



SCOTTISH
CHILD • LAW
CENTRE

Youth Matters

The Newsletter of the Scottish Child Law Centre

June 2009

FLaG(ing) up issues for the 'In Secure' Child

Scottish Child
Law Centre,

54 East
Crosscauseway,
Edinburgh

EH8 9HD

Tel 0131 667 6333

Kids call free on
0800 328 8970

Text 'SCLC' to
80800

E-mail to

enquiries@sclc.org.uk

www.sclc.org.uk

[Page 1](#)

Conference

[Page 2](#)

Conference cont.

Roll of Honour

[Page 3](#)

Research Project

[Page 4](#)

Guest Columnist

Marrisa Cullen

[Page 5](#)

Going Dutch

[Page 6](#)

Consultations,

[Page 7](#)

Training

Grant

The Scottish Child Law Centre hosted its first Conference of 2009 at MacKenzie Buildings in Old Assembly Close on Edinburgh's High Street on 30th March. By all accounts it was a resounding success.

The conference, which explored the issues surrounding children who are placed in secure accommodation, was jointly hosted with the Family Law Group (FLaG) of the Murray Stable of the Faculty of Advocates. The Murray Stable, particularly the FLaG group, has shown great support for the Centre and its work by bearing much of the expense of putting on the conference.

A fresh approach was taken to highlight the issues for the delegates at the start of the conference. An actress, Martha Leishman, told the conference about some experiences children in secure have had, but in



Morag Driscoll (Director) spoke on future policy issues

the character of a fifteen-year-old girl named Margaret who has herself had these experiences. After Margaret's monologue the delegates were given the opportunity to ask her questions to establish further the positives and negatives of being placed in secure. The majority of the delegates who commented found this approach grounded the conference in the real world in a way that might otherwise have been very difficult to achieve.

The conference was chaired by Sheriff Brian Kearney who has a wealth of relevant experience gained in his 30 years on the Bench and throughout his career in which he has always shown a particular interest in the law as it affects children.

The speakers were Dr Josie Williams, a research fellow at Glasgow Caledonian University; Janys Scott QC a leader at the Bar in child and family law; Mhairi Richards QC a criminal law specialist with an interest in representing children and Morag Driscoll, the Director of the Scottish Child law Centre.

Dr Josie Williams gave a very enlightening talk on the psychological perspective of what we have done to Margaret. Janys Scott QC spoke informatively on the legal reasons as to why we have done this to Margaret. Mhairi Richards QC provoked thought by exploring the rights and wrongs of Margaret's story in light of the European Convention on Human Rights and Morag Driscoll spoke passionately on policy development for the future under the heading 'what should we do for Margaret's child'.

Delegates present at the conference covered a wide spectrum of interested

parties including employees of secure units, social workers, Panel members, solicitors, advocates, and members of local government.

Feedback on the value and quality of the conference has been very positive and a number of people have contacted the Centre following the conference to enquire as to it being run again at a future date. Unfortunately, due to the commitments of the speakers, this will not be possible.

But, given this demand, the conference paper given by Mhairi Richards QC and the PowerPoint presentation given by Janys Scott QC have been made available by the FlaG group of the Murray Stable at www.murraystable.com/articles The PowerPoint presentations given by Dr Josie Williams and Morag Driscoll can be obtained by contacting the Centre on enquiries@sclc.org.uk

THANK YOU

So many people and organisations have supported The Centre but have sought no recognition for doing so. We think it is high time that those who show support for the Centre by making a donation of money, equipment or expertise should join our **Roll of Honour** and receive a great big THANK YOU from us all.

The Dulverton Trust – A cash donation towards new leaflets.

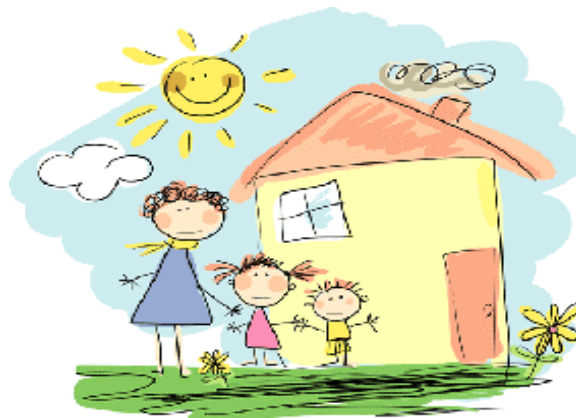
Linlithgow Rotary Club – A cash donation to running costs.

Mayfield Properties – Long term loan of a laptop computer.

Mrs I Nolan – Donation of a laminating machine.

Mr T Harvey – Replaced and repaired our broken window.

The Centre has been contacted by Kirsteen MacKay, a Doctoral Research student, looking for help with research. She would like to hear from professionals, parents and children where the issues in relation to the children were settled by court. Are you or anyone you know able to help? This research may help children's voices be heard more effectively in future.



Listening to Children and Young People Research Project

This doctoral research project is being undertaken in the School of Law at the University of Edinburgh and is funded by the Economic and Social Research Council (ESRC). The aim of the research is to explore the perspectives of different 'actors' involved in the process of ascertaining children's views when they are the subject of a private law contact dispute that goes before a court. This includes the views of children (aged 8 and over) on their experiences of having their views taken by formal means in this context.

Additionally, the research includes a review of the processes of family actions in which contact has been craved in two sheriff courts; this will provide statistical information on the number of cases in which children's views are taken and the circumstances triggering the taking of a child's views.

A questionnaire is being sent to all family law practitioners in Scotland along with packs that may be forwarded to former clients whose child/ren had their views taken by formal

means as part of the dispute resolution. The pack contains a letter and a questionnaire for parents as well as a research information leaflet designed for children.

All data collected is either anonymous at source (such as questionnaires) or is anonymised (such as data from interviews).

This research - which has been approved by the Research Ethics Committee of the School of Law - is being undertaken by Kirsteen Mackay who has tutored family law at the University of Edinburgh for five years and has lectured in family law at Napier University.

If you are interested in participating in this research – either as a parent, as a practitioner, or as a young person who had your views taken for the court - further information can be obtained by contacting Kirsteen at K.M.Mackay@sms.ed.ac.uk or telephoning **07535 047 033**. The parent's questionnaire and the Research Information Leaflet for children are also available from www.law.ed.ac.uk/research/students/kirsteenmackay

RETURNING THE LOST CHILDREN



By Marisa Cullen,
Family Law Solicitor
At Maxwell
MacLaurin

With greater international travel and more people working abroad, the number of children with parents of different nationalities will continue to rise and regrettably so will the number of children abducted by one of their parents.

In the UK alone 400 cases involving children being abducted by a parent across EU frontiers occur every year. These include children like Misbah Iram Ahmed Rana (or Molly Campbell) whose mother Louise Campbell claimed she was abducted by her father to Pakistan.

Legally, 'child abduction' is defined as when one parent (ie. someone who has parental rights and/or exercises contact rights) removes a child, who is under the age of 16, from the country

of his habitual residence without the consent of the other parent or without a court order allowing them to do so.

So what legal recourse do parents have whose children have been taken from their homes without permission?

Under The Hague Convention on the Civil Aspects of International Child Abduction parents, who live in countries who are signatories to the convention, can raise court proceedings in the country in which the child has been abducted and ask the courts there to return the child to the country of their habitual residence.

If you are a parent whose child has been abducted from Scotland, you or your solicitor should immediately contact the Scottish Central Authority based in St Andrews's House, Edinburgh, who can be contacted on 0131 244 4827 and submit an application to them. If accepted, it will then be transmitted to the central authority of the country in which your child has been abducted. They, in turn, will pass it to a local solicitor who will raise proceedings on your behalf.

The application form is detailed and an affidavit (sworn statement) has to be included. A solicitor will be able to help you with this. You should receive legal aid for proceedings which are raised abroad, with no assessment being made of your financial circumstances.

If you are a parent whose child has been abducted from Scotland, you or your solicitor should immediately contact the Scottish Central Authority based in St Andrews House Edinburgh on

If on the other hand you are resident abroad and your child has been taken to Scotland, you should initially contact the central authority in your own country, who will pass the papers to the Scottish Central Authority.

In turn, they will send it to a solicitor in Scotland experienced in this area who will raise court proceedings on your behalf in the Court of Session in Edinburgh. Again, you will automatically receive legal aid without a financial assessment being undertaken.

Child abduction is one of the most emotive and sensitive issues a family can face. It is also a complex and specialized area of law, so early intervention by an experienced solicitor is vital.

In the next issue of the newsletter we will take readers through the court process and the defences the abducting parent can utilise. For further information on child abduction contact Marisa Cullen at Maxwell MacLaurin on 0131 220 4020 or by email to mcullen@maxwellmaclaurin.co.uk.

Going Dutch or some such predictable headline

As part of the Centre's commitment to young people's legal education and awareness we regularly take part in work placement programmes involving local schools and colleges. During March 2009 we went global!

The Centre took part in a school exchange programme where a student from the Netherlands was placed with us for work experience for a week. Jessie Pynenburg (17) was involved in a school exchange programme between her school in the Netherlands and Trinity Academy in Edinburgh. She spent the week living with the family of a pupil of Trinity

Academy and spent her days volunteering here at the Centre. In the evenings Jessie enjoyed social events involving other exchange students and their host families.



The extra pair of hands was very much appreciated at that time given that we were in the midst of preparing for our conference on children in secure accommodation, which was due to take place on 30th March 2009, and the job of processing data for our annual statistical review of our telephone helpline information was underway.

Jessie is interested in studying Law in her own country and so was keen to take up a placement with the Centre to find out how child law works in Scotland. She was particularly interested in how our unique Children's Hearing system works and enjoyed a guided tour of the Court of Session as well as Edinburgh's Sheriff and District Courts. Jessie said "I know more about the rights of children in Scotland than the rights of children in my own country now. I am keen to find out more when I get home"

Jessie's teacher, Mrs Peters-Rit, said "Jessie very much enjoyed her week at the Centre. It seems to have increased her interest in a career in law. She took to the opportunity to work and socialise with your young volunteers with great enthusiasm and I'm sure she will take home lots of happy memories of her time at the Centre".

The Centre is pleased to announce that it has successfully attracted two international volunteer summer interns.

This summer we will benefit from the assistance of two law students from abroad.

Katie will be with us for ten weeks from America and Lena will be with us for four weeks from Germany.

Both of our international interns will be invited to write an article for a future issue of 'Youth Matters'. Watch this space.

Current Consultations

The Centre's expertise as a consultant is sought by Private and Public groups. We also respond to Government calls where appropriate. This section will keep members up to date on current matters.

The Centre was asked to send a representative to a Consultation Event being arranged by the Equality and Human Rights Commission to discuss and explore possible ways in which the Commission could construct its Legal Grants funding framework most effectively to fund legal casework. Iris Quar, a Solicitor at the Centre, represented the Centre at this event.

It was a lively group of about fifty people representing Local and National groups in the voluntary and

Public sectors who are working for the rights of various marginalized groups in society. There was a wide cross section of representation covering a spectrum from the Legal Aid Board to a group offering voluntary advocacy services to Travellers.

Representatives were split into groups of about ten to explore discussion points raised by a facilitator at each table. Views were expressed as to what the definition of qualifying 'Legal Casework' should be. This had to be balanced off against the need to

reach as many as possible of the target groups and how to prioritise the funding to reach the most necessary work.

The discussion groups also looked at what period of time the grants should cover. For example should it be a three yearly grant or should there be annual sums or even fixed sum grants for specific projects. Thereafter the issue of what the criteria for funding should be and the quality control issue were discussed. Iris engaged fully and offered views and thoughts on all points.

Hopefully the Commission will benefit from our input.

CONSULTATION UPDATE

Since our last edition of 'Youth Matters' the Centre has participated in Public Debates on Knife Crime and also the Sex Offenders Bill.

We have been consulted by a number of organisations on Policy issues including; The Steiner School, CRUSE; NHS Tayside, CAMHS, The Scottish Consortium for Learning Disability and the Scottish Pre-School Play Association. We are regularly asked by public organisations and private enterprises to review draft policy documents and make recommendations in relation to written policies which affect children

We have also been consulted by the office of The Scottish Commissioner for Children and Young People on a number of occasions.

GRANT RECEIVED FROM DULVERTON TRUST

We are delighted to have received a grant from the Dulverton Trust to create two new leaflets on children's rights topics.

We have decided that now would be a good time to renew, update and revitalise the range and presentation of our leaflets.

WATCH THIS SPACE MEMBERS WILL BE
OFFERED A PREVIEW

STOP PRESS!

Our OPEN TRAINING TIMETABLE is now in the final stages of preparation.

Courses this year will be held at the Centre over July, August & September. The Course titles are; Children's Rights, Education Law and Additional Support for Learning, Child Protection and Children's Hearings. The courses all assume no previous knowledge on the subjects and will be up to half a day in length.

By holding the courses at the Centre we are able to keep the cost to an absolute minimum. Generally the cost will be £30 per course, **BUT DON'T FORGET YOUR MEMBERS DISCOUNT MAKES IT £27 TO YOU.**

If you want a course in your neck of the woods and can attract ten delegates and supply a venue, we can offer the same courses at the same price. Contact Iris on iris@sclc.org.uk