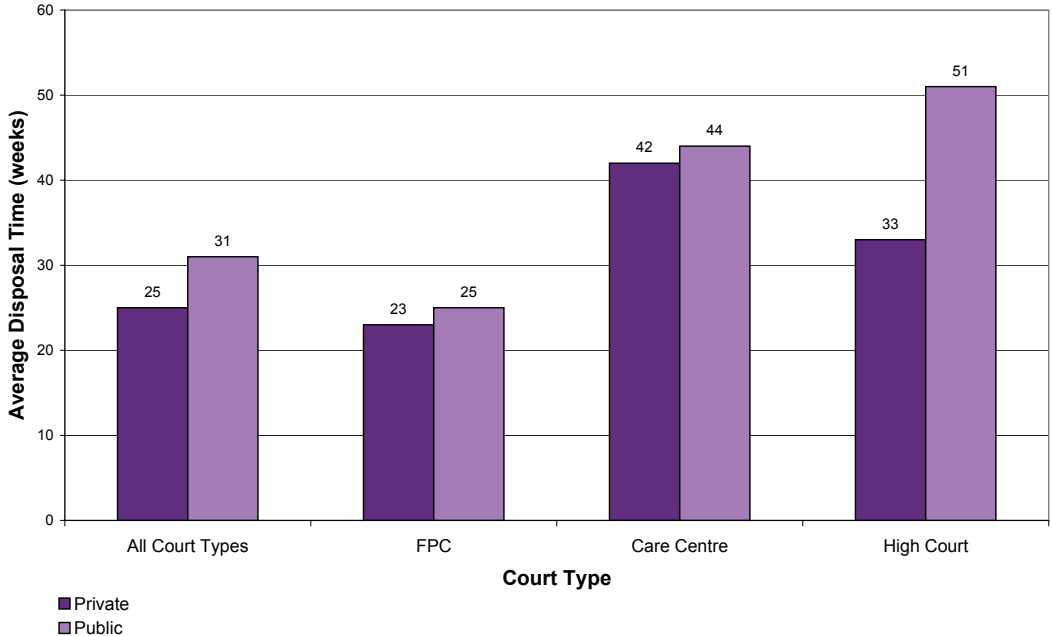
Disposal Times⁷

Table 4 and Figure 6 show the relative disposal times for both Public Law and Private Law cases in each court tier for 2008/09. In the Family Proceedings Court, average disposal times were 25 weeks for Public Law and 23 weeks for Private Law cases. In the Family Care Centre, it was 44 weeks for Public Law cases and 42 weeks for Private Law cases. Public Law cases in the High Court took 51 weeks and Private Law cases took 33 weeks. Overall, lodgement to disposal times for Public Law and Private Law cases have increased by 3 weeks and 1 week respectively between 2007/08 and 2008/09. It should be noted that due to relatively small numbers at the High Court and the Care Centre, it takes very few lengthy cases to substantially affect the average time taken to dispose of cases.

Table 4: Disposal Times 01/04/08 – 31/03/09

Lodged to final hearing times (in weeks) for cases entered in the designated courts				
	High Court	Care Centre	Family Proceedings Court	Total
Public Law	50.5	44.2	24.8	30.9
Private Law	32.9	41.9	22.7	24.7

Figure 6 Disposal Time in Weeks (April 2008 – March 2009)



Disposal Types

Table 5 shows the distribution of the different types of disposal made for 2008/09. Consent orders accounted for 53% of orders made.

⁷ Disposal times include the time spent at other court tiers before determination.

Table 5: Orders and Disposals 01/04/08 – 31/03/09

	Order Made by Consent	Other Order	Total
Application Dismissed	0	1	1
Application Withdrawn	0	33	33
C2 Leave Granted to Commence-Final Order	0	40	40
C18 - Final Order	1126	911	2037
Care Order	61	146	207
Contact Order	1539	643	2182
Contact with a child in Care	3	19	22
Declaration of Parentage	24	22	46
Discharge Care Order	13	4	17
Discharge Non Molestation Order	0	5	5
Discharge Residence Order	0	2	2
Discharge/variation of Supervision Order	0	4	4
Education Supervision Order	0	20	20
Emergency Protection Order (EPO)	15	45	60
Extension of an EPO	9	8	17
Family - Adjourn Generally	0	43	43
Family Assistance Order	7	5	12
Financial Provision	0	5	5
Leave to change surname by which child is known	9	6	15
Leave to Withdraw	0	59	59
Non-Molestation Order	0	9	9
Order or Directions Final	177	233	410
Order Terminating Appointment of GAL	233	174	407
Parental Responsibility Order	147	63	210
Prohibition on Further Proceedings (Art 179(14))	3	9	12
Prohibited Steps Order	51	83	134
Recovery of a child	6	9	15
Residence Order	918	501	1419
Secure Accommodation Order	68	101	169
Specific Issues Order	58	95	153
Strike Out	0	103	103
Supervision Order	28	28	56
Vary Contact Order	0	6	6
Withdrawn	1	325	326
Other	6	162	168
Total	4502	3922	8424

In 2007/08, 8,776 interim orders were made. The number of interim orders increased by 26% to 11,092 in 2008/09. These were made up primarily of contact, residence and care orders (Table 6).

Table 6: Interim Orders Made 01/04/08 – 31/03/09

Business	Interim Order
Parental Responsibility	12
Contact: Permission	5778
Residence	1108
Prohibited Steps	348
Specific Issues	27
Care	3515
Supervision	248
Secure Accommodation	29
Non-molestation	26
Refuse contact with child in care	1
Total	11092

Age of Children

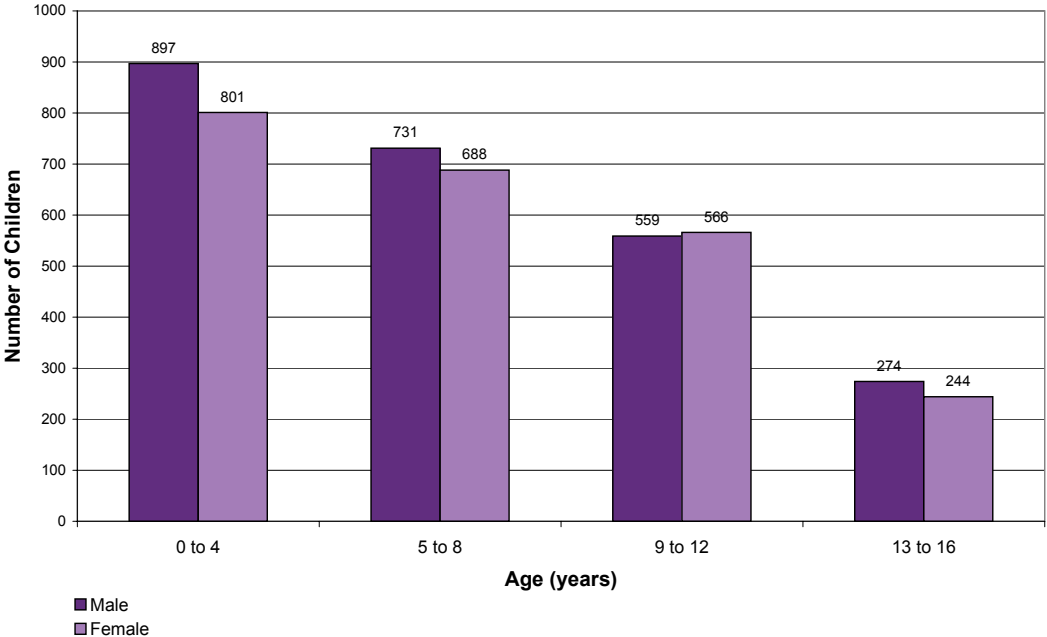
Table 7 shows the distribution of children's ages. Just over one third (36%) of children involved in cases were within the 0-4 years old category (Figure 7).

Table 7: Children Subject to Applications

Age and Gender of children involved ⁸ : 01/04/08 – 31/03/09					
	Age Range				Number of children in respect of whom orders have been made
	0-4	5-8	9-12	13-16	
Male	897	731	559	274	2461
Female	801	688	566	244	2299
Unspecified	4	5	11	5	25
Total	1702	1424	1136	523	4785

⁸ Includes children not subject to an application disposed of.

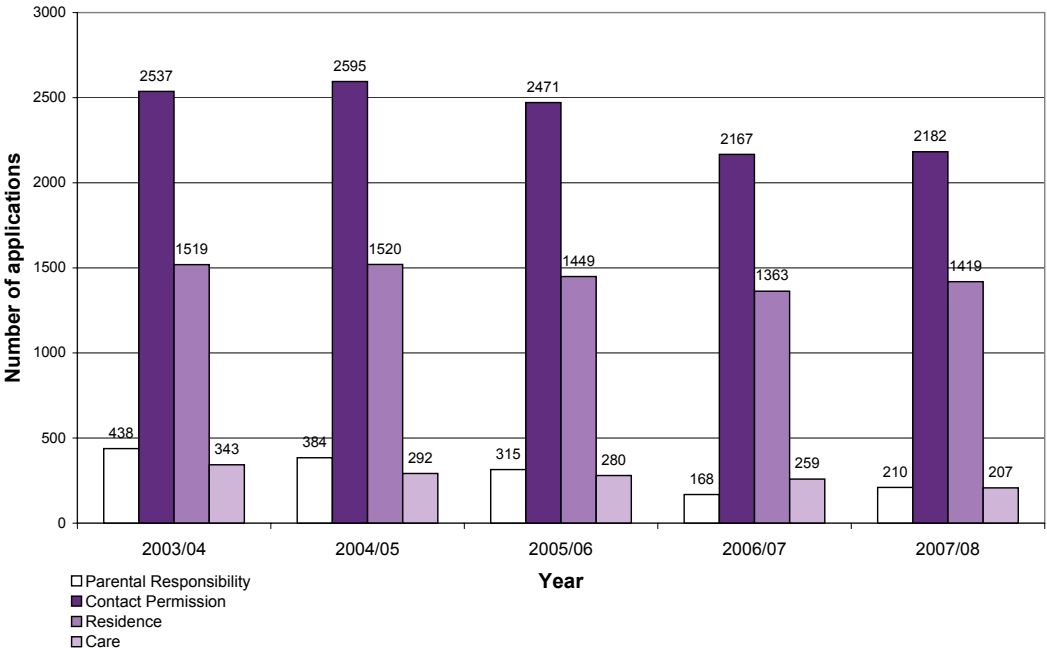
Figure 7 Age and Gender of Children Involved (April 2008 - March 2009)



Annual Comparisons

Figure 8 presents the number of orders and disposals for 2004/05 to 2008/09. Parental responsibility disposals increased by 25% between 2007/08 and 2008/09. Contact (permission) disposals increased by 1% between 2007/08 and 2008/09. The number of applications for residence orders disposed of also increased by 4% between 2007/08 and 2008/09 and care applications disposed of decreased by 20% between 2007/08 and 2008/09.

Figure 8 Orders & Disposals (April 2004 - March 2009)



**Table 8: Business Volume - Care Centres and Related Courts
Applications Lodged: 01/04/08 - 31/03/09**

	Public	Private	Total
Belfast			
Care Centre	8	22	30
County Court	0	0	0
Family Proceedings Court	163	1692	1855
Magistrates' Court	0	0	0
Total	171	1714	1885
Dungannon			
Care Centre	1	11	12
County Court	0	0	0
Family Proceedings Court	78	246	324
Magistrates' Court	0	0	0
Total	79	257	336
Londonderry			
Care Centre	2	15	17
County Court	0	0	0
Family Proceedings Court	38	451	489
Magistrates' Court	0	0	0
Total	40	466	506
Craigavon			
Care Centre	5	106	111
County Court	0	0	0
Family Proceedings Court	110	921	1031
Magistrates' Court	0	0	0
Total	115	1027	1142

Table 9: Business Volume - Care Centres and Related Courts
Disposals: 01/04/08 - 31/03/09

	Public	Private	Total
Belfast			
Care Centre	61	98	159
County Court	0	0	0
Family Proceedings Court	194	1412	1606
Magistrates' Court	0	0	0
Total	255	1510	1765
Dungannon			
Care Centre	15	13	28
County Court	0	0	0
Family Proceedings Court	69	225	294
Magistrates' Court	0	0	0
Total	84	238	322
Londonderry			
Care Centre	7	45	52
County Court	0	0	0
Family Proceedings Court	29	349	378
Magistrates' Court	0	0	0
Total	36	394	430
Craigavon			
Care Centre	36	113	149
County Court	0	0	0
Family Proceedings Court	85	729	814
Magistrates' Court	0	0	0
Total	121	842	963

Appendix 3

Article 4 Reports – Overview (1st April 2008 to 31st March 2009)

Court Location	New Reports requested in period	Outstanding Reports to be filed in period	New Reports to be filed in period	Reports Actually Filed	Extensions sought in period	Otherwise Accounted For
Ballymena	81	92	14	80	22	10
Belfast FPC & FCC	151	173	49	147	87	33
Craigavon FPC & FCC	35	50	10	25	34	8
Dungannon FPC & FCC	58	53	23	55	29	9
High Court	34	36	17	27	31	7
Lisburn	22	37	3	11	32	12
Londonderry FPC & FCC	72	84	23	49	79	18
Newry	51	90	9	40	68	21
N'ards	141	194	30	110	167	33
TOTAL	645	809	178	544	549	151

NB: More than one extension can be applied for in the same case