

# **CHILDREN'S LAW CENTRE (NORTHERN IRELAND)**

## **TRUSTEES' REPORT (INCLUDING DIRECTORS' REPORT)**

### **FOR THE YEAR ENDED 31 MARCH 2023**

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The trustees present their annual report and financial statements for the year ended 31 March 2023.

The financial statements have been prepared in accordance with the accounting policies set out in note 1 to the financial statements and comply with the Companies Act 2006 and "Accounting and Reporting by Charities: Statement of Recommended Practice applicable to charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) (effective 1 January 2019)".

#### **Objectives and activities**

The Children's Law Centre (CLC) was established to help children or young people in need and to promote the human rights of children and young people. CLC provides information, advice, advocacy, assistance and representation for children and young people, their parents and carers and others working with and on behalf of children and young people. We raise public awareness of children and young people's rights and provide training to children, parents and carers and others working with and on behalf of children and young people. CLC give a voice to children by facilitating and supporting a children and young person's advisory and peer advocacy group, youth@clc. In partnership with youth@clc we raise children and young people's rights with duty bearers.

The trustees have paid due regard to guidance issued by the Charity Commission in deciding what activities the charity should undertake.

#### **Achievements and performance**

The environment in which Children's Law Centre operated in 2022-23 has been particularly challenging. As we emerged from Covid, the Centre continued to deal with multiple issues of denial of children's rights as a result of actions taken by duty holders in response to the pandemic. The situation was further aggravated by the ongoing impact of Brexit, the socio-economic crisis resulting in cuts to children's services and the absence of a devolved administration in this jurisdiction.

The NI Assembly was dissolved in February 2022 and as the year progressed the dissolution would begin to have serious adverse impacts on decision-making, access to services and funding. This was exacerbated by the war in Ukraine and the autumn budget which resulted in interest rises, energy rises and a cost of living crisis. Against this backdrop CLC has experienced an increase in demand for our services and the complexity of the case work presenting is unprecedented. In the absence of a willingness or inability on the part of duty bearers to resolve cases, we increasingly were required to issue proceedings to secure effective remedies for our clients.

Unsurprisingly given the scale of need, visitors to the REE Rights Responder chatbot more than doubled from the previous year with 36,617 sessions by 31,226 users getting direct access to legal information. Demand for advice also continued to rise. CHALKY, CLC's Freephone Advice Line dealt with 2,836 issues, with many, given the growing complexity of queries, requiring more detailed advice and/or representation. Whilst the number of new judicial reviews had decreased from the 'Covid-high' number in the previous two years, they are still much higher than the pre-Covid norm. We issued proceedings in nine new judicial reviews and continued to work on eleven that had commenced during 2021-22. This significant number again reflects the complexity of the issues we are dealing with.

With a new Policy and Public Affairs Manager in place, drawing on our case work, we have been working to improve legislation, policy and practice for the benefit of all children in the jurisdiction. This included working in partnership with the Committee on the Administration of Justice, Amnesty International and Include Youth on the use of spit and bite hoods on children and strip searching of children and young people. In response to this work, the Independent Human Rights Advisor to the NI Policing Board undertook a Human Rights Review of the Strip Searching of Children and Young People in Custody with recommendations published in June 2023. The Policing Board have also committed to undertake a human rights review of policing and children and young people.

In preparation for the NI Assembly elections in May 2022 we developed our 'Close the Gap' publication to highlight our key priorities to improve the lives of children in NI. Despite the ongoing suspension of the Assembly we hosted a number of meetings with MLAs across the political spectrum and were encouraged by the positive response.



## **CHILDREN'S LAW CENTRE (NORTHERN IRELAND)**

### **TRUSTEES' REPORT (INCLUDING DIRECTORS' REPORT) (CONTINUED)**

#### **FOR THE YEAR ENDED 31 MARCH 2023**

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We worked with Include Youth, NIACRO, VOYPIC, QUB Centre for Children's Rights and the University of Nottingham to highlight the continuing failure to implement the recommendations of the Youth Justice Review and in November co-hosted a conference held in Queen's University on the Minimum Age of Criminal Responsibility. In response, in January the Department of Justice launched a consultation on whether to raise the Minimum Age of Criminal Responsibility; we await the outcome of this consultation.

We undertook extensive stakeholder engagement across the voluntary and children's sector and academia to inform three substantial NGO reports to the United Nations Committee on the Rights of the Child evidencing how rights and protections for children in Northern Ireland have regressed post-Brexit, post-Covid and as a result of the impacts of the economic crisis and continuing inertia with local government. Our Stakeholder Report was endorsed by 50 organisations and individual representatives before submission to the UNCRC in December 2022. We are grateful to Dr Deena Haydon for her work on compiling these reports.

In preparing these reports we worked in partnership with youth@clc, our panel of young people who advise and inform on issues impacting on children and young people. With the financial support of the Paul Hamlyn Foundation, we were able to bring young people from youth@clc, Include Youth and VOYPIC to Geneva to give evidence to the UN Committee on the Rights of the Child in February 2023 as part of the pre-sessional hearings in advance of the UK Government examination which was scheduled for May 2023. The outcome from this work and in particular the Committee's Concluding Observations, will help shape CLC's work in the future.

We worked with South Tyrone Empowerment Project (STEP) on two submissions to the Council of Europe Framework Convention for the Protection of National Minorities which informed our ongoing engagement with duty bearers, human rights institutions and politicians on Asylum Seeker Children in Contingency Accommodation. As the year progressed we started to receive direct contacts from families living in contingency accommodation in relation to living conditions and their impacts on children who have a range of disabilities and learning needs, as well as being trauma-experienced. Our advice and legal teams are now providing legal advice and assistance to a growing number of children in contingency accommodation and we continue to raise the issue with duty holders.

After protracted negotiations in two cases, the Education Authority agreed to High Court Declarations that it had breached the children's rights to education under Article 2 of Protocol 1 of the European Convention on Human Rights (ECHR) for reasons related to a child's disability under Article 14 ECHR, non-discrimination. In one of these cases they also agreed to Declarations that the right to provision under a statement of SEN under Article 16 of the Education (NI) Order 1996 had been denied and that the right to education "other than at school", under Article 86 of the Education (NI) Order 1996, had been breached when a child was unable to attend school because of illness.

The political vacuum curtailed CLC's ability to effect policy and legislative changes to address the worrying and systemic diminution in the delivery of children's rights. This is a perfect storm: duty bearers are increasingly failing to deliver children's rights at a time when the opportunities to effect systemic change is limited. In these circumstances strategic litigation is an important tool to effect individual and societal access to children's rights. With no restoration of the NI Assembly during the year and the huge and growing impact of the economic crisis on the restoration of pre-Covid service, CLC will continue to utilise strategic litigation and other alternative strategies to challenge the diminution of children's rights in Northern Ireland.

We celebrated our 25<sup>th</sup> anniversary in September 2022. This aligned to welcome funding from the Paul Hamlyn Foundation which has enabled us to comprehensively review and further improve the organisation and our governance in preparation for the next 25 years. Work commenced on the development of a new case management database that will support management of information and monitoring of advice and case outcomes. We also commenced planning for the return of training services from CLC which had ended as a result of the Pandemic. As part of our Governance review we updated our Articles of Association, continued to support our Trustees through training opportunities and recruited a new Trustee to the Board in December. We also reviewed and updated internal policies and procedures and commenced a salary and benefits benchmarking exercise, and continued with wellbeing interventions for staff to ensure CLC remains competitive within the employment market. In the final quarter of the year we successfully completed the 3-year accreditation for the Lexcel quality standard underpinning our legal case management and client support systems.



# CHILDREN'S LAW CENTRE (NORTHERN IRELAND)

## TRUSTEES' REPORT (INCLUDING DIRECTORS' REPORT) (CONTINUED)

### FOR THE YEAR ENDED 31 MARCH 2023

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#### Financial review

The results for the year are set out in detail on pages 12 to 33. The Centre returned net deficit of £100,439 (2022 – net surplus of £146,400) of which £160,894 related to a net deficit in restricted funds and £60,455 related to a net increase in unrestricted funds, of which £44,835 has been transferred to designated funds leaving a net increase of unrestricted funds of £15,620.

The increase in unrestricted funds includes exceptional movement in pension provision income of £613 (2022 - £829).

At 31 March 2023, the total funds of the charity amounted to £849,511, comprising restricted funds of £472,439 and unrestricted funds of £377,072. The unrestricted fund balance includes unrestricted general funds of £341,826, designated funds of £55,000 and a deficit on the pension reserve of £19,754. The vast majority of income received by the Centre is earmarked by the donor for specific purposes (restricted income). Only small amounts are received as free monies (unrestricted income) which can be allocated according to organisational needs, including core running costs.

The unrestricted fund is considered to be essential to the Centre as restricted funds are not always sufficient to meet all costs. Furthermore, in the current economic environment, the level of funding may fluctuate from one year to the next. The unrestricted fund will therefore be essential to finance working capital, continue the charity's activities in the short term and fulfil its legal responsibilities to employees and creditors for a three month period. Current running costs for the charity are £75,000 per month and the level of free reserves at the year end, excluding fixed assets and designated funds, was £247,172. The charity has significant funds secured for the forthcoming year and budgets have been prepared that show that the charity has sufficient resources to continue in operational existence for the foreseeable future.

Restricted funds represent funds which are to be used in accordance with specific restrictions imposed by donors. The balance of restricted funds at 31 March 2023 was £472,439.

The trustees have assessed the major risks to which the charity is exposed, and are satisfied that systems are in place to mitigate exposure to the major risks.

#### Plans for future periods

One of the long-term objectives for the organisation remains the securing of mainstream funding for the Centre alongside diversifying and growing funding streams. Acting on financial and legal advice, the Centre is also committed to working to build unrestricted financial reserves equivalent to six months with a minimum of at least three months' running costs to ensure a financial cushion in the event of future funding difficulties. The building of such reserves is viewed by the charity as prudent financial management, in the best interest of the Centre and necessary to honour the Centre's legal and financial commitments.

## CHILDREN'S LAW CENTRE (NORTHERN IRELAND)

### TRUSTEES' REPORT (INCLUDING DIRECTORS' REPORT) (CONTINUED) FOR THE YEAR ENDED 31 MARCH 2023

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#### **Structure, governance and management**

The Centre is a charitable organisation and a company limited by guarantee governed by its Articles of Association.

The Centre is a membership organisation which is governed by a Board of Trustees (which is also the Board of Directors) elected for one year at the organisation's AGM. According to the Centre's constitution, additional Board members can be co-opted. The Board elect a Chair, Vice Chair, Treasurer and Secretary. Training is provided as required. All Centre staff are answerable to the Board through the Centre Director, Ms Patricia Kelly, who is responsible for the day to day management of the Centre. The Board of Trustees ensures the good governance of the organisation by setting its strategic objectives and policy direction through the Centre's three year strategic plan and monitoring progress on this through the annual operational planning process.

The trustees, who are also the directors for the purpose of company law, and who served during the year and up to the date of signature of the financial statements were:

|               |                             |
|---------------|-----------------------------|
| Ms Y Campbell | (Resigned 8 December 2022)  |
| Ms A Toal     |                             |
| Ms A Stewart  |                             |
| Mr D Farrell  |                             |
| Mr J Finnegan |                             |
| Ms M Spence   | (Resigned 8 December 2022)  |
| Ms S Stewart  |                             |
| Ms T Canavan  |                             |
| Mr B D Moss   | (Appointed 8 December 2022) |

#### **Statement of trustees' responsibilities**

The trustees, who are also the directors of Children's Law Centre (Northern Ireland) for the purpose of company law, are responsible for preparing the Trustees' Report and the financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

Company Law requires the trustees to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the charity and of the incoming resources and application of resources, including the income and expenditure, of the charitable company for that year.

In preparing these financial statements, the trustees are required to:

- select suitable accounting policies and then apply them consistently;
- observe the methods and principles in the Charities SORP;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable UK Accounting Standards have been followed, subject to any material departures disclosed and explained in the financial statements; and
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charity will continue in operation.

The trustees are responsible for keeping adequate accounting records that disclose with reasonable accuracy at any time the financial position of the charity and enable them to ensure that the financial statements comply with the Companies Act 2006. They are also responsible for safeguarding the assets of the charity and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.



# CHILDREN'S LAW CENTRE (NORTHERN IRELAND)

## TRUSTEES' REPORT (INCLUDING DIRECTORS' REPORT) (CONTINUED) FOR THE YEAR ENDED 31 MARCH 2023

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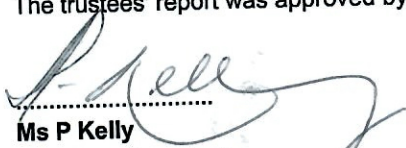
### Small Companies Exemption

In preparing this report, the directors have taken advantage of the small companies exemptions provided by section 415A of the Companies Act 2006.

### Disclosure of information to auditor

Each of the trustees has confirmed that there is no information of which they are aware which is relevant to the audit, but of which the auditor is unaware. They have further confirmed that they have taken appropriate steps to identify such relevant information and to establish that the auditor is aware of such information.

The trustees' report was approved by the Board of Trustees.

  
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**Ms P Kelly**  
Company Secretary

Dated: .....15. NOV. 2023