

Child Rights Impact Assessment template



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STAGE 1: SCOPING (Background and Rights Framework)

Question 1: Name the measure / proposal being assessed and describe the overall aim

Enabling Access to Justice Reform Programme: Proposals to increase the amount of people eligible for legal aid through the simplification and harmonisation of financial eligibility requirements. Early consultation respondents highlighted barriers to access to justice that the old system was complex, difficult to understand and time consuming. The new system will be simple, fair and procedures will be improved that will make it more efficient for everyone involved.

Question 2: Which children's human rights instruments and articles are relevant to the measure / proposal?

United Nations Convention on the Rights of the Child (UNCRC)

Article 3: Best Interests of the Child

In all actions concerning children, the best interests of the child shall be a primary consideration. The proposed reforms are intended to improve access to legal aid through simpler, fairer and more transparent financial eligibility arrangements, enabling children and families to access legal advice and representation where required to protect their interests and welfare.

Article 12: Respect for the Views of the Child

Children have the right to express their views in matters affecting them and to have those views given due weight. Access to legal advice and representation can assist children and young people to participate effectively in legal processes and ensure that their views are heard where appropriate.

Article 19: Protection from Violence, Abuse and Neglect

Children have the right to protection from all forms of violence, abuse and neglect. The proposals include specific measures to improve access to legal aid for victims of domestic abuse and support access to legal remedies that may be required to safeguard children and their families.

Article 26: Social Security

Children have the right to benefit from social security. The proposals make use of existing benefits and Universal Credit passporting arrangements to simplify access to legal aid for low-income households and those most in need of support.

Article 27: Adequate Standard of Living

Children have the right to a standard of living adequate for their development. By reducing financial barriers to accessing legal services and increasing eligibility for legal aid, the proposals may help families resolve legal problems that affect children's welfare, stability and living arrangements.

European Convention on Human Rights (ECHR)

Article 6: Right to a Fair Trial

The proposals are intended to improve access to legal assistance through simplified eligibility criteria and application processes, helping individuals, including children and families, to access justice where legal representation is required.

Article 8: Right to Respect for Private and Family Life

Many legal aid cases concern family relationships, care arrangements and child welfare matters. Improved access to legal aid may assist families in resolving disputes and securing outcomes that protect children's rights and family life.

Question 3: Which groups of children are most likely to be affected by the measure / proposal?

Children who are the subject of family law proceedings; children affected by domestic abuse; children and young people requiring legal aid in their own right; children living in low-income households; children in care or detention settings; and children in asylum-seeking, refugee or vulnerable migrant families. The proposals may also indirectly affect children whose parents or carers require legal aid to protect their rights, welfare and family life.

Question 4: Which stakeholder groups should be engaged during the policy development process? (e.g., parents/carers, NGOs, unions, NICCY, academics, etc.)

NICCY - Information on barriers to access to justice - Correspondence, Call for Evidence

Women's Aid – Information on the experiences of children and young people who have come into contact with domestic abuse – Call for Evidence; Meetings; Independent research and engagement by consultants engaged by the Department.

Bar of Northern Ireland and the Law Society – Regulatory bodies for solicitors and barristers in Northern Ireland. Correspondence. Stakeholder Engagement. Meetings with DoJ Senior Management Team.

The Commissioner Designate for Victims of Crime - Information on barriers or other factors faced by victims in the Northern Ireland Justice System – Correspondence; Stakeholder engagement.

Children’s Court Guardian Agency - Information on barriers or other factors faced by children and young people who are subjects of public law and adoption proceedings before the courts in Northern Ireland – Call for Evidence; Stakeholder Engagement.

Children’s Law Centre - Information on barriers or other factors affecting access to justice for children and young people in need of legal advice and representation – Call for Evidence. Stakeholder Engagement.

Voypic, NIACRO, Include Youth – community sector organisations with specific focus on the welfare of young people – stakeholder engagement

STAGE 2: CONTEXT AND COLLABORATION

Question 5: Which Programme for Government outcomes does this policy aim to impact on?

4 – We enjoy long, healthy, active lives. Children and Young People living in homes where there is domestic abuse are impacted by domestic abuse even when they have not witnessed the abuse. The impact of domestic abuse on children goes beyond the occasion where they have seen, heard or been present during the abuse. Children who are exposed to domestic abuse within their homes are at risk of adverse childhood experiences which can continue to have a negative impact on their long-term health and wellbeing that can last well into adulthood. These can be associated with poorer outcomes in educational attainment, employment, involvement in crime, family breakdown, as well as health and wellbeing measures. These can include the following:

- Verbal abuse;

- Physical abuse;
- sexual abuse;
- physical neglect;
- emotional neglect;
- mental ill health.
- Alcohol or drug misuse.

The proposals relate to enhancing access to justice for people in need of legal advice and representation by supporting enhanced access to legal advice through enhanced access to justice for families, especially those affected by domestic abuse.

7 – We have a safe community where we respect the law, and each other

Research indicates that children who have experienced four or more ACE are 20 times more likely to have been incarcerated in their life. By providing support for adult and child victims seeking legal resolution should limit the child's exposure at an early stage. In this, child victims will become less exposed to adverse childhood experiences and are protected from abuse and enabled to grow and develop in a safe and healthy environment which may limit the impact of the adverse childhood experiences and reduce the potential for child victims to become involved in unlawful activities.

Improved access to legal advice and representation supports access to justice and helps ensure that children and families can effectively resolve legal issues affecting their rights, welfare and safety.

12 – We give our children and young people the best start in life

Children and young people who live or experience abuse are at risk of adverse childhood experiences which will impact throughout their lives unless help and support is provided. Children and Young People in care or in detention require access to legal advice and representation to ensure their rights are protected and they are enabled to have productive lives once their period of detention is over.

By reducing financial barriers to legal services, the proposals may help protect children's rights and wellbeing and contribute to more stable outcomes for families involved in legal proceedings.

Question 6: Which Children and Young People's Strategy outcomes does this policy aim to impact on? Resource: CYPS

Are physically and mentally healthy

Access to legal advice and representation will help support and protect children and young people, both in terms of their human rights, and through helping support their mental and physical health and wellbeing.

Live in safety and stability

Access to legal advice and representation will help enable children and young people to have access to legal remedies out of abuse and will help children in detention have access to a safe environment during their detention.

Question 7: What opportunities are there to promote joined up outcomes for children? Resource: CSCA

Department of Health – Children and young people have access to a safe living environment. Access to legal advice and representation will help children and young people live free from abuse and in a healthy and safe environment.

STAGE 3: EVIDENCE GATHERING

Question 8: What quantitative evidence have you used to inform your assessment? What does it tell you?

PSNI Domestic Abuse Annual Trends Report 2024/25 shows that 18,393 domestic abuse crimes were recorded in Northern Ireland during 2024/25. The report found that 12% of domestic abuse crime victims were aged under 15, demonstrating that children and young people continue to be significantly affected by domestic abuse and highlighting the importance of effective access to justice and legal support for affected families.

Numbers of Children Order Proceedings in Northern Ireland. LSANI Annual Statistics. These statistics provided information on the number of Article 8 Children Order proceedings involving children and young people in Northern Ireland.

Call for Evidence into the experiences of people involved in the civil justice system. Online Survey Responses to the Department's Call for Evidence provided information on the experiences of children and young people in the justice system and information on the barriers or other factors which were impeding their access to justice through the provision of legal services.

Question 9: What qualitative evidence have you used to inform your assessment? What does it tell you?

- ☐ Foundational Review of Civil Legal Services.
- ☐ Stakeholder engagement exercise.
- ☐ Responses from legal practitioners and representative bodies.
- ☐ Call for Evidence responses on access to justice barriers.

Question 10: What key missing information / evidence would have been beneficial to your analysis?

More information and data in relation to s.75 groups who have had or need legal advice and representation.

Question 11: What existing evidence on children and young people views has been considered in the development of the proposal or measure?

Children and young people who have come in contact with domestic abuse. Independent reports commissioned by the Department. Research and engagement by academics from Queens and the Ulster University. Children and young people require access to justice in their own right. Support and protections should be responsive to their needs. It is important that they are provided with the means to have a voice in the legal matters relevant to them. Support for their parents to enable them to protect the child and those impacted by domestic abuse.

Question 12: What groups of children and young people have been directly involved in developing the proposal or measure?

Evidence regarding the experiences of children and young people was considered through stakeholder engagement, commissioned research, responses to the Call for Evidence, and evidence provided by organisations representing the interests of children and young people.

Question 13: What stakeholder groups have been engaged in developing/reviewing the proposal or measure?

Community and Voluntary Organisations; NICCY; Legal Practitioners. Call for Evidence. Meetings. There is a need for children and young people to have access to a responsive justice system through the provision of legal services.

STAGE 4: ASSESSING THE IMPACT

Complete questions 14-16 for each option being considered

Question 14: What impact will (or does) the proposal or measure have on children and young people's rights?

The proposals are expected to have a positive impact on children and young people's rights by improving access to legal aid through simpler and fairer financial eligibility rules, modernised passporting arrangements and streamlined application processes. These changes should reduce barriers to legal advice and representation for children, young people and families who require assistance with legal matters affecting their welfare, safety and family life.

Particular benefits are anticipated for children involved in family proceedings, children affected by domestic abuse, children in low-income households, and children in asylum-seeking or vulnerable families. The proposals support access to justice and help ensure that children's rights and best interests can be protected through effective legal processes.

No significant adverse impacts on children and young people have been identified and the overall impact is considered positive

The Department aims to carry out a 12 week public consultation on the Child Rights Impact Assessment document and will welcome any comments in relation to the rights and welfare of children that respondents make.

Question 15: Will there be (or are there) different impacts on different groups of children and young people?

The proposals are expected to have a positive impact on all children and young people through improved access to legal aid and access to justice. The greatest benefits are likely to be experienced by children affected by family proceedings, domestic abuse, low household income, or asylum and immigration issues. No significant adverse impacts on any group of children and young people have been identified.

Question 16: If a negative impact is identified for any area of rights or any group of children and young people, what options are there to modify the proposal or measure to mitigate the impact?

No significant negative impacts on children and young people's rights have been identified. The proposals are expected to have an overall positive impact by improving access to legal aid and reducing barriers to justice. The Department will monitor the impact of the reforms and consider any further mitigations required should unintended adverse impacts emerge during implementation.

STAGE 5: CONCLUSIONS AND RECOMMENDATIONS

Question 17: In summary, what are your key findings on the impact of the measure or proposal on children and young people's rights?

The proposals are intended to enhance access to justice through the reform of financial eligibility rules for legal aid, creating a simpler, fairer and more transparent system which will increase the number of people eligible for legal assistance and representation. The measures include revised income and capital thresholds, the modernisation of benefits passporting arrangements, simplified financial assessments, new arrangements for contributions, and special provisions for vulnerable groups

The Department considers that the overall impact on children and young people's rights will be positive. Children often rely on parents, carers or guardians to access legal remedies and protect their interests. By reducing financial and administrative barriers to legal aid, these proposals will improve access to legal advice and representation in matters affecting children's welfare, safety, family life and legal rights.

Particular benefits are expected for children and young people involved in public and private family law proceedings, children whose parents require access to legal services to resolve disputes affecting their care and upbringing, children affected by domestic abuse, and children and young people in asylum-seeking and vulnerable migrant families. The proposals include specific measures designed to ensure that vulnerable individuals can access legal assistance through simpler and more responsive procedures.

No significant adverse impacts on children and young people have been identified. While some applicants may continue to be subject to eligibility thresholds and contribution requirements, the overall effect of the reforms is expected to improve access to legal aid, simplify processes, reduce barriers to justice and produce positive outcomes for children and young people across Northern Ireland.

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