

NORTHERN IRELAND CENTRAL SERVICES AGENCY
FOR THE HEALTH AND SOCIAL SERVICES

25 Adelaide Quay
Belfast BT2 0PA
TEL No. (0222) 324444
FAX No. (0222) 322444

From: C W Donnell

Date: 28 October 1991

DATE 27 October 1991

Mr H V McElfattrick

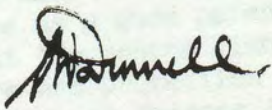
USE OF PLACE OF SAFETY ORDERS FOR YOUNG PEOPLE UNDER THREAT FROM
PARAMILITARY ORGANISATIONS

Please see the attached correspondence from the Central Services Agency. I am really quite astonished at the tenor of the letter as it shows, in my view, an extraordinary lack of understanding of the role of NIO in this matter. The writer seems to miss the point that it is a matter for a H&SSB, presumably guided by CSA, and not the NIO, to initiate care proceedings in any case. I accept that the circumstances of removal of a young person, who is under threat from paramilitaries, may not totally fall within the terms of section 93 of the Act, but what remains fundamental is the welfare of the child.

Training schools are merely the recipients of young people who have been before the courts and who arrive with an order authorising their detention. If CSA and the courts feel the use of Place of Safety Orders and Training School Orders for young people under threat from paramilitaries are inappropriate surely it is a matter for the juvenile court to come to other arrangements.

The only other option open to Social Services seems to be that of voluntary care under Section 103. There may, however, be problems in the use of this provision. Often young people who are under threat have drawn attention to themselves by their anti-social behaviour and in terms of control and other children's establishments may have difficulty in dealing with them. The other consideration is that when a young person is placed in a training school there is no financial cost to a H&SSB. Other agencies such as Families Against Intimidation, Corrymeela etc have provided voluntary accommodation so, for some, the more informal approach does work.

Before replying to NIO I would welcome the opportunity to discuss these issues with you.



C W DONNELL

W.D. W327/87

**NORTHERN IRELAND CENTRAL SERVICES AGENCY
FOR THE HEALTH AND SOCIAL SERVICES**

PLEASE ADDRESS REPLY TO:
G. D. H. BRANGAM
CHIEF LEGAL ADVISER

25 Adelaide Street,
Belfast BT2 8FH.
TEL No. (0232) 324431
FAX No. (0232) 232304

DATE. 11 October 1991

YOUR REF.

OUR REF.

Mr Alex Ireland *Mr Moseley*
Principal Officer
Northern Ireland Office
Probation and Juvenile Branch
Royston House
34 Upper Queen Street
BELFAST 2

NORTHERN IRELAND OFFICE
PROBATION AND JUVENILES BRANCH
14 OCT 1991

Dear Mr Ireland

PLACE OF SAFETY ORDERS

I spoke with a member of your staff by telephone on the 8th instant. I would seek your assistance but if you are unable to help perhaps you would be kind enough to pass this correspondence to the appropriate department.

I act on behalf of the four Directors of Social Services in Northern Ireland. I write to you in the hope that some guidance can be given by the Northern Ireland Office in relation to the removal of young persons to places of safety as a result of threats or intimidation from certain groups of persons. I myself as presenting Solicitor before the Belfast Juvenile Court have encountered two such instances. I think that a further problem "arose in Londonderry Juvenile Court".

I am concerned obviously from the point of view of the legality of such application. Obviously where an Application for a Place of Safety Order is made pursuant to Section 99 of the Children and Young Persons Act (NI) 1968, the child or young person must be brought before the appropriate Juvenile Court within the period of five weeks from the date of granting of such a Place of Safety Order. If the young person is brought before the Juvenile Court pursuant to Section 94 of the legislation then such Application is founded upon the terms of Section 93 of the Act 1968 that the child or young person is in need of care and protection. Looking specifically at the provisions of Section 93 it does appear that apart from the various conditions set forth it is also necessary to prove "and he is not receiving such care, protection and guidance as a good parent may reasonably be expected to give". Looking therefore at the second limb of the definition of a child or young person being in need of care and protection and also taking into consideration Section 48 of the Children and Young Persons Act (NI) 1968 which sets out the general welfare considerations, nevertheless, I am still inclined to the view that the removal of a young person to a Place of Safety and any subsequent Application flowing therefrom must contain an element, a very important element, as to parental control, protection or guidance. I do not see how the intervention or threat thereof by a paramilitary organisation can come within the meaning of the legislation although I have to say that at the Belfast Juvenile Court of the 8th instant, two Training School Orders were granted for the very reason that two brothers had received threats for what was termed anti-social behaviour.

/Mr

PROBATION AND JUVENILES BRANCH

NORTHERN IRELAND OFFICE
100 Queen Street, Belfast BT1 1PD
Telephone 0181 274411 Fax 0181 274412

The Chief Justice
Northern Ireland Department
Department of Health & Social Services
Belfast
BT1 1PS

Dear Sir

21 October 1991

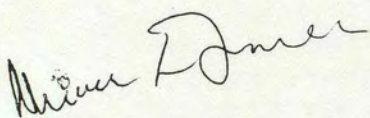
21 October 1991

Dear Sir

PLACE OF SAFETY WORKS

Mr James Tweed RM, Chairman of the Juvenile Court Panel, convened a meeting of various representatives, including myself, to consider the ramifications of social workers placing young people in either Rathgael Centre or St Patrick's Training School following receipt of threats. There is a growing concern within the Juvenile Court system as to possible "abuse" with the powers of social workers being exercised and subsequent Applications being brought because of the paramilitary threat. I would be grateful if you could give me an indication as to the attitude of the Northern Ireland Office in relation to such Applications and, whilst I appreciate that this is a problem of grave concern which obviously will have to be the subject of deliberations, perhaps you could assist me as soon as ever possible as obviously this is a problem which is beginning to assume certain urgency. I understand that certain statutory agencies have offered accommodation to young people on a voluntary basis in order to tide them over any difficulties.

Yours sincerely



for Chief Legal Adviser

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PROBATION AND JUVENILES BRANCH

NORTHERN IRELAND OFFICE
Royston House, 34 Upper Queen Street, Belfast BT1 6FD

Telephone (0232) 249944 Fax (0232) 323187

Mr Wesley Donnell
Social Services Inspectorate
Department of Health & Social Services
Dundonald House
Dundonald
BELFAST

Your Ref

Our Ref W327/87

21 October 1991

Dear *Wesley*

PLACE OF SAFETY ORDERS

I enclose a copy of a letter from Mr Brangam, Chief Legal Adviser to the Northern Ireland Central Services Agency for the Health and Social Services.

I should be grateful for any advice which you could give us on this matter.

Yours sincerely

P. Geoghegan

P GEOGHEGAN (MRS)
Probation & Juveniles Branch

W327/87

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Yours sincerely

Michael Donnell

for Chief Legal Adviser

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