



ANNUAL CASEWORK REPORT 2013-2014 LEGAL AND INVESTIGATIONS DEPARTMENT

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COMMISSIONER'S FOREWORD



Welcome to the first NICCY Annual Casework Report. We have decided to produce this report to raise awareness of the work carried out through our casework function. Seeking to resolve individual complaints has always been a central part of our work since the Office was set up. During my term in Office I have watched our casework grow and evolve numbering from around 50 cases per year to 483 in the 2013/14 business year. I believe that this is due to the enhanced awareness of children, young people and their parents or carers of the many ways in which we can help them through attendance at our outreach service and our stakeholder engagement events.

The types of complaints which come to us have become more complex in nature and the examples within this report show the diversity and complexity of the issues which are dealt with by the team. With the ongoing changes across education, health and youth justice we anticipate that this trend will continue. My Legal and Investigations team will continue to ensure a robust service is available for children and young people who wish to challenge the action or inaction of relevant authorities which they believe has adversely impacted on their rights or best interests.

Whilst the primary focus of our casework function is to resolve individual complaints for children and young people we also analyse data and trends we identify through casework to inform our corporate and business plans as well as our advice to government. This enables us to hold government, its departments and all statutory agencies to account regarding their commitment to delivering on children's rights – a commitment government has made by signing up to the United Nations Convention on the Rights of the Child (UNCRC).

I hope you enjoy reading this report and the information therein raises your awareness of the casework function within NICCY.

A handwritten signature in black ink that reads "Patricia Lewsley Mooney".

Patricia Lewsley Mooney
Northern Ireland Commissioner for Children and Young People



INTRODUCTION

This is the first Annual Casework Report for NICCY. We hope it will give a greater understanding of the casework service we provide and an indication of the types of complaints we receive and deal with.

The Commissioner for Children and Young People for Northern Ireland (NICCY) is an executive Non-Departmental Public Body (NDPB) sponsored by the Office of the First Minister and Deputy First Minister (OFMDFM). NICCY was established on 1st October 2003 under the Commissioner for Children and Young People (Northern Ireland) Order 2003.

Our founding legislation sets out our duties and powers, together with the Commissioner's principal aim which is

“to safeguard and promote the rights and best interests of children and young people”.

The legislation gives us the power to assist with complaints to relevant authorities (Article 11) and investigate complaints against relevant authorities (Article 12). It is this work which we refer to as casework and which is the subject matter of this report.

In 2013 we dealt with 483 cases in total; this was made up of 375 new cases and 108 cases which were ongoing.

The largest number of complaints which we received was in relation to the area of education.

A full statistical breakdown of the complaints received is contained within the body of the report.



CASEWORK SERVICE

The casework service is provided by the Legal and Investigations Team, which is comprised of five people:

- Head of Department – Barrister
- Senior Legal and Investigations Officer – Solicitor
- Legal and Investigations Officer – Solicitor
- Advice Officer
- Administration Officer

The ethos of casework within the organisation is to attempt to resolve issues for children and young people, at the earliest possible stage, without the need to resort to legal proceedings. We believe a lot can be done on a non legal level to attempt to bring about resolution and a satisfactory outcome for the child or young person concerned. This may include advice and guidance as to how to access a complaint procedure, or assistance navigating such a procedure. In addition, if necessary, we can assist with the drafting of letters of complaint or attend at meetings to discuss or address complaints. In some complex cases we have called round table meetings of all the agencies concerned to address the issue and reach a resolution. Although we attempt to resolve issues at the earliest opportunity we do also have the power to take legal proceedings, or initiate a formal investigation, if necessary, within defined circumstances.

Within the Legal and Investigations department we operate a Legal Assistance Policy. This policy sets out the various levels of legal assistance which we can provide, which are:

- Signposting
- Advice and Guidance
- Help and Support
- Advocacy / Representation
- Legal Advice
- Legal Representation or Funding

An explanation of each type of assistance which we provide is set out below.

Signposting – Referral of a client to another more appropriate body or person to assist them either with the entirety of their case or an aspect of it; or for additional support

Advice and Guidance – Advice (other than legal advice) on how to progress a complaint, including guidance through complaints procedures, codes of practice etc.

Help and Support – Engagement with a relevant authority to assist a client or on their behalf. This could include the writing of letters, drafting of documents, telephone conversations with key personnel, facilitating meetings and supporting clients at same.

Advocacy / Representation – Advocating for and representing clients at meetings and other forums.

Legal Advice – Advice given by a properly qualified legal practitioner either a solicitor or barrister. This could include oral advice or written advice such as a barrister’s opinion.

Legal Representation or Funding – Representation in relation to legal proceedings by a qualified legal practitioner (either internal staff or an external person) or funding to enable a client to engage legal representation or advice.

We provide advice over the telephone, via email or in person. Clients can also contact us via a link on our website.

In addition our team provide an outreach service where we can take a legal complaints clinic to a group of interested people. This consists of a presentation on child rights and a legal advice clinic. We outline the work we do and take individual complaints which are then brought back to the office to be dealt with in the usual way. This year we have carried out three outreach clinics, two of which were held in mainstream schools and one in a special school, all of these clinics were on special educational needs. Although all clinics this year were in schools we have in the past held clinics at youth groups or parents groups.

NUMBER OF PEOPLE CONTACTING THE CASEWORK SERVICE

In the 2013/14 business year our casework service dealt with a total of 483 cases. 375 of these were new enquiries with the remaining 108 representing cases which were carried forward from the previous year. Over the course of the 2013 business year a total of 446 cases were closed having either been resolved or due to a client disengaging. It is the case that sometimes issues are resolved and a client then disengages from our service without advising us of this or because they no longer wish to pursue the complaint.

We do receive a number of enquiries regarding issues which fall outside our remit and in such cases we signpost clients to the most appropriate organisation to deal with their complaint. We have made changes to our website to indicate those matters which we cannot deal with as well as those which we can, in response to feedback from clients.

The largest area which falls outside our remit about which we receive enquiries is parental contact with children when a relationship between parents has broken down. Parents, quite rightly, think this is a child rights issue, however as no relevant authority is involved we cannot deal with these cases.

The statistical breakdown on annual casework follows.

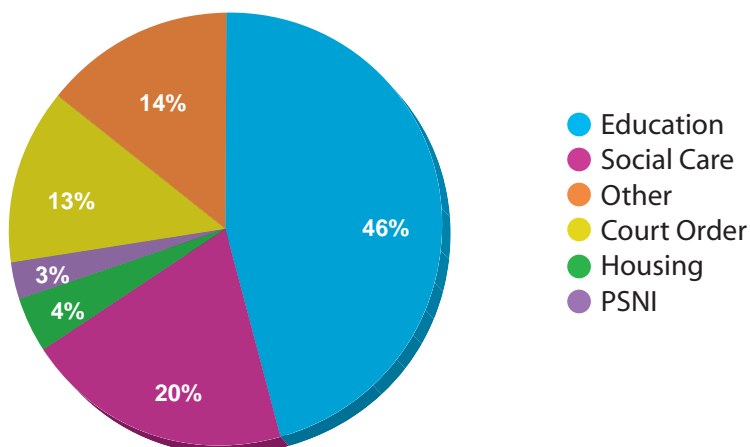


STATISTICS FOR THE YEAR

The following pie chart shows a breakdown of the enquiries received in the 2013 business year.

ANNUAL CASEWORK REPORT STATISTICAL BREAKDOWN

2013



As can be seen from the above, education enquiries form a large part of the work of the casework team. For this reason education enquiries are broken down in the next diagram.

Some of the other areas of enquiries we deal with are those in respect of health and social care, these usually revolve around provision, but can also involve complaints about social workers. In those cases we direct clients to the relevant complaints procedure or refer them on to the Patient Client Council.

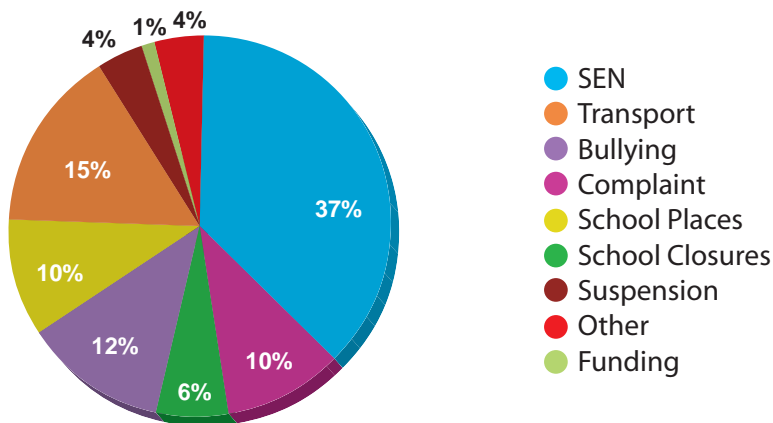
We also receive enquiries around housing. Some of which we can address but a number are referred to Housing Rights.

Complaints sometimes relate to the Police Service of Northern Ireland, however we cannot deal with these and refer clients to the Police Ombudsman, the statutory body set up to deal with such complaints.

We still, quite often, receive enquiries around court orders made in respect of children with regard to contact or residence. We cannot deal with such enquires as they do not involve a complaint about a relevant authority. We now state on our website that we cannot deal with such complaints, as parents frequently think of us as a recourse in such matters as they quite rightly view these matters to involve children's rights.

We can address other cases involving court orders made in respect of children and young people and have dealt with issues around privacy for children in the youth justice system.

Education Enquiries



RANGE OF COMPLAINTS

Special Educational Need

It can be noted from this diagram that the area of special educational need is the largest area within the education enquiries. Although we deal with a wide range of enquiries in relation to education, consistently over the last number of years, special educational need has been the largest.

As a result of this and after consideration of what other organisations provide we now offer representation at Special Educational Needs Disability Tribunals (SENDIST) for parents. Our reasons for doing so are that legal aid is not available for representation and we are aware that this is a complex area for parents and children and young people to have to navigate their way through. This means that in future we will be able to deal with such an enquiry all the way through from the initial complaint to the end of any necessary tribunal process, providing a complete service to parents, children and young people in this area.

Education

We also deal with enquiries around complaints about how issues have been handled within schools. We either direct clients to the complaints procedure or help them through the complaints system. We do sometimes attend meetings in schools with parents, where we attend on behalf of the child. Our role in such meetings is to put forward the child's views and to attempt to repair relationships between the parents and the school if they have broken down.

School Suspensions

School suspensions and expulsions are another area in which we receive many enquiries. We will work with parents and children or young people to ensure that the proper processes have been followed and to guide them through any appeals process available. We will also work with clients to assist them in finding a new school place or get home tuition if necessary.

Bullying

We regularly get complaints about bullying in school either by peers or in some cases by teachers. We will direct clients to the school bullying policy and advise them to arrange a meeting with the school if they have not already done so. We will work with parents and the school to attempt to find a satisfactory resolution to the matter.

School Closures

We receive enquiries about school closures, however there is no real role for us in these matters. We direct clients to the procedure which will be followed in such circumstances and what opportunity they would have to input into same.

School Admissions

Each year we will receive enquiries when school places are allocated, this can be nursery school places, primary school places or secondary school places. In each case we direct parents to the appropriate admissions criteria and advise that unless they believe these have not been applied correctly there is no route of appeal. If a parent believes that the criteria have not been applied properly we offer advice around the appeals process and have attended appeals hearing with parents.

School Transport

We receive a significant number of complaints around school transport, indeed this business year the level of such complaints was only secondary to special educational need. We engage regularly with the board transport officers on behalf of children and their parents. We work with transport officers and parents to try and bring about resolution of school transport issues.

School Funding

We get some enquiries around school funding however these are not matters we can assist with.

We have categorised some enquiries under the heading “other” this category encompasses enquiries we get which do not fall into other categories. This year these included matters such as stop and search powers of the PSNI, disposal of human tissue, and issues around travelling with a child and their medication.



CASE STUDIES - EXAMPLES OF CASEWORK

Set out below are some examples to illustrate the range of cases which are dealt with via the casework function in NICCY. This is a small sample taken from enquiries we have addressed this year.

NEWCOMER CHILDREN

NICCY was approached by an organization that assists newcomers to Northern Ireland. They were dealing with a family who had recently moved from Hungary to Belfast and who had children of school age but they did not know how to go about getting them a school placement.

NICCY casework staff met with the parents and the organization and talked them through the process and made initial contact with a school to arrange for the children to have an admissions meeting with a view to them starting the school. In doing so we ensured that these two children secured a placement. In addition, in up-skilling the organization they were then able to apply this to all other cases where they encountered school age children who have moved to Northern Ireland.

HOME TUITION

NICCY was contacted by the father of a young girl who was aged 16. She suffered from a fluctuating illness which, when in a flare, rendered her unable to attend school. As a result of this condition she had missed a lot of Year 11 and Year 12 at school. In advance of her GCSE exams it was agreed by the young person, her parents and the school that as she had missed so much she should repeat Year 12 to give her a better chance of achieving in her exams. An issue arose however when she applied for home tuition to assist her with the preparation for the exams in her repeated Year 12. The Education and Library Board (ELB) refused to provide home tuition as they determined that they would only offer home tuition to someone doing GCSE's if they were under 16 years old. They stated that had she been studying for her A Level exams there would not have been an issue in providing her with home tuition.

NICCY casework staff spoke at length to the ELB and then obtained a legal opinion which stated that the young person would have an actionable case against the ELB. Instead of issuing proceedings, the parents entered into negotiations with the ELB and when they were provided with the positive legal opinion stating that their position could be legally challenged the ELB agreed to put home tuition in place.

As a result of our intervention this young person was able to prepare for her exams with the appropriate levels of assistance. This is also an example of how NICCY seek to use legal methods but not necessarily legal proceedings to resolve cases in the interests of the child.

SCHOOL SUSPENSION

NICCY was involved with the parents of a young boy who was aged 5 years. He had been suspended from school. The child had a preliminary diagnosis of aspergers syndrome but was awaiting a confirmed diagnosis. The parents were concerned that the school were not taking into account the child's special educational needs when dealing with disciplinary matters. The parents were required to attend a meeting with the school on the morning of the child's first day back after the suspension. The relationship between the school and the parents had totally broken down.

The school initially refused to allow NICCY casework staff to attend the meeting with the parents. However, following negotiation, they agreed to allow us to attend. During the meeting NICCY casework staff acted as mediator and facilitated discussions between the parties.

The result was that the parents and the school were able to re-establish lines of communication and to work together in the best interests of the child.

ADMISSION CRITERIA

NICCY was contacted by a mother whose son did not get into the post-primary school he wished to attend. The family were concerned that the school had misapplied the entrance criteria which meant that he was refused a place in the school.

NICCY casework staff guided the family through the appeal process and gave them a list of arguments that they should make before the appeals body.

The Appeals Body agreed that the criteria were misapplied and directed the school to admit the boy. This is an example of NICCY giving legal advice to parents to allow them to advocate on behalf of their children.

BULLYING

Case Study 1

NICCY were contacted by the mother of a 16 year old girl who was being bullied by other girls in her year group. The young girl was too afraid to go to school and she and her mother were concerned at the amount of education that she was missing out on, especially given that this was in the vital period before her GCSE examinations. The young person was also concerned as she felt that the school did not act to ensure her safety and did not implement the bullying and discipline policy against the girls who were bullying her.

NICCY casework staff spoke to the young person about what she felt would make things better for her in school and then attended a meeting with the school to represent the voice of the young person.

As a result of this meeting we were able to agree a safety plan and the young person was able to return to school feeling safe. This is an example of how NICCY represents the voice of the child in accordance with Article 12 of the UNCRC.

Case Study 2

NICCY was contacted by the mother of a boy aged 13 who was being bullied in school. He was very concerned that the school was not taking steps to protect him and were not using the school disciplinary policy to sanction the bullies.

NICCY casework staff met with the young person and his mother and talked to him about his experiences and what he wanted the school to do to ensure his safety. NICCY then attended a meeting in the school with the young person and his mother, the year head and the head of pastoral care. During this meeting NICCY casework staff assisted the young person with getting his views across in compliance with Article 12 of the UNCRC.

We were able to agree a safety plan with the school to ensure that the young person felt protected when in school.

Case Study 3

NICCY was contacted by the mother of a 15 year old who had been severely bullied at school resulting in the child self harming and expressing suicidal thoughts. The child also refused to attend school and her absences resulted in her moving down a class due to poor grades.

NICCY casework staff met with the school to discuss the matter as a result of which a number of steps were agreed to address the bullying. These proposals were then discussed with the child who felt that these steps would enable their return to school.

The child did return to school and the bullying ceased.

Case Study 4

NICCY was contacted in relation to a child who was having difficulties with another pupil in school and was very unhappy at school. The parents engaged with the school but the situation deteriorated and communication between the two broke down.

NICCY casework staff attended a meeting between the parents and the school and were able to facilitate communication enabling the two to repair their relationship.

As a result of the repaired relationship, a resolution in respect of the child's issues was reached.

SPECIAL EDUCATIONAL NEED

Case Study 1

NICCY was contacted by a mother as her child was experiencing difficulties in school. He was 12 years old and has a diagnosis of Attention Deficit Hyperactivity Disorder (ADHD) and Aspergers Syndrome. He was undergoing an assessment of his needs and the ELB decided that he did not meet the criteria to get a Statement of Special Educational Needs.

We advised the mother of her right to appeal this decision and she found a solicitor who was willing to act in the case. NICCY agreed to fund the solicitor to represent the young boy at the Tribunal, as legal aid is not available for representation in this forum.

The Tribunal found in favour of the boy and the ELB issued a Statement of Special Educational Needs which set out the provision to which he was entitled. After the legal case concluded there were some issues between the parent and the school and NICCY casework staff assisted with resolving these and re-opening up lines of communication between home and school.

Case Study 2

NICCY was contacted by the mother of a young boy who was in post-primary school who has a diagnosis of autism. He had a Classroom Assistant and he was having difficulties relating to her. As a result of these issues he then refused to attend school. The Educational Welfare Service became involved due to his low attendance rate. They were considering taking the matter to Court to seek an Educational Supervision Order. NICCY met with the young boy and sought his views on the situation and asked him to make some suggestions as to how the relationship might be repaired to make school less difficult for him. We brought these views to a professionals meeting and made suggestions as to how things could be made easier for the boy in school. In this way we ensured that his voice was represented in a vital meeting, in compliance with Article 12 of the UNCRC.

As a result of our intervention the school put into place certain changes which made it easier for the boy to attend and to stay in school for the full day.

Case Study 3

NICCY was contacted by the family of a young girl, aged 11 years, who has a diagnosis of autism and has related sensory issues meaning that she is unable to wear a skirt. The parents were concerned as the post-primary school which she was due to go to were not agreeable to her wearing trousers.

NICCY casework staff entered into negotiations with the school and attended a meeting with the young person, her parents and the Special Educational Needs Coordinator and the Principal. At this meeting, with our assistance, the young person was able to explain her concerns and needs.

We were able to reach an accommodation which the young person, her family and the school were all agreeable to. The young person was then able to start the school on a phased entry timetable until she felt able to complete full days.

Case Study 4

NICCY was approached by the parents of a 17 year old boy with aspergers syndrome. NICCY was initially contacted as his parents were unhappy with the outcome of a complaint to his college. The complaint related to the young person's literal interpretation of language used by staff which caused him a great deal of anxiety and stress.

After casework staff met with the child, it transpired that he had a number of other issues which he had not yet disclosed to anyone, in particular he was struggling with his course and the level of work required of him. A number of meetings were held with the college to discuss matters and the young person attended so that he had the opportunity to discuss his concerns and the options available to him.

As a result, the young person's college timetable was altered to meet his needs and a learning support assistant was put in place to assist him. The original complaint was also resolved as staff were made aware of the effects of the young person's special educational need and were able to alter their language so as to avoid distressing the young person.

Case Study 5

NICCY was contacted by the mother of a young child with a diagnosis of autism. A statutory assessment had been conducted and a statement of special educational needs was recommended. The mother was entirely unfamiliar with this process and sought advice and assistance to ensure her child received adequate provisions in the statement. She felt the provision of a full time 1–1 classroom assistant was essential for her child's education.

NICCY casework staff advised the mother of the relevant legislation and Code of Practice and further provided her with a copy of our parent's guide to special educational needs. When the draft statement was issued, it provided only for a part-time classroom assistant. NICCY casework staff considered the reports compiled during the statutory assessment and engaged with the ELB regarding the level of classroom assistance offered to the child.

As a result of this intervention, the ELB agreed to provide the child with a full time 1-1 classroom assistant in addition to a supervisory assistance during breaks.

Case Study 6

NICCY was contacted by the parents of an 11 year old child who had a number of difficulties and was struggling at school. The parents had asked the school to make a referral for a statutory assessment but the school had declined and so the parents contacted NICCY for assistance.

NICCY casework staff attended a meeting with the school and the parents. As a result a referral for a statutory assessment was made; this was refused by the ELB. SENDIST proceedings were issued and the ELB agreed to conduct an assessment before the tribunal took place. During this process this child was diagnosed with aspergers syndrome. At the conclusion of the statutory assessment, the ELB declined to provide a statement and so NICCY funded a solicitor to represent the child at the tribunal.

The tribunal's decision was that this child was in need of a statement in order to achieve their academic potential. A statement was issued by the ELB with a number of provisions to assist the child, including a full time classroom assistant.

Case Study 7

NICCY was contacted in relation to a young person who had recently moved to a further education college. Whilst at secondary school, the young person had received extra provisions to help them overcome their special educational need, fully access the curriculum and realise their academic potential. However upon transferring to college, the parents were required to pay for an assessment so that similar provisions could be put in place.

NICCY casework staff liaised with both the college and the relevant government department.

As a result of our work, the parents have been refunded the cost of the assessment. Furthermore, the college has agreed to amend their practice so that other young people who require additional support due a special educational need can have the required assessment funded by the college.

Case Study 8

NICCY was contacted about a child who had been referred for a statutory assessment some 19 months prior. A statement had been directed but had not yet been drafted; the result of the delay was that the child faced missing out on a special education nursery placement unless the statement was issued forthwith.

At this stage the parents contacted NICCY and casework staff engaged with the ELB. Further issues were then identified as the ELB did not wish to specify the hours of classroom assistance to which the child would be entitled.

As a result of NICCY's intervention, the statement was issued with the classroom assistance hours specified. The child was able to avail of a place in the chosen nursery school.

Case Study 9

NICCY was contacted in a case where a 13 year old child with a diagnosis of Aspergers Syndrome and Autistic Spectrum Disorder (ASD) had been out of school for one year. The child had received no education for eight months and thereafter only 4.5 hours per week home tuition. A statement of special educational needs had been issued three months prior to the parents contacting NICCY. The statement named a particular school, however that school refused to accept the child stating that they were oversubscribed with SEN pupils. Unsuccessful discussions between the Department of Education and the school had previously taken place.

NICCY casework staff engaged with the ELB and at length with the Department of Education.

As a result of NICCY's intervention, the Department met again with the school and the ELB, advising that there were no justifiable reasons for refusing to accept this child and if the position remained the same, the department would invoke their Article 101 powers. The child was accepted by the school and after a phased introduction now attends on a full time basis.

HOUSING

NICCY was contacted in a case which involved three siblings aged 13, 11 and a newborn baby. The siblings lived with their mother in a two bedroom Northern Ireland Housing Executive flat. The older siblings had to share a room despite the fact they were of opposite sex. The older children were bullied at school because of the housing situation which negatively impacted upon their studies.

NICCY casework staff engaged with NIHE regarding their policies in respect of over sharing and the sharing of a room by opposite sex children. When no resolution could be reached, NICCY were required to signpost the family to another organization due to NICCY's legislative restrictions. This organization sought NICCY's assistance and we were able to provide them with child's rights arguments based on the UNCRC which were advanced in an appeal to NIHE and later in court proceedings.

YOUTH JUSTICE AND MENTAL HEALTH

In a matter concerning the indivisibility of rights, NICCY was contacted directly by a young person detained in the Juvenile Justice Centre. The young person had very serious mental health issues and was due to be released in the near future. The young person had nowhere to live once released and further no community provisions had been put in place in respect of his mental health issues. The young person was extremely anxious about his impending release and felt that the bodies involved were not listening to him or taking his concerns seriously.

NICCY casework staff were concerned that the young person's rights to health, liberty, family, survival and development, voice and best interests were being infringed and so attended a number of meetings with the various authorities involved in this matter. The young person also attended one such meeting so that he could share his concerns with the professionals involved and these would be taken into account.

As a result of these meetings, the young person was provided with accommodation and referrals were made to essential community services such as a psychologist and a counsellor so that he could avail of their services immediately upon his release.

ADOPTION

NICCY was contacted about a 17 year old adopted child who had a number of difficulties, as a result of which she and her family relied heavily on the intervention of her social worker. Upon turning 16 the child was due to be allocated a 16+ social worker. One year had passed and this had still not taken place, the child's parents had sought the assistance of another organization without success. The parents were extremely concerned about the effect the absence of a social worker was having on the child.

As a result of NICCY casework staff intervention, the child was allocated a 16+ social worker who was able to provide essential support.

SUPPORT SERVICES

NICCY was contacted in relation to a 15 year old young person who had a number of behavioural issues, often placing themselves in high risk situations. A long term foster placement had previously broken down as had a placement in a children's home. The child was due to return to her parents but no support services had been offered and the parents were very concerned that this placement could also break down with no further options available for the child.

The parents contacted NICCY and casework staff arranged a meeting with social services. Following this, a number of support services were put in place enabling the child to be reunited with their parents and siblings.

HEALTH

NICCY was contacted by the parents of two siblings with a muscular disorder for which they required specialist wheelchairs. There had been a significant delay in the provision of the wheelchairs and when they had arrived, they were unsuitable. The parents then contacted NICCY seeking assistance.

NICCY casework staff engaged with the authority in respect of the children's wheelchairs. As a result the children were offered an appointment with a specialist engineer to discuss the required specifications of the wheelchairs which were soon after provided for the children.

LOOKED AFTER CHILD

Case Study 1

NICCY was contacted by a 12 year old child who was the subject of care proceedings and placed with foster carers. The child had learned that their placement was to change but did not know when, to where or whether they would remain with their siblings. The child contacted NICCY for help as they were extremely anxious about the impending move.

NICCY casework staff liaised with the child's social worker, Guardian ad Litem and solicitor and were able to arrange for the social worker to meet with the child to clarify the proposals and provide the child with the necessary reassurances.

Case Study 2

NICCY was contacted by a child subject to care proceedings who was at that time placed with foster carers. Care proceedings had been ongoing for some time and the child wished to return to their parents immediately. The child was so distressed at not being able to that they expressed suicidal thoughts. The child had a very strong desire to speak directly to the Judge so that they could be assured that the Judge was aware of how strongly they felt.

NICCY casework staff raised that child's concerns with their Guardian ad Litem who was able to arrange for child to meet the Judge in chambers. This not only afforded the child the opportunity to express their wishes without fear of filtration but also allowed the child to hear directly from the Judge as to why a decision could not be made imminently.

HUMAN TISSUE

NICCY was contacted by the parents of a very young child who was shortly to have a limb amputated. The parents wished to cremate the limb following the operation but had been told this was not possible.

NICCY casework staff conducted research regarding the disposal of human tissue without a death certificate and engaged with the Human Tissue Authority and the local council seeking to find a resolution for the family.

In the end, the family were able to have a burial which was very important to them. This would not have been possible without NICCY's assistance as they family had felt unable to take on the burden of liaising with the authorities and conducting legal research while they came to terms with the need for the amputation.

BULLYING AND SPECIAL EDUCATIONAL NEED

NICCY was contacted by the parents of a 10 year old child who had been diagnosed with Global Learning Disorder and dyslexia and Developmental Coordination Disorder. The child struggled with all aspects of school work and further with his ability to interact with other children and make friends, as a result of which the child was bullied. He then became depressed and began to withdraw from school. His parents felt that support was much needed but his school did not consider a referral for a statutory assessment was necessary.

NICCY was contacted for assistance and casework staff arranged a meeting with the school, educational psychologist, education welfare office and parents. The outcome of this meeting was that the child was referred for assessment immediately and a number of steps were agreed to address the bullying. The bullying ceased thereafter. The statutory assessment concluded that a statement was required and further that a mainstream setting was not an appropriate placement for the child.

NICCY casework staff advised the parents on the draft statement and made a number of submissions on their behalf which were accepted by the ELB. The final statement was then issued providing the necessary assistance for the child as well as an appropriate placement.

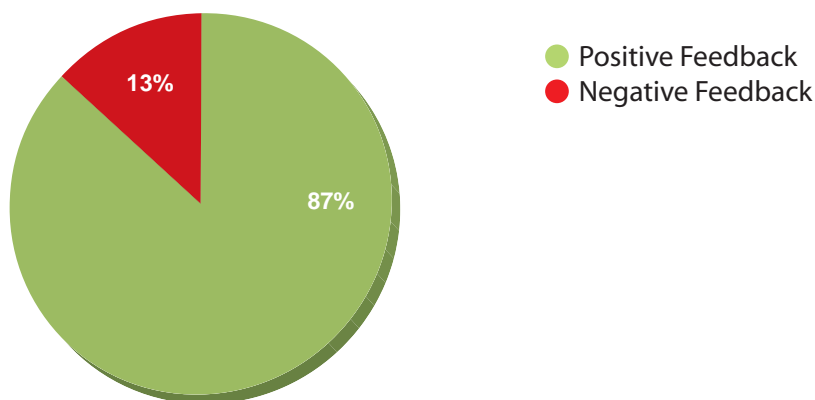
NICCY casework staff also engaged with social services regarding support available for the child as a result of which the child was able to benefit from a number of programmes in addition to a referral for mental health services.



EVALUATION PROCESS

The Legal and Investigations department sends evaluation forms to each client once their enquiry is closed, this business year we closed 446 cases. Along with the evaluation form a letter explaining why we seek feedback, a pre-paid envelope and website permission slip are included. Feedback can be, and often is, returned anonymously.

In the 2013/14 business year we recieved an 87% positive feedback rate from completed evaluation forms. All negative feedback related to the limitations of our remit and was not as a result of casework. The rate of returns was slightly higher than last year, we continue to look at ways to improve this.



The content of each evaluation form is analysed to determine the issues that may have arisen and to see how our work was perceived by our clients during this business year. We also look for learning opportunities from comments made by clients. For example in a previous year a client commented that it would have been helpful if our website had indicated that we could not help with residence and contact issues for children. As a result of this comment we put this information on the website and wrote to the client advising them of this and thanking them for their useful input.

An overwhelming number of the comments that had been written on the returned forms were positive. Here is a selection of those comments:

“With the help of NICCY I got a result in a matter of days.”

“...due to your help I am getting what I wanted in the first place.”

“The staff member I spoke to was very helpful and understanding of our case.”

“Kept regular contact to follow up my enquiry.”

“Thank you for your unwavering support and for listening.”

“The casework officer was extremely helpful, we cannot thank her enough.”

“They have been great...”

“This is a great service for people who are vulnerable and need to have a voice.”

“Member of NICCY staff was very understanding of my child and his condition.”

“...I was very happy with NICCY’s professional input and advice.”

“Staff were excellent from the first point of contact.”

“Having been made aware of NICCY and the work they do I shall certainly contact them in the future...”

The positive comments reflect the experience that the majority of our clients have. There are several references to the staff and the high quality of the work that they do. However, client experience has to be viewed as a whole and this means we also have to consider the negative comments:

“Disappointed that NICCY is not providing help to support my daughter’s legal case...”

“Child’s needs not met or supported enough for a positive result.”

“Simply referred to consult a solicitor, unhelpful.”

“It is obvious that NICCY staff are believing the lies of social workers and untruths written by medical personnel.”

Having looked at each of the negative comments it is clear that they can, without exception, be attributed to issues around our remit. This can be seen in the negative comments which were from cases that included ongoing court proceedings and parental contact issues. We receive a high number of enquiries regarding these matters so it is to be expected that clients are unhappy that we can’t assist due to our remit.

Our remit is clearly set out on the website, in leaflets and is explained on calls to clients when it becomes clear that an issue lies outside our remit. Given this, there is little we can do to reduce remit based negative feedback other than be clear from the outset and once contacted manage expectations.

In order to extract useful data I have looked at two key questions that we ask on the evaluation forms;

Question 3 – Why did you contact NICCY?

Question 6 – What best describes what NICCY did in helping you with your complaint?

These two questions get right to the heart of what is important to the client. Although the other data is useful to us, these questions are the most important to the client and give the best reflection of the experience the client has had in engaging with us.

QUESTION 3 ANALYSIS

- 74% of respondents said that they thought that NICCY staff would have the relevant knowledge and expertise and be able to help. This shows that NICCY is well thought of outside the organisation and that there is a perception that we are knowledgeable and have expertise in our field.
- 32% of respondents said that they did not know who else to turn to. There is a lack of knowledge regarding how to resolve issues and this shows that the work of NICCY remains vital.
- 21% of respondents said that they were unable to sort out the complaint themselves. As with last year this is a common complaint when dealing with schools, particularly in bullying cases.

(Some respondents ticked more than one box.)

QUESTION 6 ANALYSIS

Question 6 establishes the nature of the assistance we provide by asking “How NICCY Helped?”

- 53% respondents indicated that they received help in the form of advice and information. The majority of cases that we work on are resolved in this way.
- 39% respondents indicated that we made initial queries by email or phone calls. This does not paint a true picture as this happens in all cases. Last year it was highlighted that the low figure in this box indicated that we may perhaps not be informing clients of what action we are taking on their behalf. This is something which we shall now do moving forward.
- 18% respondents indicated that we signposted them to another agency/organisation. It is surprising that clients which we signpost take the time to fill in an evaluation form as it is the lowest level of engagement and often the signposting occurs on the first contact phone call.

(Some respondents ticked more than one box.)

All feedback helps us to gain a better understanding of the experience clients have had when dealing with NICCY.



GOING FORWARD

We continually review our casework service and look for ways to enhance the service we offer. In the 2014 business year we are moving forward to provide representation to clients at SENDIST Tribunals to improve the service we offer. This will assist clients through a complex system from beginning to end in those cases which require it.

We have recently recruited an extra team member to provide advice to clients and enable us to deal with more cases.

We are keen to receive meaningful feedback on the service we provide and have redesigned our evaluation form to make it more user friendly and hopefully increase the amount of feedback we receive.

We have redesigned our website to make it more user friendly. We are producing a new legal e-zine, twice yearly, to keep our stakeholders informed of our work and developments in relevant areas of law.

NOTES



NICCY PROMOTING THE RIGHTS OF
CHILDREN & YOUNG PEOPLE

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**Please contact the Communications team at NICCY
if you require alternative formats of this material.**