



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

FOUNDATIONAL REVIEW OF CIVIL LEGAL SERVICES

CALL FOR EVIDENCE FOR CHILDREN AND YOUNG PEOPLE



Opens: 22 April 2024

Closes: 18 June 2024

Contents

Responding to this Call for Evidence	3
Introduction	5
What does 'Civil Legal Services' mean?	5
How does this affect me?	5
Why might I need legal advice or help in court?	6
What can I do to get help?	6
How do I access civil legal services?	7
Part 1 – Tell us about your experience in getting legal help.	8
Part 2 – Access to Justice through civil legal services	15



HERE
TO
HELP

Responding to this Call for Evidence

The Department of Justice is seeking the views of children and young people who may have needed to get legal advice for an issue or help in court.

If you or your family cannot afford to pay for your own advice, and your case has a strong chance of success, you should be able to get access to legal advice and help in court, dependent on you - or your family's - financial circumstances.

Your views will be considered as part of the Department's Foundational Review of Civil Legal Services. This Call for Evidence relates to proposed opportunities to help you access justice through the provision of civil legal services.

You can answer as many or as few questions as you would like. You can ask a responsible family member, parent, or guardian to respond on your behalf.

We would encourage you to answer the Call for Evidence questions via the online Citizen Space platform on the NIDirect website:

<https://call-for-evidence-children-and-young-people-foundational-review-of-civil-legal-services>.



Additional pages can be submitted if required.

Accessibility

Hard copies of this document and copies in other formats (including Braille, large print etc.), can be made available on request. If it would assist you to access the document in an alternative format, or language other than English, please let us know by email to CLAR@justice-ni.gov.uk and we will do our best to assist you.

If you are unable to respond using our online consultation facility, you can email your response using this questionnaire to the following address: CLAR@justice-ni.gov.uk or you can write to us at:

Civil Legal Aid Review Call for Evidence
Enabling Access to Justice Division
Massey House
Stoney Road
Belfast BT4 3SX

Introduction



This is your opportunity to ensure your voice is not only heard but listened to in the Department of Justice's Review of Civil Legal Aid. You may think that this does not affect you and you have never experienced a legal need. However, if you have ever purchased a faulty item, then you may have needed legal help to get your money back. Also, if you have experienced a legal need, we need your views on whether your legal needs were met and whether the people you came in contact with communicated with you effectively, explaining complicated matters clearly in a manner that was non-patronising and engaging and whether you feel you were listened to, and your views were taken seriously.

You have rights. You have access to legal aid, and we want to hear from you to ensure our services and processes continue to be child-friendly and access to justice is accessible to all, regardless of age.

What does 'Civil Legal Services' mean?

This is how you and your family can access justice if you don't have enough money to pay for it. Civil legal aid and advice is a State-funded service which provides legal advice and legal aid in civil cases to people who might not be able to afford to pay for legal advice or help in court themselves.

How does this affect me?

At any stage in your life, you may need to seek legal advice or get help in court. Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) requires us to consider your views on any judicial and administrative proceedings that may affect you, either directly or indirectly. The Children (Northern Ireland) Order 1995 also gives you the ability to have a say about what happens to you in court. It is important your voice is heard in the decisions that affect you.

Why might I need legal advice or help in court?

The legal needs of young people in Northern Ireland are varied and diverse and you may need help from the civil courts for many reasons, including:

- Adoption.
- Deciding who you have live or have contact with after a divorce.
- Asylum issues.
- Discrimination in terms of age, gender, sexual orientation.
- Exclusion from school.
- You may be a looked after child whose views should be taken into account in planning for your care and ensuring you are able to keep in contact with family and friends, where appropriate.
- You may have purchased faulty goods and need to get your money back.

These are only a few of the reasons why you may need access to legal help and why your views are important to us.

What can I do to get help?

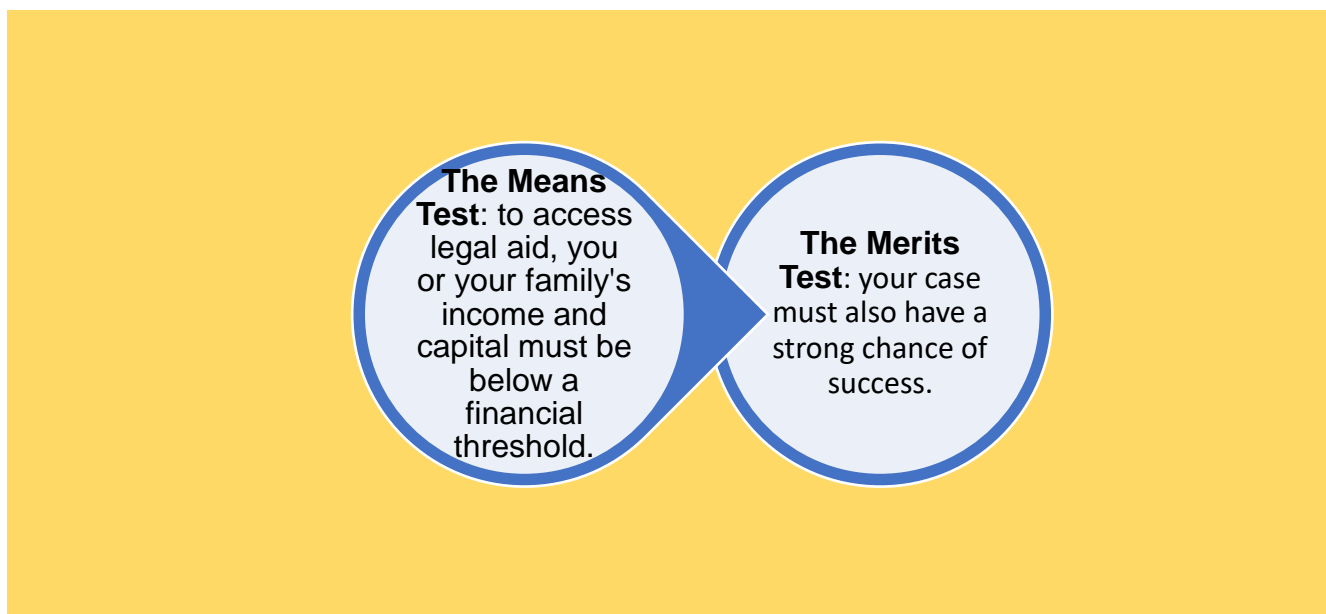
There are many ways to get help. Search online, ask a friend or relative, seek advice from a voluntary organisation. For example, did you know the Children's Law Centre NI provide a free legal advice service and representation for children and young people?

You and your parent or guardian can engage a solicitor to provide you with advice and help in court.

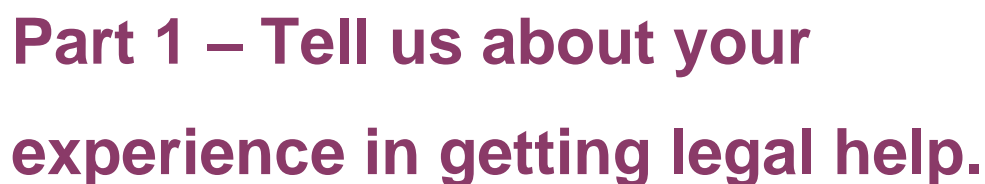
DARS is a Dispute Avoidance and Resolution Service (DARS) which provides an informal means of avoiding and resolving disagreements with schools or the Education Authority (EA) when a child or young person has or may have a special educational need.

How do I access civil legal services?

Solicitors can provide you with legal advice and they can ensure your rights are looked after in court. They can also apply for legal aid on you and your family's behalf. Your parents or guardians can appoint a solicitor; if you are a child or young person going through the family courts, you can have access to a Guardian Ad Litem to work with you to ensure your voice is heard and decisions in the family courts are taken in your best interests, and you can get help from the Children's Law Centre NI. To access civil legal services, there are two tests which your solicitor or other legal representative will help you and your family/guardian with:



This means that if you or your family are on low income and your problem is serious, you could get help to pay some or all your legal costs. You could be an unaccompanied child seeking asylum, you or your family could be at risk of serious domestic abuse or violence, or you may be experiencing discrimination from your school. If you or your family cannot afford to pay for your own advice, and your case has a strong chance of success, you should be able to get help. You or your family may need to pay a contribution towards your legal costs. This will be based on your or your family's income and capital.



I am responding as.... (Please tick one option only)

If you are responding on your own or as an individual responding on behalf of a child or young person, please do not include your name or personal details in this Call for Evidence. We are only asking for those responding on behalf of an organisation to provide their organisation's name and email address.

Question 1: Have you ever needed to get legal advice or help in court. If so, why did you need legal help?

8

Question 2: How did you find out about your legal issue? Did a parent or guardian tell you or was this something you found out by yourself?

Question 3: Was this your first time? How involved were you in getting help and going to court? Did a parent or guardian sort everything out for you?

Please go to next page

Question 4: If a parent or guardian looked after getting legal advice or help in court on your behalf, did they ask you what you wanted and do you feel your parent or guardian listened to what you wanted? How did this make you feel?

Question 5: If you had to get legal advice or help in court, without help from a parent or guardian, what did you do to get this help?

Question 6: Did you have to speak to a professional (for example, solicitor, doctor, or social worker or another person who you were not related to)? If so, did you feel they communicated with you effectively and in a non-patronising manner? Did you feel they listened to you? How did this make you feel?

Question 7: Did you have to go to court? How did this make you feel? What helped you? What did you not like? Is there something you thought would have helped you?

Question 8: Did you get any support before, during or after the court process? This can be from a parent, guardian, other family member or friend. Did this support help you? If not, why not?

Question 9: What support would have helped you the most?

Question 10: If you were over 16 and employed when you needed legal advice or help in court, your solicitor may have told you that you needed to pay some money towards your legal costs. Did this happen to you? If so, what did you have to pay?

Question 11: What happened at the end? Was your legal issue resolved? How did you feel?

Question 12: What do you think we need to know about your experience of getting legal advice or help in court.

Please now move to Part 2 which asks your views on access to justice through civil legal services.



Part 2 – Access to Justice through civil legal services

Please let us know what you think about the following statements:

More people can get legal help if they can't afford to pay.

What do you think about this?

Funding is available for more types of cases (such as employment, special education provision, for example).

What do you think about this?

Help is available without going to court.

What do you think about this?

We help those in danger to live free from fear and abuse.

What do you think about this?

We support families through the legal process.

What do you think about this?

Asking people who can afford it to pay a contribution towards their legal costs will help those who can't.

What do you think about this?

Support is improved for victims of abuse, crime and those who have had to come here to escape bad situations in their home countries.

What do you think about this?

Those who have benefited financially from legal aid should pay some or all their legal costs.

What do you think about this?

*Only the cases with the strongest chance of success
should access legal aid.*

What do you think about this?

What else you think we should consider? For instance, if you had to manage the legal aid budget, where do you think we should spend it to help people would you think your money would be best spent to help people get legal advice and help in court?

This questionnaire is now complete. Thank you for taking the time and we now ask that you return this to us by 2359 hours on 18 June 2024 via:

Email to: CLAR@justice-ni.gov.uk.

or by posting it to:

Civil Legal Aid Review Call for Evidence
Enabling Access to Justice Division
Massey House
Stoney Road
Belfast BT4 3SX

About You

Completing this section is entirely voluntary and you are only asked to respond if you feel comfortable answering. If you don't know what the question means, you can select that box. We ask for this data to help us understand how our policies, services and processes affect all children and young people. We want to ensure everyone can access justice. Equality monitoring data helps us to make our services better. If you are submitting a response on behalf of an organisation, there is no need to complete this section.

Gender identity is how someone feels about their own gender. There are many ways a person can describe their gender identity and many labels a person can use. Which of the following terms best describes your current gender identity?

- ☐ Girl or woman
- ☐ Boy or man
- ☐ Non-binary
- ☐ I don't know what this question means
- ☐ Decline to answer

Sexual orientation is a person's emotional, romantic, and/or sexual attractions to another person. There are many ways a person can describe their sexual orientation and many labels a person can use. Which of these options best describes your sexual orientation?

- ☐ Straight or heterosexual
- ☐ Gay or lesbian
- ☐ Bisexual
- ☐ Asexual
- ☐ I don't know what this question means
- ☐ Decline to answer

What is your country of birth?

- ☐ Northern Ireland
- ☐ England
- ☐ Scotland
- ☐ Wales
- ☐ Republic of Ireland
- ☐ Elsewhere, write in the current name of the country:

What is your native language/s?

- ☐ English
- ☐ Irish
- ☐ Ulster-Scots
- ☐ Polish
- ☐ Chinese
- ☐ Other, write in (including British/Irish Sign Languages):

How well can you speak English?

- ☐ Very well
- ☐ Well
- ☐ Not well
- ☐ Not at all

Are your day-today activities limited because of a health problem or disability which has lasted, or is expected to last at least 12 months?

- ☐ No
- ☐ Yes, limited a little
- ☐ Yes, limited a lot

What is your age group?

- ☐ Below 16
- ☐ 16-18

PRIVACY NOTICE: FOUNDATIONAL REVIEW OF CIVIL LEGAL AID IN NORTHERN IRELAND - CITIZENS

Call for Evidence – Children and Young People.

Data Controller:	Department of Justice
Address:	Enabling Access to Justice Division, Department of Justice, Massey House, Stormont Estate, BELFAST, BT4 3TA
Telephone:	028 9016 9669
Email:	CLAR@justice-ni.gov.uk
Data Protection Officer	Department of Justice Data Protection Officer
Telephone:	028 9037 8617
Email:	DataProtectionOfficer@justice-ni.gov.uk

Why are you processing my personal information?

The Department of Justice are undertaking a foundational review of civil legal aid in Northern Ireland. Comments are being sought from interested parties who have experienced a legal or 'contentious' legal need in the last five years.

Personal data is not being sought as part of this engagement for citizens engaging as individuals. Where responses are received from organisations, we are asking for the name of the organisation.

Consent is not being relied on for processing data supplied as part of this survey. Responses are being sought as part of the policy development process.

What is our lawful basis for processing your personal information?

We are carrying out this engagement in the public interest and on the basis of our public task. The lawful basis relied upon by is Article 6(1)(e) of GDPR:

'processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested the controller'

While we do not intend to identify **individuals** with their responses, we are mindful some respondents may provide personal information and we have taken into consideration how some questions may inadvertently lead to processing special category personal data.

We consider the lawful basis for processing this data to be covered under Article 9(2)(g) of GDPR:

'processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;'

We also consider this meets the condition for processing contained at Schedule 1 Part 2 Paragraph 7 of the Data Protection Act 2018:

'This condition is met if the processing is necessary— (a) for the administration of justice, or (b) for the exercise of a function of either House of Parliament.'

Our intention is to anonymise responses received from individuals should personal details be erroneously provided. Where responses are received from organisations, that information will be retained but contact details will not be released.

What categories of personal data are we processing?

While not being sought, it is anticipated that responses may include names, addresses and/or e-mail addresses. We also anticipate that information may be submitted from citizens which may have the unintended consequence of identifying victims of abuse and that special category data may therefore be processed.

Where will we get your data from?

The personal data will originate from citizens submitting responses to this survey.

Will we share your personal data with anyone else?

The Department of Justice will be processing the responses when they are received, and these may be shared with the following organisations, where relevant, to be considered in the context of potential reform of operational processes/governance:

- The Lady Chief Justice's Office
- Northern Ireland Courts and Tribunals Service
- The Legal Services Agency Northern Ireland

Responses from citizens acting in an individual capacity will be anonymised before sharing.

Will my personal data be transferred to other countries?

No.

How long will my personal data be retained for?

We will retain your data in line with 8.2 of Schedule 8 of the DoJ Retention and Disposal Schedule (<https://www.justice-ni.gov.uk/publications/doj-retention-and-disposal-schedule>).

How do we use your personal data to make decisions about you (if we use automated decision-making or profiling)?

Automated processing for responses will not be used.

What rights do I have?

You have the right to:

- be informed about how your data is being used;
- access personal data;
- have incorrect data updated;
- have data erased;
- stop or restrict the processing of your data;
- data portability (allowing you to get and reuse your data for different services);
- object to how your data is processed in certain circumstances.

You also have rights when an organisation is using your personal data for:

- automated decision-making processes (without human involvement); and
- profiling, for example to predict your behaviour or interests.

If you wish to make a request for access to your data (including having personal data rectified or erased), you should contact the Department of Justice using the contact details provided above. As there is no automated decision-making and profiling as regards the uses of your personal data for the purposes of this survey, this right does not apply.

How do you complain if you are not happy?

Complaints should be submitted to:

Freedom of Information Unit
Department of Justice
Castle Buildings
Stormont Estate
Belfast BT4 3SG
Telephone: 028 9037 8617
Email: FOI@justice-ni.gov.uk

If you are unhappy with any aspect of this privacy notice, or how your personal information is being processed, please contact the Department of Justice's Data Protection Officer at:

DataProtectionOfficer@justice-ni.gov.uk

If you remain unhappy after this, you have the right to lodge a complaint with the Information Commissioner's Office (ICO):

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Tel: 0303 123 1113

Email: casework@ico.org.uk (<https://ico.org.uk/global/contact-us/>)