



**The impact on Children and Young People of the
Legal Aid, Sentencing and Punishment of Offenders Bill:**

**Report of a roundtable held by JustRights on July 18, 2011,
in Portcullis House, Westminster.**

Attendees

Andy Slaughter MP (Shadow Justice Minister)

Nicholas Dakin MP

Mandy Wilkins, Law Centres Federation / Co-Chair of JustRights

James Kenrick, Youth Access / Co-Chair of JustRights

Kate Bell, Consultant for JustRights

Vicki Storer, Law Centres Federation

Sue Berelowitz, Deputy Children's Commissioner

Syd Bolton, Refugee Children's Rights Project, Children's Legal Centre

Ellen Broome, The Children's Society

David Hounsell, The Children's Society

James Bury, NSPCC

Lorraine Atkinson, Howard League for Penal Reform

Shauneen Lambe, Just for Kids Law

Dragan Nastic, Unicef UK

Dominic Weinberg, NCVYS (National for Voluntary Youth Services)

Dr Nigel Balmer, Legal Services Research Centre/UCL

Elaine Sammarco, Streetwise Community Law Centre

Introduction

JustRights is a coalition of organisations, established by Youth Access, The Law Centres Federation, The Howard League for Penal Reform and the Children's Rights Alliance for England. Supporters of the campaign are listed at the end of this document.

JustRights was launched in October 2009 and has been working since then to achieve a legal system which provides fair and ready access to high quality independent legal advice and representation for all children and young people whenever they may need it.

JustRights is deeply concerned that the proposed changes to Legal Aid set out in the Legal Aid, Sentencing and Punishment of Offenders Bill will damage children's and young people's access to justice, with significant negative knock on effects on their lives. We held a roundtable discussion on 18th July with children's organisations and MPs to discuss the possible impact of the Bill; this report summarises the issues raised.

JustRights is proposing amendments to the Bill to

- a) Create a legal category of children and young people that would be exempted from the exclusions to legal aid created by the Bill (amending Schedule 1 of Clause 8); and
- b) Ensure that children and young people are always treated as 'exceptional cases' in assessments of their eligibility for legal aid (amending Clause 9).

In addition, JustRights is seeking an exemption for all young people under the age of 25 from the requirement to access legal aid via the mandatory telephone gateway. (Currently, only children under the age of 18 are exempted.)

Please do contact us if you would like to discuss these issues further, or add your support to the campaign.

An outline of the issues: James Kenrick, Youth Access

James Kenrick of Youth Access outlined JustRights' key concerns with the Bill as it stands:

The Legal Aid, Sentencing & Punishment of Offenders Bill threatens to remove access to justice for thousands of very vulnerable children and young people, just at the time that young people's needs for legal advice are soaring and that other sources of advice, such as local youth advice services, are rapidly disappearing as a result of local authority cuts.

JustRights has four key concerns with the Bill as it stands:

1. Whilst the Government has taken some steps to protect children's access to legal aid, it seems prepared to leave some children under the age of 18 without access to legal aid (details of these cases are outlined in JustRights' submission to the Public Bill committee, attached at Appendix 1). It should not be forgotten that children are legally, as well as developmentally, different from adults. Quite aside from the obvious lack of

consistency in the Government's approach in this Bill to protecting children, we think it is fundamentally wrong, and unacceptable, to expect any child under 18 to navigate or represent themselves in an adult legal system without professional support.

2. Little thought appears to have been given to protecting the many young people aged under 18 who are living independently – perhaps after leaving care or escaping difficult family circumstances. We know that these young people – primarily 16 & 17 year olds, who are still, of course, legally children – have high levels of need for advice, on social welfare matters in particular.
3. Even less thought appears to have been given to the needs of slightly older young people aged 18 to 25. Research conducted by Youth Access and the Legal Services Research Centre has identified that this group is perhaps the worst served of any client group by the current legal advice system. They have high levels of need and are the least legally capable age group, yet are less likely than any other age group to get advice, with disastrous consequences for their well-being, for their long-term life chances and for wider society. We know that 80% of young people with civil justice problems are in a vulnerable sub-group, such as being a young person with mental health problems or not in education, training or employment. We also know, from research that Youth Access has done with the LSRC, that there is a very close relationship between young people's civil justice problems and their mental health and, to a slightly lesser extent, links with crime. Restricting young people's access to legal advice through this Bill will undoubtedly cost the state more in the long-term than will be saved.
4. We are deeply concerned about the proposed requirement for young people over the age of 18 to access legal aid in future via the Single Telephone Gateway. This is an area in which the wider advice sector has rightly expressed major concerns. We're very pleased that the Government has looked at the research evidence showing that young people are considerably less likely to use the telephone to get advice than other age groups and has decided to therefore exempt children under the age of 18 from having to use the Telephone Gateway. However, much of the most convincing evidence on this actually relates to 18-24 year olds, who will not be exempted as things stand.

The research evidence: Dr Nigel Balmer, Legal Services Research Centre

- Young people experience a similar level of legal problems to adults when controlling for their characteristics. But when you take into account young people's vulnerabilities, including being NEET, mental health problems, and leaving home, there is an increase in the likelihood, type, severity and complexity of civil justice problems. Young people are less likely to access advice, and welfare benefits, housing, and debt issues lead to stress related ill health and related costs.
- The mode of contact by which advice is accessed is important for young people. People assume that young people want the internet for advice, but they don't. They want face to face advice; phone and internet contact is more suitable for more able clients with less complex issues.

Concerns from the Children's Commissioner: Sue Berelowitz, Deputy Children's Commissioner

- The UN convention is there to uphold children's rights and this is not honoured by the Bill, especially article 3 (referring to the child's best interests) and article 12, the right to be heard and taken seriously. There is concern that children and young people will be at a disadvantage and will not get their needs met.
- In a recent immigration case taken by the Children's Commissioner, a young person was to be deported with her mother and two siblings, due to her mother's immigration issues. The young person was settled at school and did not want to leave and was allowed separate representation. This kind of case would be out of scope under the changes proposed in the Bill.
- There is a concern that this Bill is being taken forward before the Family Justice Review reports in October – the issues in this review should be taken into account before changes are made to legal aid.

The scale of the problem: David Hounsell, The Children's Society

- In terms of civil representation, Ministry of Justice figures show that 6% of all current cases involving children would be out of scope; this is around 1000 cases and saves around £8 million. Areas being removed from scope include education (non-SEN cases), immigration, some housing, and clinical negligence. It is doubtful that removing this legal representation will save money in the long term.
- Around 1,000 cases of legal help provided for education matters are being removed from scope. If this level is consistent across matter types, then over 10,000 cases of legal help for young people will be removed from scope. It is doubtful that removing this legal help will save money in the long term.
- There are issues around what happens when the fund established to cover 'exceptional' cases is exhausted. The Ministry of Justice currently state that this fund is 'unlimited' and that children bringing cases in areas removed from scope will receive support through this route. However the published impact assessments show that only a negligible number of applications for exceptional funding under education, immigration and welfare matters are expected to receive support.

Problems raised by the Bill in the area of Social Welfare Law: Mandy Wilkins, Law Centres Federation

- The following cases, provided by Law Centres conducting targeted work with this client group, are examples of children and young people who have been helped through civil legal aid, but who would lose access to this help under the proposed changes:

Terry, aged 17, got his first job as a trainee mechanic in a garage in London. He was keen to work and cheerfully worked overtime. Terry worked 50 hour weeks for the first 4 weeks of his new job and at the end of the month he was paid only £160. This is the equivalent of 70p per hour. Terry was very disappointed about the amount of money he received and asked his employer why his pay was so low. His employer told Terry that he would not be paid for the first week of his employment since he was “training” and was paid that much because he was a “trainee”. Terry’s Connexions adviser recommended the Law Centre, who advised Terry that he should have been paid the national minimum wage for all the hours he worked, including the week for which the employer alleged he was “training”. The Law Centre wrote to the employer pointing out the breaches of law and threatened to take a case to the Employment Tribunal. Terry was paid for all the hours he worked, including the overtime. Terry went on to find another job where he was not exploited.

John was 17 and living independently, having been thrown out of his mother’s home following repeated conflicts with his mother’s boyfriend. He has a learning disability and attended a special school. Having had no experience of managing money, he fell into arrears with his service charge and was threatened with eviction. Streetwise Law Centre supported him to apply for Disability Living Allowance. He was initially refused, and then won on review. He didn’t really understand that he had a learning disability, and would not have been able to explain his needs at review / appeal. Nor did he have anyone able to support him – the staff at his accommodation had no knowledge of DLA. The backdated benefit cleared his arrears and Streetwise helped him set up a standing order to pay his rent when the DLA came into his bank account.

Liz, had a complex welfare benefits case which impacted on her housing –if her benefits would not have been sorted, she would have been homeless. Despite the government keeping homelessness in scope, all welfare benefit cases are due to be out of scope - making very little sense. Liz wanted to stress that some young people have no parents and no support. Even though she is an educated, intelligent, articulate young woman, she said that she could not have prepared her case or represented herself.

- The availability of advice from alternative sources for children and young people is being drastically reduced. The Government has suggested that clients faced with problems that have been removed from the scope of legal aid will be able to seek advice from voluntary sector providers. But local authority funding cuts mean that the availability of advice to young people from the voluntary sector is being drastically reduced. Youth Access surveyed youth advice providers earlier this year and found that a quarter will

close this year, and a further half will operate at a reduced level.¹ Anecdotally, we know that there are huge cuts to youth services.

- When children and young people do manage to get advice, the outcomes are extremely positive. Legal advice can help vulnerable children and young people to resolve civil justice problems, and support them to achieve their potential:
 - 70% report improved levels of stress after getting legal advice
 - Over a third report improvements in their ability to engage in education, employment and training
 - 48% of disadvantaged young people report an improvement in their behaviour.²

The issues for young people in custody: Lorraine Atkinson, Howard League for Penal Reform.

- The Howard League has set up a legal helpline that supports children and young people in custody. There is an unmet civil need in many of the cases and we have found that Judicial Review or the threat of legal action is sometimes the only thing that works.
- 80-90 per cent of young people in custody have been excluded from school, so the changes to take education law out of scope are a concern.
- Young people call our advice line primarily to access face to face advice. They need time and space to discuss their problems. Those transferring from care need the system to support them. With social welfare problems, and problems accessing education, they just don't know where to go for help.

Issues around immigration: Syd Bolton, Refugee Children's Rights Project, Children's Legal Centre.

- When Refugee and Migrant Justice closed last year, there were seven hundred unaccompanied children, and more accompanied, with cases left hanging. With the closure of the Immigration Advisory Service, there will be more children without representation. This a harbinger of what will happen with the out of scope cases.
- The UN convention on human rights Article 3 sets out that the best interests of the child should be the primary concern. The ZH Tanzania Supreme Court test case this year set a standard within Immigration cases. Lady Hale was clear that children should not be responsible for the moral failings of their parents.

¹ <http://www.youthaccess.org.uk/news/Cuts-leave-young-people-without-vital-support.cfm>

² *Youth Advice Outcomes Pilot*, Evaluation Trust, Youth Access 2010.

- The changes proposed in the Bill will leave tens of thousands of families out of scope. This will deny children the right to be heard within the court system. Access to justice for children independently of their parents must be guaranteed.
- In November 2010 the Government signed up to the child-friendly justice guidelines proposed by the Committee of Ministers of the Council of Europe. The legal aid changes are incompatible with those guidelines.

Concerns around family law: James Bury, NSPCC (observer)

- The exclusion of many private family law cases from legal aid will lead to an increase in litigants in person, causing delays and wrong outcomes within the court system – concerns that were backed up in the Ministry of Justice evidence review.
- The criteria for the Domestic Violence cases that will remain in scope is very tightly drawn, and for those cases not in scope there is a worry that young people and children who have experienced abuse will be cross examined in court.

Other concerns:

- Just for Kids Law raised the issue of an education case where a child had been threatened with exclusion. Representing her, they secured a managed move. The estimated lifetime impact of an exclusion from primary school is £164,000 over the course of a lifetime.
- The Children's Society raised the issue that the education bill is currently removing complaints procedures within education, while this bill removes the chance to make a complaint by legal means.
- Streetwise Community Law Centre raised concerns about the telephone gateway. The telephone service they run is used primarily by professionals; young people need face to face advice. Dr Nigel Balmer added that in homelessness cases, the outcomes from face to face are superior to those from telephone advice.
- Unicef raised the point that differing access to legal advice for children across the UK may mean that the Government is falling foul of Article 2 of the UN convention which prohibits discrimination in the realisation of rights.

Conclusions:

- The Bill threatens to reduce children's and young people's rights across a wide range of areas.
- JustRights will continue to campaign for children and young people to be exempted from many of the changes proposed by the Bill. We would welcome further support.

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The JustRights Campaign is supported by:

- Catch 22
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- Children's Rights Alliance for England
- CHYPS (Confederation of Heads of Young People's Services)
- CROA (Children's Rights Officers and Advocates)
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- Law Centres Federation
- National Youth Agency
- National Council for Voluntary Youth Services
- National Youth Advocacy Service
- Streetwise Community Law Centre
- Streetlegal
- The Cabin (the UK's only CAB for young people)
- Voice
- Youth Access
- Young Minds

Appendix 1: JustRights submission to the Public Bill committee on the Legal Aid, Sentencing and Punishment of Offenders Bill

Civil Legal Aid for Children and Young People

Briefing for MPs and Lords on the Legal Aid, Sentencing and Punishment of Offenders Bill, 11th July 2011

1. About Just Rights

Just Rights is a coalition of over 30 organisations, established by Youth Access, The Law Centres Federation, The Howard League for Penal Reform and the Children's Rights Alliance for England. We campaign for the rights of children and young people within the legal system. Supporters of the campaign are listed at the end of this briefing.

2. Summary

- 2.1 The Legal Aid, Sentencing and Punishment of Offenders Bill will remove access to legal aid for clients in most private family law cases, for cases involving medical negligence, employment, immigration, most debt, some housing cases, most education cases, and those involving welfare benefits.
- 2.2 Among the many people who will lose access to legal aid will be children and young people, who will be expected, unacceptably, to represent themselves within an adult legal system. Cases where a child or young person will no longer be eligible for legal aid include:
- Young people living independently after leaving the care system who will no longer be able to challenge decisions about their access to financial support.
 - Young people who have experienced criminal injuries, including abuse.
 - Young people left severely disabled by medical negligence.
- 2.3 The Government has taken some steps to protect children up to the age of 18 from the changes. They appear to have recognised that children and young people differ from adults – developmentally; in their legal status; and in their ability to navigate the legal system. Lord McNally stated in Lords questions on legal aid on July 17th: *“As far as possible, our intention is that, where children are involved, legal aid will still be provided.”* Minor concessions have been made, e.g. to protect children in some family cases and to exempt under-18s from the requirement to access legal advice via the single telephone gateway.
- 2.4 However, thousands of children and young people have not been protected and will be denied access to justice. JustRights wants to see a more consistent, logical

approach that extends protection to **all** children and vulnerable young people (up to age 25) across the civil legal system.

3. How changes to legal aid will affect children and young people

- 3.1 The *Legal Aid, Sentencing, and Punishment of Offenders Bill* removes a large number of areas of civil law from the scope of legal aid. Schedule 1 of the Bill lists those areas of civil law where legal aid will remain available. The response to the Government's consultation on legal aid,³ published alongside the Bill, lists those areas which have been removed from 'scope'. These include: clinical negligence; criminal injuries compensation; debt (except where there is an immediate risk to the home); employment cases; education cases (except those regarding Special Educational Needs); housing cases (except where the home is at immediate risk or the case regards homelessness); immigration cases; and welfare benefits.
- 3.2 JustRights is deeply concerned about how these changes will affect children and young people who are currently the direct recipients of legal aid in cases in these areas. The Government's Equality Impact Assessments have barely considered the impact on children and young people. Yet these scope changes will have a huge impact on young people's access to justice.
- 3.3 Cases in which children and young people will no longer be able to access legal aid include:
- **Employment:** Children and Young people aged between 16 and 25 in employment who wish to challenge exploitative practices by their employers, for example, non payment of the National Minimum Wage.
 - **Welfare benefits:** Children and young people living independently, who experience problems with financial support, including Housing Benefit, Income Support, and Jobseeker's Allowance, will no longer be able to seek advice.
 - **Criminal injury:** Children living independently who have experienced abuse, for example within the care system, will receive no help to gather evidence in order to present their case for compensation.
 - **Immigration:** Many victims of trafficking will lose access to legal aid to get advice, make an application or even to challenge a decision.
 - **Debt:** Research suggests that 77% of young people get into debt by age 21.⁴ The proposals would remove their right to legal assistance to regularise their situation.

4. Examples of cases which these changes would affect

³ Ministry of Justice (2011) *Reform of Legal Aid in England and Wales: The Government Response* at: <http://www.justice.gov.uk/downloads/consultations/legal-aid-reform-government-response.pdf>

⁴ Rainer 2007.

The following cases, provided by Law Centres conducting targeted work with this client group, are examples of children and young people who have been helped through civil legal aid, but who would lose access to this help under the proposed changes:

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5. Why provide children and young people with access to legal aid?

5.1 JustRights wants to ensure that children and young people aged up to 25 retain the right to legal help and civil representation across the current range of civil legal proceedings.

Children and young people are a vulnerable group who should not be expected to cope with the demands of an adult legal system.

5.2 Research suggests that 16-24 year olds experience at least 2.3 million rights-related problems requiring advice each year.⁵ Most are amongst the most disadvantaged young people, e.g. those who are leaving the care system. New research shows that **80% of 16-24 year olds with civil justice problems fall into at least one 'vulnerable group'**, e.g. they have mental health problems or are NEET.⁶

5.3 Research has also established that young people have the **lowest levels of 'legal capability'**⁷. Generally, it is understood that children are not always able to fully understand the consequences of their decisions. However, new evidence showing that the brain's centre of reasoning and problem-solving is among the last to mature indicates a need to take an age-specific approach to service delivery even for young adults in their twenties.⁸

5.4 The Government has recognised that children have different needs within the legal system, e.g. by retaining legal aid for children in some types of family case and excluding under 18 year olds from the requirement to access legal advice via the proposed single telephone gateway. We believe that this recognition should be extended to all vulnerable young people aged under 25, who should never be expected to navigate an adult legal system on their own.

Children and young people's unresolved civil justice problems impact on their health and their employment prospects

5.5 Unresolved problems can have a significant negative impact on young people's prospects. Research shows substantial evidence of an adverse impact on young people's **mental and emotional health**, with 34% of NEET 18-24 year olds reporting stress-related illness as a result of civil justice problems, with more than a third going on to use NHS services.⁹ Housing, employment, debt and welfare benefits problems – which are largely being taken out of scope – were the problems most likely to bring this on.

5.6 Over 8% of young people with civil justice problems experience **loss of employment** as a result.¹⁰ 70% of people who lose employment as a result of civil

⁵ These figures have been calculated by Youth Access using data from the 2006–08 Civil and Social Justice Survey. The calculations have been checked by the Legal Services Research Centre and are deemed to under-estimate the extent of young people's unmet needs for advice.

⁶ *Civil Legal Problems: Young People, Social Exclusion and Crime*, Pleasence, P., forthcoming.

⁷ *Knowledge, capability and experience of rights problems*, Balmer N.J. et al 2009.

⁸ www.nimh.nih.gov/publicat/teenbrain.cfm

⁹ *With rights in mind* Sefton, M. Youth Access 2010.

¹⁰ Unpublished analysis of 2004 Civil and Social Justice Survey data by Legal Services Research Centre for Youth Access.

justice problems go on to experience a period of unemployment and, of these, 59% go on to claim unemployment-related benefits.¹¹ Government departments have previously recognised that providing good, early advice to young people on issues such as benefits, housing and debt was “*key in helping them to overcome barriers to participation in learning and make a smooth transition to adulthood and working life*”.¹²

Retaining legal aid for children and young people will save money

5.7 Based on calculations made by economists working for the Ministry of Justice,¹³ JustRights conservatively estimates that the cost of unresolved civil justice problems experienced by 16-24 year olds alone currently amounts to **£1 billion per year**. These costs will rise significantly if children and young people’s access to justice is further curtailed.

5.8 The cost of retaining legal aid for all children and young people would be modest. New MOJ data shows that only 6% of currently funded civil representation cases involving under 18 year old clients are due to fall out of scope. Protecting all these children and young people from the legal aid cuts would be affordable in the short term and will generate significant savings to the public purse in the long term.

5.9 Any savings made through denying children and young people civil legal aid are likely to be outweighed by increased costs in the **criminal legal aid** budget alone. 55% of 16-24 year olds who had recently been arrested reported experiencing at least one ‘difficult to solve’ civil justice problem.¹⁴ This group was particularly likely to have problems concerning housing, benefits, debt and employment – which are all key factors influencing re-offending rates – and to have multiple problems.¹⁵

5.10 Legal advice can help vulnerable children and young people to resolve civil justice problems, and support them to achieve their potential:

- 70% report improved levels of stress after getting legal advice
- Over a third report improvements in their ability to engage in education, employment and training
- 48% of disadvantaged young people report an improvement in their behaviour¹⁶

¹¹ *Causes of Action: Civil Law and Social Justice: Second edition*, Pleasence, P., Legal Services Commission, 2006.

¹² *The Community Legal Service and Connexions - joint initiatives*, Department for Constitutional Affairs, Legal Services Commission and Department for Education and Skills, 2003.

¹³ *Getting earlier, better advice to vulnerable people*, Department for Constitutional Affairs, 2007.

¹⁴ *Civil Legal Problems: Young People, Social Exclusion and Crime*, Pleasence, P., forthcoming.

¹⁵ *Criminal offending, social and financial exclusion, and civil legal aid: Factsheet*, Legal Services Research Centre, 2010.

¹⁶ *Youth Advice Outcomes Pilot Evaluation* Trust, Youth Access 2010.

Retaining legal aid for children and young people would cut bureaucracy and reduce delays in the system

5.11 In the absence of a blanket exemption for children and young people from the cuts to scope, it is likely that lawyers would apply for legal aid for most of these clients on a case-by-case basis under the **Exceptional Funding Scheme**, which provides for legal aid to be granted where it would not be reasonable or in the interests of justice for vulnerable clients to present their own case. Bureaucracy and administrative costs would increase substantially, leading to delays which could harm children and young people's chances of obtaining timely justice.

The availability of advice from alternative sources for children and young people is being drastically reduced

5.12 The Government has suggested that clients faced with problems that have been removed from the scope of legal aid will be able to seek advice from voluntary sector providers. But local authority funding cuts mean that the availability of advice to young people from the voluntary sector is being drastically reduced. Youth Access surveyed youth advice providers earlier this year and found that a quarter will close this year, and a further half will operate at a reduced level.¹⁷

5.13 Other provision often caters poorly for the needs of young people; less than 1% of advisers and solicitors currently practising social welfare law report that they see young people as a target group.¹⁸ Young people are already the least likely of any age group to obtain advice.¹⁹

UK and International Law demand special protection for children

5.14 The Government is bound by UK and international law to make the welfare of the child the primary consideration in any legal proceedings involving children and to ensure children's access to justice, including through the provision of advice and representation.

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

Article 3 of the United Nations Convention on the Rights of the Child

¹⁷ <http://www.youthaccess.org.uk/news/Cuts-leave-young-people-without-vital-support.cfm>

¹⁸ According to data analysed by Youth Access from the Workforce Survey conducted by the LSRC for the National Occupational Standards for the Legal Advice Sector project.

¹⁹ *Young People's Access to Advice – The Evidence*, Kenrick, J., Youth Access, 2009.

“Children should have access to free legal aid, under the same or more lenient conditions as adults.”

The Council of Europe guidelines on child-friendly justice²⁰

5.15 The Bill does acknowledge the Government’s responsibilities to uphold children’s rights under international law (e.g. see Schedule 1, part 1, para. 15, *EU and international agreements concerning children*). However, the Bill still leaves thousands of children’s cases outside scope, which is not acceptable.

6.What changes do we want to see to the Bill?

6.1 The Government has stated that it wishes to protect children and young people, and has done so in several ways, e.g. by exempting under 18s from accessing legal aid via the telephone gateway and keeping some types of family cases in scope for children. However, there is no consistency in the Bill, with many other types of case where children and young people can currently receive legal aid being removed from scope.

6.2 JustRights believes that the Bill should be amended to properly protect children and young people’s access to civil legal aid, e.g. by:

- i) making children and young people aged under 25 a distinct category within the ‘included’ cases in Schedule 1.
- ii) ensuring that children and young people aged under 25 are always treated as ‘exceptional cases’.

6.3 We further believe that the exemption for under 18 year olds from having to access legal aid via the single telephone gateway should be extended to all children and young people aged under 25. This is based on the fact that the research evidence used by the MOJ in deciding to exempt under 18s actually relates to 18 to 24 year olds, who are half as likely to access legal advice by telephone as people aged 25 and over.²¹

6.4 We further request that an urgent Age Impact Assessment be conducted alongside the passage of the Bill in order to inform MPs’ final decisions on the Bill.

²⁰ *Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice*, adopted by the Committee of Ministers on 17 November 2010, at the 1098th meeting of the Ministers' Deputies.

²¹ *Young people and civil justice*, Balmer et al. (Legal Services Research Centre), Youth Access, 2007.

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