



Response to:

**NI Guardian Ad Litem Agency Proposals to Refine Role of the
Guardian Ad Litem**

Introduction

Children in Northern Ireland (CiNI) is the regional umbrella body for the children's sector across Northern Ireland. CiNI provides information, policy, training, participation and advocacy services to support our 155 members in their direct work with and for children and young people. Our membership is drawn from across the voluntary, community, statutory and independent children's sector. We are increasingly working in partnership with the statutory children's sector, recognising that the best outcomes for children and young people are achieved through partnership working.

CiNI welcomes this opportunity to comment on these proposals to refine the role of the guardian ad litem.

General Comments

CiNI warmly welcomes and endorses NIGALA's commitment to ensure the voice of children is heard in court proceedings. It is commendable and significant that the document refers to the rights of the child. We would however have liked to have seen reference made to both the UN Convention on the Rights of the Child (UNCRC) and the UN Convention on the Rights of Persons with Disabilities (UNCRPD). The latter is a human rights instrument which includes an important and specific focus on children with disabilities.

Engagement with Children and Young People & Child Friendly Version of Consultation

CiNI would advocate that NIGALA embraces direct engagement and participation of children and young people, including the production of a **child friendly version** of the NIGALA consultation. A price or time limit should not be placed in the way of a child having the right to be consulted upon a service which affects them directly.

Children and young people need to and have a right to *engage and be involved in shaping those policies and services that impact on their lives and well-being*. This is crucially important in terms of embedding article 12 of the UNCRC:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a

representative or an appropriate body, in a manner consistent with the procedural rules of national law.

We would also highlight that the UN Committee on the Rights of the Child, having considered the reports of the GB and NI on implementation of the UNCRC, has recommended that Government:

Promote, facilitate and implement, in legislation as well as in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child¹

Children in Europe² has highlighted the participation of children as an essential value, stating that services should embody participation as an expression of democracy and as a means to combat social exclusion and should mean the active inclusion of the entire community. We would also emphasise that engagement with children and young people must include young children as well as young adults, noting the research evidence which demonstrates that from an early age children do exhibit small but significant cultural and political awareness.³

We would highlight the support that we can offer as part of Participation Network. The Participation Network is an initiative set up to provide training, signposting and consultancy support to public bodies, including local government, to help in fulfilling section 75 obligations to consult with children and young people. We would highlight in particular the Participation Network's '*Ask First*' Northern Ireland Standards for Children and Young People's Participation in Public Decision Making⁴. It is essential that these Standards are applied and embedded in the engagement process.

We would ask that NIGALA adopts this approach and ensures that children and young people are consistently engaged and involved in shaping those policies and services that impact on their lives and well-being. **We would actively encourage NIGALA to produce a child friendly version of the consultation and conduct further exercises to ensure the voice of children who use the service are heard.**

¹ p CRC (2008) Consideration of Reports Submitted by States Parties Under Article 44 of the Convention CRC/C/GBR/CO/4 para 33

² Children in Europe (2007) Ten principles for a European approach to services

³ Connolly, P., Smith, A. & Kelly, B. (2002) *Too Young to Notice? The Cultural and Political Awareness of 3-6 Year Olds in Northern Ireland*. Belfast: Northern Ireland Community Relations Council.

⁴ <http://part.killercontent.net/media/bd63c7534f9c49949d63e93c384d1faeASK%20FIRST!.pdf>

A Partnership Approach

While we welcome the consultation, there does not appear to be any notion of a more strategic approach to the delivery of joined-up services involving NIGALA and others. If indeed the volume of work is increasing then a partnership approach in striving for a common vision and purpose must be established between all those involved in delivering an effective service to the child within court proceedings. We do not believe there is much contained within the document that will bring about the much needed joining up of strategic agendas. The type of partnership that is required needs a much more courageous vision for what can be achieved, working together in a true partnership.

We fully appreciate that effective partnerships take time to develop, however we would suggest that strategic agendas could start to emerge in a way that brings together the best elements of the needs of the child within this process.

CiNI would support and advocate for NIGALA to take on board the Best Practice Guidelines being developed by COAC. We would also advocate that a formal review mechanism is built in to allow for a review of how the Guidelines are evolving and developing in practice.

Typing errors

Please note the following typing errors – Proposal 1: first paragraph – year should read 2012. Second bullet point – families do not present with ‘complex problems’ they present with ‘complex issues.’

Conclusion

We trust that our submission can usefully inform the on-going direction of the NIGALA. We look forward to receiving a summary of the responses to the consultation and feedback on how this submission has been used to inform the process going forward.

Ellen Finlay
Policy Officer

Children in Northern Ireland (CiNI)

Unit 9, 40 Montgomery Road

Belfast BT6 9HL

Tel: 028 9040 1290

Fax: 028 9070 9418

Email: info@ci-ni.org.uk