

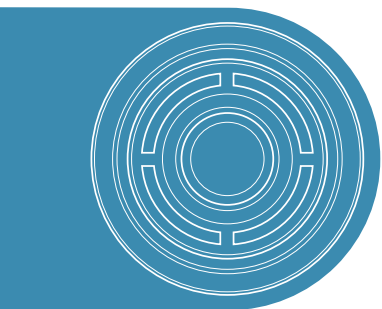


# MONITORING OF PROGRESS ON IMPLEMENTATION OF THE YOUTH JUSTICE REVIEW RECOMMENDATIONS

December 2013

Criminal Justice Inspection  
Northern Ireland  
*a better justice system for all*





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Laid before the Northern Ireland Assembly under Section 49(2) of the Justice (Northern Ireland) Act 2002 (as amended by paragraph 7(2) of Schedule 13 to The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010) by the Department of Justice.

December 2013





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## List of abbreviations

<b>CJI</b>	Criminal Justice Inspection Northern Ireland
<b>DHSSPS</b>	Department of Health, Social Services and Public Safety
<b>DoJ</b>	Department of Justice
<b>DSC</b>	Delivering Social Change
<b>JJC</b>	Woodlands Juvenile Justice Centre
<b>NICTS</b>	Northern Ireland Courts and Tribunals Service
<b>NIPS</b>	Northern Ireland Prison Service
<b>OFMDFM</b>	Office of the First Minister and Deputy First Minister
<b>PACE</b>	Police and Criminal Evidence Order 1989
<b>PBNI</b>	Probation Board for Northern Ireland
<b>PPS</b>	Public Prosecution Service for Northern Ireland
<b>PSNI</b>	Police Service of Northern Ireland
<b>YJA</b>	Youth Justice Agency
<b>YJR</b>	Youth Justice Review



# Chief Inspector's Foreword

This is the first of two reports which I have undertaken to produce on the progress being made in response to recommendations from within the Youth Justice Review (YJR) in 2011. Youth justice has come a long way since the Criminal Justice Review of 2000 and there is now a greater understanding of the negative influences that can lead to youth offending and the absolute need for a cross-Governmental response to deal with the underlying causes of crime.

I welcome the current initiative from the Office of the First Minister and Deputy First Minister (OFMDFM) in creating the Delivering Social Change (DSC) programme. The programme is targeting the most relevant areas of health, education, social development, employment and criminal justice, and represents the best opportunity to deliver the transformational change that is required. However, it is a generational project and unlikely to deliver any appreciable change in the short-term.

Consequently there is an even greater onus on the Department of Justice (DoJ) to ensure that both the spirit and letter of the YJR recommendations are not lost in this process. This will be challenging as responsibility for the various recommendations is split across a range of individuals and organisations.

Inspectors were concerned that the recommendation to introduce challenging statutory time limits envisaged in the YJR may be diluted by the constraints of utilising existing legislation. The forthcoming consultation process, before the implementation of statutory time limits in the Youth Court, will be an opportunity to further explore the appropriate end-to-end timeframe as well as setting the actual target.

It is important that the fundamental principles lobbied for in the Hillsborough Castle Agreement and espoused in the YJR are not weakened as a result of what appears to be an overly complex set of structures, some of which are outside of the control and influence of the DoJ.



However, there are many recommendations whose delivery rests with the DoJ and the criminal justice agencies. It is critical therefore that the governance and accountability of these recommendations is strengthened if they are to be achieved within the planned timeframe.

I believe that the complete delivery of these recommendations will require ambition, commitment, innovation and creativity, and while some of these have been observed much more is required in the next 12-18 months. Criminal Justice Inspection Northern Ireland (CJI) is aware that there have been a further number of delivery activities since the initial findings from this review were presented, but these will be assessed in the 2014 report.

This review was conducted by David MacAnulty and Rachel Lindsay. My sincere thanks to all those who participated.

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**Brendan McGuigan**  
**Chief Inspector of Criminal Justice**  
**in Northern Ireland**

December 2013



# Executive Summary

The Youth Justice Review report made 31 recommendations for changes to the youth justice system. Just 19% of the sub-recommendations had been achieved by September 2013. A total of 69% showed either substantial or limited progress while 12% had no progress. There is a need for greater commitment, ambition and creativity over the next year to achieve the objectives set by the Minister.

## Scope of the Review

The YJR report emphasised the need to take a critical look at the approach taken to address youth offending and identify what further refinements and improvements were required. To that end, and to achieve the aims of the Hillsborough Castle Agreement, the remit of the Review Team covered the entire spectrum of the youth justice system from prevention to intervention, processes to strategy, whilst paying particular regard to the statutory aims of the youth justice system itself. Specific areas included:

- observing international obligations;
- the effective use of available resources;
- improving the responsiveness and effectiveness of the system and its inter-connectedness to other systems;

- preventing and reducing offending and re-offending;
- improving outcomes for young people, re-integration of offenders, acknowledging victims and the wider community; and
- protecting the rights of everyone involved.

The Minister of Justice accepted the overwhelming majority of the YJR recommendations both at the Committee for Justice in June 2012 and in the address to the Assembly in October 2012. The DoJ and criminal justice agencies subsequently set out an Implementation Plan outlining how they intended to address the recommendations. The Minister of Justice requested that the Chief Inspector of Criminal Justice in Northern Ireland conduct a review to assess progress against the accepted recommendations. It was agreed that an initial interim report would be undertaken in 2013 with a second final report in 2014. This is the first of those two reports.



## Measuring achievement

From the outset, it was apparent that a number of recommendations made by the YJR Team did not easily lend themselves to the normal monitoring processes, given the difficulties in establishing the level of progress. For example, there were real difficulties in evidencing progress where the start date or baseline statistics against which improvement would be measured, were not adequately defined. Other recommendations were more tangible and were evidenced relatively easily. The DoJ was tasked with ensuring that 90% of all agreed recommendations are implemented as per the Programme for Government commitment for 2013-14.<sup>1</sup> In this report those recommendations not accepted by the Minister have been indicated along with the rationale for that decision, where provided.

Inspectors found varying degrees of progress on the various recommendations. Out of the original 45 sub-recommendations, 8.5 (19%) have been achieved and 5.5 (12%) showed no progress. The remaining 31 (69%) of sub-recommendations had either substantial (14, 31%) or limited (17, 38%) progress. Inspectors are concerned that 21.5 (50%) of sub-recommendations assessed showed only limited progress or no progress being made to date.

What was not apparent or easily monitored was the impact and outcome of the implementation of these recommendations. This was in part due to the relatively short period of time from the introduction of the Implementation Plan to the YJR report, with limited time for any resultant actions to take effect. Of particular interest to Inspectors were actions that potentially hit their numeric targets but failed to address the underlying aims of the recommendations.

## Delivering Social Change (DSC)

A number of the YJR recommendations have been incorporated within the DSC programme of the OFMDFM.

The aim of the DSC programme was ambitious; a single programme board with cross-departmental representation to deliver a sustained reduction in poverty and associated issues across all ages, and in particular to secure an improvement in children and young people's health, well being and life opportunities, thereby breaking the long-term cycle of multi-generational problems.

The wide remit of the DSC programme was seen as a risk by Inspectors to delivering the specific outcomes of certain YJR recommendations (i.e. 1-3). The ability of the DSC programme to bring the specific elements of the YJR initiatives was raised by a number of non-Government organisations, arms length bodies and members of the criminal justice agencies who asked for greater clarification around how the DSC programme would fit with the criminal justice system's approach to dealing with young people.

Inspectors acknowledge that the ongoing commitment by the Ministerial Sub-Committee to reinforce the aims of DSC and its role in providing oversight is positive. However, maintaining the required level of cross-departmental support may prove more difficult in the context of continued public expenditure cuts. Inspectors engaged with the OFMDFM to clarify the issues raised by the DSC programme and agreed that a comprehensive report on the OFMDFM/DSC strategy and consequent actions, will be provided in the final inspection oversight in 2014.

The Children and Young People's Strategic Partnership was the YJR's preferred lead for the delivery of a strategy to prevent and deal with offending by children and young people. Its multi-agency representation, at local and regional level, provided a unique opportunity for integrated delivery. In addition, the Strategic Partnership had agreed a formal link with the DSC to assist in sharing information around areas of mutual interest and ensure a consistent approach between the two processes. CJI saw this as a positive step in developing a shared approach to the aims of the DSC programme and the YJR report.

<sup>1</sup> Programme for Government 2011-15



## Criminal justice agencies

In broad terms the response of the Police Service of Northern Ireland (PSNI) to the YJR reforms was viewed as positive by many stakeholders. The caveat to this was a concern that it was driven by specific individuals rather than a service-wide commitment. There was also a concern about an inconsistent approach to young people across the different policing Districts in Northern Ireland (for example, different use of discretion; admissions to the Juvenile Justice Centre (JJC)). The introduction of the PSNI Gatekeepers<sup>2</sup> process is one example of a counter-balance in that it seeks to apply a service-wide approach to how the Service deals with young people.

Areas of improvement for the PSNI included the need to develop its training programmes to include dealing with young people. This was particularly important for Officers who are in regular contact with young people. There is also a need for the PSNI to demonstrate a greater commitment to the newly resurrected Youth Independent Advisory Groups. Inspectors initial impressions of the PSNI commitment to this programme could be described as inconsistent and disjointed. The participation and leadership shown by the PSNI in the new Youth Engagement Clinics received positive feedback from stakeholders in this review.

Inspectors found the Youth Justice Agency (YJA) proactive in dealing with the recommendations of the YJR specific to them and in making changes to their policy, strategies and operations in response to the issues faced by young people within the criminal justice system. The bigger challenge for them was influencing at the strategic and multi-departmental level to ensure the needs of young people were being met. Encouraging other agencies and departments to prioritise the aims of the YJR in their various programmes was also an issue.

The response of the wider justice system to strategic recommendations was mixed with broad support for reducing avoidable delay, especially in the Youth Courts. The commitment of the Minister to introduce statutory time limits in the current Assembly term is welcome, though the specifics in terms of scope, end-to-end timeframe and actual target will need to be finalised after a consultation process. The call to raise the minimum age of criminal responsibility, although well publicised, will involve significant political debate and lack of evidence from public consultation raised doubts about there being sufficient momentum to bring about this change.

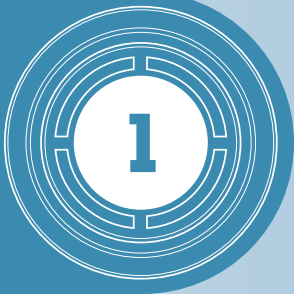
Whilst raising some of the specific obstacles to the delivery of the YJR reforms, the overarching challenge is best stated by quoting the views of the YJR Team who stated, *'The absence of effective prioritisation of children and young people and leadership at the top is a serious issue. This needs to be addressed if the reforms we are suggesting are to have a chance of improving the lives of the children and victims involved in the criminal justice system and protecting the communities in which they live.'*<sup>3</sup>

<sup>2</sup> Under the Gatekeeper scheme operational Officers telephone a central Inspector who offers advice and guidance as to the most appropriate case disposal. This scheme was developed to raise awareness, not only of discretion, but alternative disposals more generally with a further safeguard provided by the PPS in overseeing all decisions.

<sup>3</sup> YJR 4.3 p.95.



# Inspection Report



# Introduction

## The overall context

The Hillsborough Castle Agreement of 5 February 2010 paved the way for the devolution of policing and justice powers in Northern Ireland. The Agreement set out its key priorities for justice under a local Minister and how these might be achieved. The subsequent devolution of criminal justice provided a unique opportunity to review the youth justice system in Northern Ireland. *'The Review of the Youth Justice System'* was therefore launched on 1 November 2010 by the Minister of Justice, David Ford MLA, with a report published on 26 September 2011. This review was one of a series of reviews commissioned by the DoJ including prisons, criminal records, bail, access to justice and community safety.

Given the complexity of the myriad of issues surrounding youth justice, the report focused on those areas which would make the greatest difference to the lives of children, victims and communities. The introduction to the YJR terms of reference states that: *'Northern Ireland has seen much change for the better over the (past 10) years, following the Criminal Justice Review, and there is much to be proud of in what has been achieved. However, in the complex area of youth crime, challenges remain and there is scope for further improvement.'*

The terms of reference sought to cover:

- existing processes, partnerships, interventions, structures and strategic linkages;
- legislation relating to the various statutory interventions;
- the balance of emphasis between prevention, effective intervention and re-integration;
- the associated systemic and cross-cutting issues;
- good practice within Northern Ireland and beyond; and
- information sharing and management arrangements between agencies.

The consultation process involved a wide range of stakeholders including children and young people and members of the communities where they lived. The report focused on:

- areas of strengths;
- policing/early intervention/diversion and prosecution;
- bail/remand/custody;
- youth court;
- conferencing/re-integration and rehabilitation;
- delay;
- children's rights/special groups and international standards; and
- strategic and practical arrangements for delivery.

The YJR report contained 31 recommendations for changes to the youth justice system and wider arrangements for children in Northern Ireland. These contained further sub-sections/recommendations and a more detailed breakdown of the 'headline' recommendations. They also required cross-cutting/inter-departmental implementation. In total there were therefore 48 sub-recommendations.

The YJR report had been the subject of full public consultation, which formed the Minister of Justice's response to the recommendations contained within the report. The Minister made an announcement to the Northern Ireland Assembly in October 2012 regarding the way forward for the YJR which included the Implementation Plan. The Plan sets out the recommendations accepted; the work undertaken to date; and the DoJ's plans for implementation and milestones against which to measure progress.

Since then, the DoJ had taken the lead in ensuring implementation of the YJR recommendations through the published Implementation Plan. A Programme Board was established by the DoJ to oversee the delivery of the Plan. Simultaneously a Reducing Offending Framework programme was established with its own Programme Board.

There were a number of personnel in common and it was felt prudent to have only one Board to avoid duplication of efforts. The YJR formed part of the overall Reducing Offending Framework strategy, and it was considered expedient that the YJR Board should be subsumed within the overall Reducing Offending Programme Board. The YJR is a standing item on the agenda for each meeting.

The Board contained members of the main lead criminal justice agencies including the PSNI, the Public Prosecution Service for Northern Ireland (PPS), the YJA, the Probation Board for Northern Ireland (PBNI), the Northern Ireland Courts and Tribunals Service (NICTS) and the Northern Ireland Prison Service (NIPS), as well as the DoJ. A cross-departmental representative working across the DoJ and the Department of Health, Social Services and Public Safety (DHSSPS) was responsible for co-ordinating and updating the DoJ on progress relating to the particular implementation of recommendations the DHSSPS was involved with: notably Recommendations 8, 9, 19 and 22 of the YJR.

The Implementation Plan was devised with a view to gauging the progress of each and every recommendation. The Plan provided milestones against which to measure progress of implementation. The YJR Stakeholder's Forum offered an opportunity for quarterly feedback from various agencies and groups with interface contact. This also provided an opportunity for impact assessments to be developed and monitored over a period of time. It was the responsibility of the DoJ to ensure that such impact assessment is recorded and shared with the relevant lead agencies and the Reducing Offending Programme Board.

### The CJJ inspection

It was the Minister's intention that progress on implementing the YJR would be monitored in a transparent manner. CJJ was therefore invited by the Minister to provide independent oversight of the YJR and formally report progress in 2013 and 2014. CJJ's aims were to:

- assess progress in implementing the report recommendations by the relevant justice agencies;
- report on the current level of achievement for each recommendation;
- report on the reasons for those recommendations not yet achieved and the progress made;
- report on any recommendations that have not been achieved and potentially are not achievable and the reasons for this; and

- assess the impact on the criminal justice system of recommendations being progressed by external organisations.

In the context of the YJR and the relatively recent publication of the Implementation Plan, it was considered that a number of recommendations would not be implemented. For example, the raising of the statutory age for prosecution has not been met with any political consensus and without such a platform to begin, implementation will not be possible. In undertaking this work, CJI aimed to identify such recommendations and seek reasons from the relevant lead agency as to the issues surrounding implementation.

Most detailed consideration was given in this review to the impact of those recommendations that had been implemented. Where possible in the timeframe given, Inspectors have attempted to measure whether the intention of the recommendations in the YJR report have been achieved. Inspectors have used the YJR as the source material and point of reference on which to measure the implementation of the recommendations. The focus of the YJR report was on issues deemed to make the greatest difference to the lives of children, victims and communities. It was from this perspective that the impact was assessed. Whilst acknowledging that monitoring the impact of the Implementation Plan at this point may not provide a full analysis of implementation value, CJI agreed that an early assessment would provide value.

CJI does not have statutory power to inspect outside the criminal justice system. Therefore where recommendations are overseen by external organisations, such as other Northern Ireland Executive Departments, Inspectors have examined, where possible, the impact of those recommendations within the justice system and to its stakeholders. Unless otherwise indicated, the target date the Minister has set for implementation of 90% of the YJR recommendations is March 2014. This also coincides with the final update inspection agreed by CJI with the Minister. Ongoing assessment will be required for all recommendations assessed as 'no progress' to ensure the aims of the YJR are met by March 2014.

In the next chapter of this report the update provided in June 2013 for each action in the DoJ Implementation Plan is included at the start of each recommendation with the Inspector's assessment as to progress and evidence to support this. Where the update provided is lengthy, Inspectors have attempted to summarise the activities.<sup>4</sup> For brevity, it is not possible to replicate the detail contained in the YJR in this report, but the YJR itself can be read on the DoJ website.<sup>5</sup> It is also noted that the PSNI were engaged heavily with the G8 summit and other events throughout the Summer of 2013 and accordingly full updates were not available over this time period. The DoJ will provide further updates for the final report on implementation for 2014.

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<sup>4</sup> A full response is available on the DoJ website at <http://www.dojni.gov.uk/youth-justice-review-implementation-plan>.

<sup>5</sup> See <http://www.dojni.gov.uk/youth-justice-review>.



# Progress on recommendations

## Key theme: Early intervention

### Recommendation 1

*As part of a revised and reinvigorated children's strategy, the Northern Ireland Executive should develop an early intervention and prevention strategy, to be delivered locally through the Children and Young People's Strategic Partnership. The strategy should include a set of achievable outcomes and be accompanied by guidance on how agencies and the voluntary sector should work in partnership to deliver it, based on best practice.*

**Commenced with limited progress**

- *by supporting families; and*
- *childcare signature programmes.*

*Junior Ministers have announced the establishment of a European Centre for DSC.*

### Inspectors' assessment

The DoJ advocated the DSC framework as the mechanism for delivering Recommendations 1-3. The six signature programmes were announced in October 2012 (see Appendix 3) under the DSC framework to tackle literacy and numeracy levels, family support and pathways to employment for young people. The programmes involved various Executive Departments with delivery through DSC governance structures co-ordinated by the OFMDFM.

### DoJ/agency response - June 2013

*Accepted in principle. Early Intervention is a clear theme of the DSC framework and cross-departmental discussions are ongoing to promote this work further. The DSC Children and Young People's Early Action Document gives a clear statement of intent: 'Early years and early intervention programmes are a priority for the Executive. We will support specific services that deliver this, prioritising in terms of potential impact for the resources available.' The Executive has established a DSC Fund to drive forward this work. £26 million has been set aside for a first wave of six signature programmes, with more to follow. In total £118 million had been identified for the DSC fund up to March 2016 to cover three broad areas:*

- *through social investment (includes the Signature Programmes);*

The Minister of Justice in his 'Justice for everyone' address in February 2013 made a significant speech to mark 1,000 days since the devolution of justice to the Northern Ireland Assembly. It was noteworthy the Minister raised his ongoing concern that previous attempts to 'join up' Government and departments have not been successful.<sup>6</sup> The DSC was developed as an attempt to deliver cross-departmental working in an area where traditionally there was a tendency to work in silos. Whilst none of the signature programmes were directly related to criminal justice, it was anticipated that they would have benefits in terms of early intervention and prevention of offending by young people.

<sup>6</sup> [http://www.dojni.gov.uk/index/media-centre/justice-for-everyone--minister\\_s-speech.pdf](http://www.dojni.gov.uk/index/media-centre/justice-for-everyone--minister_s-speech.pdf).



The YJR identified the Children and Youth People's Strategic Partnership (a cross-agency/department partnership to deliver children's services planning) as a key vehicle for addressing early interventions. The development of the Strategic Partnership has been previously discussed by CJI in the 2012 inspection report 'Early Youth Interventions'.<sup>7</sup> Inspectors agree that the Strategic Partnership was the ideal vehicle to deliver the cross-departmental strategic direction as set out by DSC or a central Executive strategy for early interventions. However at the time of fieldwork for this report, discussions were ongoing between the DoJ, the Strategic Partnership and the various departments involved in DSC, as to the role and responsibility of the Partnership. The Children and Young People's Strategic Partnership is discussed in greater depth at Recommendation 24.

Considering the early stage at which DSC was operating and the lack of clarity around the relationship between DSC and the Strategic Partnership, it was difficult for Inspectors to make a thorough assessment of progress towards the recommendation. The DoJ accepted Inspectors' concerns that, considering a recommendation complete if the goal has been achieved through other means (i.e. the DSC framework), was problematic. On the one hand, Inspectors are in favour of avoiding duplication of effort and addressing issues through cross-departmental working, but there is a danger that the issues addressed by the YJR may not be addressed fully, if they are incorporated into a much larger piece of work. Inspectors considered it was too early at this stage to assess any detailed guidance or outcome expectations arising from DSC and their impact on criminal justice. A fuller report and analysis of DSC will be undertaken in the 2014 CJI review.

## Recommendation 2

*The Northern Ireland Executive should determine how best to secure funding to invest in early intervention and prevention.*

**Commenced with limited progress**

### DoJ/agency response - June 2013

*Accepted in principle. See response for Recommendation 1 above.*

### Inspectors' assessment

As with recommendation 1, this issue had been subsumed into the DSC framework. Major elements of the DSC programmes already being delivered by the key departments and their agents were outlined in the Programme for Government commitments on the United Nations Convention on the Rights of the Child Articles and Key Performance Measures<sup>8</sup>. Funding was allocated to the six signature programmes and, whilst none of these directly referred to early intervention and prevention, it was anticipated that these projects, for example those relating to family support hubs and positive parenting programmes, would have benefits in this area.

As discussed previously, the outcomes and impact of all such programmes and initiatives, particularly on whether they will meet the requirements of the YJR, will require longer-term analysis.

<sup>7</sup> See report available on CJI website <http://www.cjini.org/TheInspections/Inspection-Reports/Latest-Publications.aspx?did=775>.

<sup>8</sup> DSC Early Action Document, Appendix 1, OFMDFM <http://www.ofmdfmi.gov.uk/delivering-social-change-children-and-young-persons-early-action-paper.pdf>.

### Recommendation 3

*To support this shift in resource allocation and investment we recommend that the Northern Ireland Executive sets up an Early Intervention Unit.*

**No progress**

#### DoJ/agency response - June 2013

*Accepted in principle. See response for Recommendation 1 above.*

#### Inspectors' assessment

The DoJ confirmed to Inspectors that they were not intending to develop an Early Intervention Unit. The principle behind this recommendation was left to be fulfilled by the DSC framework; the DoJ rationale being that the creation of another group or unit, adding a further layer of bureaucracy, was unnecessary. The DSC framework was set up to deliver on early intervention on a cross-departmental basis with each department investing funds into early intervention.

The aims of this recommendation were to:

- ensure a co-ordinated policy across departments;
- remove barriers to funding;
- disseminate good practice and co-ordinate research into 0-13 year olds;
- oversee standards; and
- explore further funding options.

None of these issues had been directly targeted by the six signature programmes, although the DoJ suggested that the DSC framework will address the fundamental issues as outlined above. It was difficult however for Inspectors to see how this area was being directly implemented through DSC.

Inspectors believe that there is a risk that the DSC framework will be unable to deliver the required outcomes for Recommendations 1-3, as the DoJ hope for, without the necessary 'levers of power'. An ongoing commitment and oversight by the

Ministerial Sub-Committee, which ultimately provides oversight on all cross-departmental issues relating to children and young people, to reinforce the aims of DSC, was seen as vital to ensure continued cross-departmental support and ultimately the success of the DSC framework long-term. This is an area which will be reviewed in more depth in the 2014 CJi report.

### Key theme: Policing

#### Recommendation 4 (α)

*Police should build on the progress made since the Patten report by:*  
*a) raising the priority of children and young people in their planning processes at strategic and local levels;*

**Commenced with substantial progress**

#### DoJ/agency response - June 2013

*Accepted. The PSNI are addressing the need to raise the priority of children and young people in their planning processes at strategic and local level by the introduction of the 'Youth Champions Forum'.*

#### Inspectors' assessment

The PSNI had identified the Youth Champions Forum as the key mechanism for engagement with young people which has been running for the last five to six years. At the time of the fieldwork for this review it was being attended by the Assistant Chief Constable and Chief Superintendent of the PSNI Service Improvement Department, along with representatives of children's organisations. The children's organisations set the agenda with some strategic issues and also practical/tactical issues. For example, concerns raised about the releasing of images of young people involved in offending had led to a protocol being developed so that images were subsequently used as a last resort. The Forum members were also involved in developing a leaflet explaining the process of stop and search to young people.



The Policing with the Community strategy included the diversion of young people away from the criminal justice system as a strategic priority for the PSNI. Inspectors found some positive feedback from representatives of children's groups regarding the encouraging changes and increasing contact between the PSNI and young people. Inspectors were also advised of a District Service Delivery Superintendents Group in which issues affecting young people were a standing agenda item which fed directly into District priorities.

Broadly positive comments were received for the ongoing commitment shown by the PSNI towards raising the priority of children and young people. The only caveat to this was that there were some remaining concerns that the positive impact in this area was in part due to the involvement of individuals and District approaches, as opposed to an overarching strategic approach. It was felt that the latter would ensure longevity of raising the priority of children and young people in their planning processes at strategic and local levels. The various agencies consulted confirmed that improvements had been made and were being made at the time of this review. In this regard the recommendation could be considered as complete. However, greater emphasis at a strategic level by the PSNI would ensure longevity of this process and ensure the recommendation is fully achieved.

#### Recommendation 4 (b)

***b) modelling best practice in interacting with young people to increase trust and minimise offending;***

**Commenced with limited progress**

#### DoJ/agency response - June 2013

*Accepted. The PSNI are modelling best practice in interacting with young people to increase trust and minimise offending by having a consultation and engagement process, including establishing the Youth Independent Advisory Groups. Direct Award Contract now approved for external service provider to support*

*delivery of youth engagement programme and Youth Independent Advisory Groups at Districts.*

#### Inspectors' assessment

The PSNI explained that a previous pilot of the Youth Independent Advisory Groups was conducted with four groups established. Inspectors noted however that the South Down Youth Independent Advisory Groups had subsequently been disbanded, with the groups in North Down and Foyle being the only ones still in operation. The PSNI indicated that there were informal relationships with young person groups not formally identified as a Youth Independent Advisory Group, which served as an example of the ongoing interaction with the PSNI and young people. In the CJI PSNI customer service inspection<sup>9</sup>, the PSNI had been made aware that the Group in C District (which covers North Down and the Ards peninsula) was disappointed with the police engagement with them.

In February 2013, the PSNI awarded a contract to 'Public Achievement' - a youth focused education organisation, to support and train Officers specifically on engagement with young people. The contract process had been delayed when there was only one applicant. Further delays to beginning this training were caused due to police commitments to the G8 summit and other disturbances throughout the Summer of 2013. An Inspector within the police's Community Safety department was driving forward this training programme from September 2013. A 'Train the Trainers' package (see Recommendation 4c below) had also been developed to ensure that issues regarding children and young people were mainstreamed into all training programmes delivered across the PSNI.

Inspectors were concerned that the approach to the Independent Advisory Groups within the PSNI had been sporadic and disjointed. Without any formalised approach to modelling best practice, this recommendation could not be considered complete. Success in implementing the recommendation will be based on the future success of Youth Independent Advisory Groups and the ongoing work of the external service provider.

<sup>9</sup> CJI: Police Service of Northern Ireland Customer Service Report May 2011.

### Recommendation 4 (c)

*c) developing an appropriate skills package for all Officers on engaging with children and young people;*

**Commenced with limited progress**

#### DoJ/agency response - June 2013

*Accepted. The PSNI have developed a model of training which provides Officers with the necessary skills base in which to interact with children and young people. This course was run three times for trainers during November and will be run three times more in February/March. Feedback suggested that it has contributed to the design and delivery (across Districts) of a Child Protection training package and a new package in public order, among other courses.*

#### Inspectors' assessment

The PSNI had approached this recommendation and the previous recommendation (Recommendation 4b) as one combined piece of work. As of September 2013, resource issues had been rectified within the police and the PSNI were confident that both these recommendations would be addressed following work with the new external training provider. It was anticipated that the programme would be finalised over the next 6-12 months with overall delivery, and implementation of these recommendations, within two years. Inspectors hope to see significant advances when completing the 2014 CJl report.

Some training had commenced in relation to children's rights from a human rights perspective, however this was described to Inspectors as ongoing. This training was aimed at PSNI district trainers to help them identify how they could feed human/children's rights issues into all aspects of training. A re-evaluation of this area was taking place in September 2013, alongside a general re-focusing of the police response to training as recommended in the YJR.

The aim of this recommendation was to *develop an appropriate skills package for all Officers engaging with*

*children and young people.* Inspectors firmly believe that training those Officers who have contact with young people should be seen as a priority and be mandatory, as envisaged by the YJR. Inspectors found that this recommendation had not been appropriately targeted by the PSNI at the time of this review and hope to see further significant progress in the coming year.

### Recommendation 4 (d)

*d) removing legal obstacles to developing robust and locally-based complaints procedures to help young people raise concerns and using this as a learning tool, while maintaining the right of unimpeded access to the Police Ombudsman.*

**Commenced with limited progress**

#### DoJ/agency response - June 2013

*Accepted. The Minister is putting together a package of reforms, including revised local resolution procedures. The next step in the process is a targeted consultation with key partners including the PSNI, the Police Federation, police staff representatives and the political parties of the Assembly.*

#### Inspectors' assessment

The consultation process was ongoing and an Implementation Plan was in development at the time of fieldwork. Inspectors will consider this in the final report for 2014. Inspectors went on to consider the Police Ombudsman's practice of not routinely encouraging, facilitating, collating or reporting on complaints by young people under the age of 16 as reported by the YJR.<sup>10</sup> Inspectors heard concerns that young people were not aware of the Police Ombudsman, reluctant to lodge a complaint, or did not know how to. The Police Ombudsman had responded by completing an Action Plan for the years 2012-14 which acknowledged the difficulties the Office had faced in raising awareness and confidence amongst young people and that the previous 10-year programme strategy had made minimal impact.

<sup>10</sup> YJR 3.4.5 p.41.

Programmes in this Action Plan included social media communication, training programmes to raise awareness, and support for young people. Satisfaction surveys, a five-year research project and a survey of 16-17 years olds were intended to provide analysis of complaints received. The Police Ombudsman also planned to publish a policy on recording complaints from young persons under the age of 18 and explore training for staff in skills specifically for interaction with young people. An equality form had been designed for young people but this did not have any feedback/satisfaction section as was present in the similar form for adults. The Office of the Police Ombudsman contextualised the ongoing work being undertaken with the financial and resourcing pressures it faced.

Delivery on this recommendation was therefore envisaged to be long-term with the evidence and data on which to amend its policies and strategies yet to be sourced. In respect of local resolution, it was apparent to Inspectors that again this was long-term in nature. Accordingly Inspectors found that there had been limited progress in moving this recommendation forward but the aims of the YJR would be not be met in the short-term.

## Key theme: Diversion and prosecution

### Recommendation 5 (i)

*(i) To comply with the new principal aim of the youth justice system (see Recommendation 28 best interests of the child), the PPS should incorporate Article 3 of the United Nations Convention on the Rights of the Child into their Code of Practice forthwith.*

**Commenced with substantial progress**

### DoJ/agency response - June 2013

*Accepted. The reference to Article 3 of the United Nations Convention on the Rights of the Child has now*

*been inserted into the revised draft Code for Prosecutors and the process is now subject to PPS internal quality control before being signed off by the Director for publication over the course of the Summer.*

### Inspectors' assessment

Inspectors noted the passage of time from accepting this recommendation to implementation. This was explained by the PPS having some difficulties creating a form of words which matched the interests of various Section 75<sup>11</sup> groups. This recommendation was originally due to be completed by the end of Summer 2013. The position as of September 2013, was that the re-drafting of the Code for Prosecutors to include reference to Article 3 of the United Nations Convention on the Rights of the Child, was with the Director of the PPS pending approval.

### Recommendation 5 (ii)

*(ii) Further, all professionals working in the youth justice system, including defence solicitors, should receive appropriate training to reflect the new aim.*

**Commenced with limited progress**

### DoJ/agency response - June 2013

*Accepted. Discussions are continuing with a range of stakeholders to see how relevant training might be taken forward with the Judicial Studies Board, Law Society etc. However, until the new aim is confirmed in statute the determination of the content of any training and how it may be delivered cannot be finalised.*

### Inspectors' assessment

Inspectors noted the original target, to scope out how relevant training might be taken forward by March 2013, had been missed. The incorporation of Article 3 of the United Nations Rights of a Child<sup>12</sup> into legislation was the key delay in rolling out any potential training package by the DoJ. This

<sup>11</sup> For example those from minority ethnic groups, people with disabilities, older people.

<sup>12</sup> Article 3 (Best interests of the child): The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.

recommendation links with Recommendations 11 and 12 wherein *All judges, lay magistrates and lawyers working in the Youth Court should be specially trained and accredited to work within a new, single youth court jurisdiction*. In addressing all these recommendations, Inspectors have considered the area of training in the round.

Working in the youth court is a complex area which requires the development of distinct skills. The provision of specialist training in the field would go some way to address the immediate concerns raised in the YJR. In broad terms, solicitors expressed a willingness to participate in specialist training however, mandatory training and accreditation was not considered to be necessary by some solicitors spoken to. The Law Society did not respond formally to this recommendation during the fieldwork however, Continuing Professional Development was generally favoured anecdotally by lawyers.

Whilst taking a neutral stance on the training of defence solicitors, the PPS had indicated a willingness to partake in specific 'Youth' training but already had 'Youth Champions' and specific youth case workers. Training was provided on an ongoing basis as and when specific areas of interest arose regarding young people, with quarterly workshop meetings being held. Inspectors welcome the open approach of the PPS to this area.

Inspectors were disappointed by the slow progress of this recommendation with no co-ordinator identified. Given the professional willingness and positive feedback received, the implementation of this recommendation should not be delayed any further. The professional willingness to engage should be matched by the DoJ re-focusing on this recommendation.

## Recommendation 6 (α)

*The aims of the youth justice system should reflect the principle of proportionality and include a presumption that low level offending should be dealt with by parents (with support where necessary), school and communities or through a police disposal. This will require:*  
*a) the introduction of triage (or similar) at the point of arrest;*

**Commenced with substantial progress**

### DoJ/agency response - June 2013

*Accepted. A multi-agency Project Team developed proposals for the introduction of a Youth Engagement Clinic at the point the PPS makes a decision. This scheme is intended to reduce the number of youth cases entering the formal criminal justice system, through early engagement with the young person involved, ensuring that any decision they make in relation to acceptance or non-acceptance of a diversionary option... is a fully and properly informed decision which has been supported by legal advice. It was anticipated that this scheme will encourage a greater uptake of diversion. The pilot is currently being evaluated and the findings should be available over the Summer. This will inform the decision on whether Youth Engagement Clinics should be extended beyond the pilot region.*

### Inspectors' assessment

The YJR envisaged the introduction of the concept of triage at the point of arrest, as had been introduced in England and Wales. The YJR stated *'Taken from the medical model, triage involves the rapid assessment of a young person arrested for a minor offence for the first time by a multi-agency team. This assessment provides the police and the Crown Prosecution Service with better information on which to base their decision on how the young person should be dealt with. The intention is to divert the young person to, for example, family support or restorative interventions or, where the offending is serious or persistent, to fast track them to court.'*

The DoJ advised Inspectors that, rather than triage at the point of arrest, they had decided in Northern



Ireland to address this issue via the introduction of a Youth Engagement Clinic. The rationale for this was that data from Northern Ireland indicated proportionately lower numbers of children and young people arrested and charged, with police more likely to prepare a report (summons file) for the PPS in youth cases. It was assumed therefore that the concept of a triage approach at the police station, would therefore have limited benefits in this jurisdiction.

The DoJ advised however that the Youth Engagement Clinic concept was designed to achieve the same aims as that of triage. This was to provide the young person with greater support earlier in the process to help them to make a properly informed decision about the offer of a diversion. This in turn reduced delay and avoided cases being sent to court which could be dealt with by way of diversion. Ultimately it was hoped this would create capacity in the youth court and focus more effort on cases that were not suitable for diversion. Inspectors have therefore considered the Youth Engagement Clinic model as an alternative to that of triage for the reasons outlined above.

For cases referred to the Youth Engagement Clinic, timescales had been put in place for the processing of files; PSNI officers had 30 days to submit a streamlined file to the PPS who were required to direct on this file within 14 days. If the young person denied the offence with their solicitor present and wished to proceed to court, then it was intended that a summons would be served on them at the Youth Engagement Clinic to appear before the youth court a further 14 days later.

A project board had been established to oversee the Youth Engagement Clinic pilot. The pilot was to be rolled out in line with operational capacity with the original plan to pilot the Clinics in A and B PSNI Districts (covering Belfast). With B District having already rolled out the Youth Engagement Clinic pilot by December 2012, A District commenced the project in mid February 2013. The small number of cases referred to the Youth Engagement Clinic required the extension of the pilot period to ensure a meaningful

sample of cases was available for review by the project board. The Newtownabbey and Carrickfergus areas of D District were also included from March 2013, thus increasing the sample size of cases. The PSNI had completed an internal quality assurance process and found 80% compliance with the process for referrals. The pilot ended on 31 May 2013 although the Youth Engagement Clinic continued within the pilot areas during the evaluation process (see below).

The DoJ reported that communication between criminal justice agencies appeared to be working well, especially between the PSNI and the YJA. The DoJ reported that there had been initial difficulties between criminal justice agencies, social services and education workers and that action had been taken to address these, but that the Clinics had helped develop cross-departmental relationships. It was still believed however there was scope for improvements. Inspectors had some concerns in this area which should be addressed as a priority, as good communication is vital to ensure longevity and the multi-agency nature of the Youth Engagement Clinics.

Concerns were raised regarding the provision of independent legal advice provided to young people, given the low number of young people who were represented by a solicitor at the clinics. It was felt that this was important to ensure an 'equality of arms' and fully informed consent, to enter into the process of the Youth Engagement Clinics. A number of reasons were suggested to explain the lack of uptake in legal advice, such as access to legal aid issues, young people not wanting to receive independent advice or that members of the legal profession had not been fully informed about the Youth Engagement Clinics. Police confirmed however that a young person who had not made an admission must have a solicitor present, and that the Youth Engagement Clinic would be postponed until one had been made available. The DoJ indicated that at the very least, a young person would have an appropriate adult present. There are difficulties, given the backgrounds of the young people who are involved in offending, in ensuring that the adult attending is, in reality appropriate, if they are a member of their family.

An area for future consideration was the amount of cases which would have been diverted in any event regardless of the intervention of the Youth Engagement Clinic and whether the Clinic itself adds an additional layer of bureaucracy. However, given the low numbers, no meaningful analysis could be completed. A high percentage of Clinic cases resulted in alternative disposals (cautions/informed warnings), which left Inspectors concerned about the value that had been added to those cases as they would have likely resulted in alternative disposal regardless of the intervention of the Youth Engagement Clinic. The DoJ/agency response recognised the need to work together to reduce re-offending and that Youth Engagement was also about a holistic approach. The long-term assessment of the Clinic and its impact on speeding up justice will be considered in more detail in the CJJ report on tackling avoidable delay. Accordingly any findings from that report will be assimilated into the next of these reviews.

The evaluation of the Youth Engagement Clinics was completed in September 2013 and shared with stakeholders. The DoJ were made aware of the issues arising through this evaluation process. As of September 2013, the DoJ had commenced an exercise to consult on the evaluation recommendations intended to resolve these issues. Also contained within the evaluation was a recommendation to roll out the Clinics across Northern Ireland on a phased basis.

## Recommendation 6 (b)

*b) building on the successful practices of community-based restorative justice schemes;*

**Commenced with substantial progress**

### DoJ/agency response - June 2013

*Accepted. Grant-in-aid provided for community-based restorative justice work for the remaining three years of the CSR period (beginning 2012-2013), subject to continued satisfactory performance on project objectives. The funding will help secure key posts*

*supporting the building of strategic capacity in developing restorative practices and the development of a sustainable longer term funding strategy. Community-based restorative justice work is currently being delivered in A District through the Youth Engagement Pilot (see Recommendation 6a).*

### Inspectors' assessment

CJJ have previously reviewed the community-based restorative justice schemes run by both Northern Ireland Alternatives and Community Restorative Justice Ireland and reported positively on them.<sup>13</sup>

The DoJ were focusing on making the Schemes more joined up and self-sustaining. A funding strategy was being developed so Schemes could include a management cost in funding applications to cover for example, training, administration etc. The current DoJ approach was very much designed to consolidate rather than expand community-based restorative justice schemes. Funding pressures clearly had an impact in this area, but it was commendable that the DoJ were considering an approach to ensure the long-term survival of the current schemes.

Expansion (or '*building*') was provided via supporting capacity and providing training to local groups and community organisations. Other areas of interest were also being considered such as restorative practices in prisons and schools. Delivering services to victims were seen as an important and growth area. The DoJ was not focusing on geographical expansion stating that development had to come 'bottom-up' from communities.

Inspectors' assessment of impact revealed the DoJ did not currently have a sufficient level of data to assess outcomes in a rigorous manner. Reoffending measures were usually taken at 18-months post-disposal/release, which led to a time-lag in analysing reoffending rates. There had also been a reduction in referrals to Schemes, which may be partly explained by the involvement of police working with the Schemes and perhaps, a growing confidence within

<sup>13</sup> See for example CJJ follow-up reviews on Community Restorative Justice Ireland, 2011; Northern Ireland Alternatives, 2010, available online at [www.cjini.org](http://www.cjini.org).

the community to refer matters directly to the police. The Schemes had been asked to provide quarterly monitoring data since August 2012 with each Scheme having the same targets, although the Schemes themselves may not be comparable given their varying stages of development.

The Youth Engagement Clinic pilot was also utilised as a mechanism to address the area of referrals by police regarding minor issues (see Recommendation 6a). Objectives and outcomes were appropriately monitored.

Overall, this recommendation does not easily lend itself to short-term analysis and assessment and therefore this will be a longer term issue.

### Recommendation 6 (c & d)

**c) the extension of police discretion while ensuring adequate safeguards;  
d) greater use of police warnings and cautions for offences that would otherwise have been dealt with through more formal channels.**

**Commenced with substantial progress**

### DoJ/agency response - June 2013

*Accepted in principle. The introduction of Service Gatekeepers is designed to widen the uptake of diversion at the appropriate level, including the use of police discretion, and to ensure consistency of decision making in relation to all criminal justice disposals across Northern Ireland. Gatekeepers will work to ensure that cases are not sent for prosecution unnecessarily and that where a case is recommended for prosecution that the case is ready and prepared to a recognised quality standard with a view to reducing unnecessary delay. This scheme will cover all offence types by latest end of April 2014.*

*A youth engagement pilot based on the premise of speeding up justice and reducing delay through earlier identification and intervention was commenced in the East Belfast area on 1 October 2012 (see Rec 6(a) - Triage). As noted at 6(a) the geographic scope of the*

*pilot was subsequently extended and the end point moved to 31 May 2013 to ensure that a sufficient number of referrals could be made to support and effective evaluation. Evaluation findings should be available over the summer.*

### Inspectors' assessment

The YJR identified that dealing with minor offences should be outside of the court system where possible, and offending that causes the most harm and reducing delay can then become the focus of the courts. Concerns from children's groups and elements from within the PSNI, raised an issue of inconsistent approach to using discretion across PSNI Districts. Whilst there were guidelines available for officers, the application and interpretation of the guidelines were varied in their use. Inspectors heard concerns that there was insufficient knowledge amongst officers and/or a reluctance to use discretion. Inspectors were concerned that an inconsistent approach in the use of discretion may lead to inequalities. For the avoidance of doubt, the PSNI should clarify specifically the area of discretion and apply a uniform approach in coming to decisions. This would go some way to ensure the necessary safeguards as envisaged by the YJR. Discretionary disposals will be discussed in depth in a forthcoming CJJ inspection.

The PSNI had introduced a system known as the 'Service Gatekeeper Scheme' whereby operational officers would telephone a central Inspector who offers advice and guidance as to the most appropriate case disposal. This scheme was developed to raise awareness, not only of discretion, but alternative disposals more generally, with a further safeguard provided by the PPS in overseeing all decisions. The Gatekeeper scheme appeared to be operating well, with the standards of information, files and evidence provided to the PPS reported to be improving by prosecutors. However there were some concerns raised by some officers that there was a variance in the use of Gatekeepers across the PSNI.

The pilot of Youth Engagement Clinics also had a role in fulfilling this recommendation. Discretion was intended to be used on an informal basis with local

resolution between officers, families and local communities not through a formal system that is contained within the Youth Engagement Clinic process. The Clinic may refer young people to avail of discretion however in order to do so, this process will still involve the young person entering further into the formal justice system.

### Recommendation 7 (a & b)

*To improve efficiency and reduce delay, we also recommend:*

- a) examining the high proportion of 'no prosecution' cases with a view to removing them from the formal system at an earlier stage;*
- b) monitoring the impact of the PPS initiative to process diversionary disposals more speedily;*

**Achieved**

### DoJ/agency response - June 2013

*Accepted. The PSNI and the PPS have undertaken a review of 'no prosecution' cases and they are keeping the issue under review. This review was to establish the cause of 'no prosecution' cases and to establish levels of consistency between the PSNI recommendations and the PPS decisions with a view to informing decision making and identify any appropriate actions to reduce/remove no prosecution cases from the system at a much earlier stage. It was completed in June 2013. From March 2012 improved processes allowed the PSNI to submit streamlined files to the PPS with quicker turnaround. The PPS met with the PSNI to discuss the potential for further streamlining of no prosecution cases.*

### Inspectors' assessment

The negative impact of avoidable delay, particularly for young people, has been a particular concern for CJI in a number of inspections across the criminal justice system. A number of forthcoming inspections and reviews will also address progress in this area. It is therefore proposed to not cover this issue in detail in this report.

As part of the Gatekeeper scheme, the PSNI have developed a streamlined system for reported files to the PPS (including timeliness standards). Previously delay in cases where the PSNI recommended no prosecution and the PPS agreed, was sometimes longer than in prosecution cases because there were no timeliness standards. In addition to this, PPS requests for further information to enable them to make a no prosecution decision added to the time taken for these files to be removed from the system. The streamlined system introduced as part of the Gatekeeper system aims to address these anomalies.

The PSNI are further developing a flowchart for officers to give guidance on when they need to obtain Gatekeeper/Youth Diversion Officer advice for each type of likely outcome (for example, no prosecution, prosecution etc.). Required timescales will also be included in the processes. Inspectors agree that the recommendation as worded is complete. However, the results of the new processes will need to be monitored and assessed in the final CJI report in 2014.

### Recommendation 7 (c)

- c) improving PPS written communications with children and their parents.*

**Commenced with substantial progress**

### DoJ/agency response - June 2013

*Accepted. The PPS has revised all letters to children and their parents/guardians to simplify content and make it more easily understood. In re-drafting the letters a number of organisations were consulted, including Criminal Justice Inspection NI, Victim Support NI, NSPCC and PPS Youth Specialist prosecutors. These letters have gone live on the PPS Case Management System and have been rolled out to all PPS regions. They are being issued in all cases involving children and young people, whether defendants, victims or witnesses.*



## Inspectors' assessment

Since the publication of CJI's 2010 report on *'The care and treatment of victims and witnesses'*, CJI has been aware that the PPS has undertaken a review of all their letters to victims and witnesses as recommended in the report. This work has included updating letters to children (both as victims and witnesses and defendants) and their parents.

Inspectors welcome the roll out of these letters across the PPS regions. The impact and outcomes of this area will require further fieldwork to assess whether the target recipients agree that communications has improved. The YJR highlighted concerns that a high proportion of young people did not respond to letters from the PPS and where figures showed that about 40% of cases are withdrawn at court, it is believed the bulk of these cases referred to young people who had not responded to the PPS.<sup>14</sup> It will therefore be important to consider over the full course of this review whether changes to these letters have also resulted in any reduction of delay in the youth justice system.

## Key theme: Bail and remand

### Recommendation 8

*The development of an appropriate range of supported (and if necessary secure) accommodation, accessible at short notice, to reduce to an absolute minimum the use of Woodlands as a place of safety under PACE.*

Commenced with limited progress

### DoJ/agency response - June 2013

*Accepted. Following initial discussions between the DoJ and the DHSSPS, a stakeholders meeting was held on 14 June 2013 involving representatives from a range of organisations including the YJA, Health and Social Care Board, Belfast Health and Social Care Trust, and NI Housing Executive. It was agreed that the YJA would*

*collate information over the course of the summer, particularly in light of needs identified through their Bail Information Scheme (see Recommendation 9a), to identify the scale of the problem to allow further discussions to take place. Evidence gathering was ongoing until October 2013.*

## Inspectors' assessment

Police stations are considered to be unsuitable as a place of safety for young people. Woodlands Juvenile Justice Centre (JJC) was designated as a place of safety under legislation and admissions under PACE now represent the route by which most young people enter Woodlands.

The DHSSPS, DoJ and Opportunity Youth concur that the average intake into the JJC under PACE was approximately less than one young person per day which made the building of a specialist facility unlikely. The inspection team have found that there were very few options available to deal with this recommendation directly. Figures provided from the DHSSPS/DoJ outline a regional disparity on the use of the JJC as a place of safety. Police stations further away from the facility, for example Strand Road in Derry/Londonderry, Downpatrick and Newry are less likely to remand young people in Woodlands. This is discussed in more depth at Recommendation 18 in the use of Woodlands as a place of safety. The lack of a consistent approach across Northern Ireland was a concern for Inspectors.

<sup>14</sup> YJR 3.5.8 P.50.

## Recommendation 9 (a)

**Strict adherence to the statutory presumption of bail supported by:**

**a) the provision by the Youth Justice Agency of bail information, support and supervision at the first court appearance, with co-operation from the police and the Public Prosecution Service, where there is a serious risk of a custodial remand;**

**Commenced with substantial progress**

### DoJ/agency response - June 2013

*Accepted in principle. In 2012-13 the YJA had a Business Plan objective to develop and implement a bail information scheme. They already provide an assessment and supervision process for supporting children to obtain bail and remain on bail in appropriate cases. Both Bail Information and Support and Supervision require the involvement of the child, parents and carers.*

*Bail Information was an extension of Bail Support and the YJA Bail Information and Support Scheme will commence Summer 2013. Young people will undergo assessment and a report will be provided to court at their first court appearance. The YJA are finalising arrangements for the Scheme with co-operation from the PPS, the PSNI and the NICTS. Information gathered through the Bail Information Scheme will help to inform the project looking at accommodation issues and alternatives to custody.*

### Inspectors' assessment

The YJA advised that no additional resources were required for this scheme as they already ran a bail support scheme which provided an assessment and supervision process for young people remanded into custody. The bail information model would be similar to the existing system for bail support, where youth conference plans were presented to the Court. The engagement that the YJA had conducted with District Judges assured Inspectors that there would be a consistent application and approach to the bail information scheme. Police had also been consulted by the YJA. The initial decision to remand would still

remain with the police, however the YJA would present bail information to the court on the first appearance (this was previously provided by *bail support* at the second or third remand).

The YJA further planned to engage and link with the Reducing Offending in Partnership strategy (developed by the DoJ) which included the reducing offending units (where police, probation, the YJA and other partners focused on priority and prolific offenders) and custody suites.

There were few occasions that packages would not be available, for example where an offender was very high risk. Inspectors were impressed with the YJA's communication with various agencies. The YJA had identified the need to link with Trusts regarding the issue of accommodation provision which was seen to be a challenge. There was an ongoing issue regarding a lack of suitable accommodation for 16/17-year-olds who weren't 'looked after' children under the care of social services and therefore social services would not assume responsibility for them. The YJA reported that there had been a decrease in inappropriate remands to the JJC so this scheme may have limited impact in future but Inspectors recognised that removal of any young people from PACE custody was welcome.

## Recommendation 9 (b & c)

**b) the application of relevant, proportionate and realistic bail conditions, but only where necessary; c) the participation of young people and their parents in the setting of any bail conditions such that they understand and fully accept their implications;**

**Commenced with limited progress**

### DoJ/agency response - June 2013

*Accepted in principle. The public consultation has been launched. Work on issues around bail for young people as highlighted in both the Youth Justice Review and the Law Commission's report will be taken forward in parallel to ensure that it was implemented in a*

consistent, co-ordinated manner. Consultation commenced on 1 July 2013.

## Inspectors' assessment

The September 2012 Northern Ireland Law Commission reported two key recommendations.<sup>15</sup> The Commission welcomed the recommendation of the YJR and the proposal that the Draft Bill should expressly provide that the best interests of the child shall be a primary consideration in bail decision making. The Commission was also convinced that such legislation should incorporate the principle that detention pending trial shall be used only as a measure of last resort and for the shortest possible period of time.<sup>16</sup>

The DoJ reported that bail was being managed by the judiciary on an ongoing basis but without a clear statutory basis. The intention was to provide a legislative framework to underpin the current bail practices. It was anticipated that this process and the requirement to revise instructions, re-draft and thereafter place the bill before the Justice Committee, would mean effective legislation by 2015 at the earliest. This was outside the Minister's target of March 2014.

Inspectors suggested that the DoJ liaise with the Lord Chief Justice's office, the Judicial Studies Board and the main criminal justice agencies to ascertain whether interim arrangements or guidelines were possible, given the target date of 2015-16. This was particularly important to ensure that guidance was available for decision makers when imposing or varying conditions for children with consideration to be given to the age, maturity, needs and understanding of the young person and best interests of the child as a primary consideration. The input of the Judiciary and key stakeholders was vital to ensure the uniform adoption and application of any interim guidelines and integration of the guidelines

alongside the common law/human rights based approach of the current bail system.

Inspectors were pleased that this had commenced during the fieldwork for this review.

## Recommendation 9 (d)

**d) the availability of an appropriate mix of suitable accommodation.**

**Commenced with limited progress**

## DoJ/agency response - June 2013

*Accepted. As under Recommendation 8, following initial discussions between the DoJ and the DHSSPS, a stakeholders meeting was held in June 2013 involving representatives from a range of cross-departmental statutory organisations. It was agreed that the YJA would collate information over the course of the summer, particularly in light of needs identified through their Bail Information Scheme (see Recommendation 9a), to identify the scale of the problem to allow further discussions to take place. Evidence gathering ongoing until October 2013.*

## Inspectors' assessment

The Northern Ireland Law Commission have also considered this area and found that such provision would contribute significantly to reducing the numbers of children detained pending court appearances and PACE admissions to the JJC. The range of accommodation options should include both short-term emergency accommodation and longer term solutions. Further, the options should reflect the range of needs and circumstances of young persons at different stages of maturity and may include bail fostering and supervised hostel accommodation. Accommodation provision should be made available across Northern Ireland to

15 Recommendation 45: The Commission recommends that statutory guidance in relation to the imposition or variation of bail conditions in respect of adults accused of offences should also apply to children and young persons accused of offences. Recommendation 46: In addition to that guidance, the Commission recommends that bail legislation should require decision makers, when imposing or varying conditions for children and young persons accused of offences, to consider: the age, maturity, needs and understanding of the young person; and the best interests of the child as a primary consideration.

16 Para 6.17 NI Law Commission, Bail in Criminal Proceedings.

minimise disruption to the child or young person's education, employment, family and other relationships.<sup>17</sup>

Inspectors have noted that much rested on the discussions between the various agencies and the evidence that the YJA will gather for October 2013. Inspectors hope to be able to report fully in the final CJI report.

## Key theme: Youth conferencing

### Recommendation 10 (α)

*The success of the Youth Conferencing approach should be built on by:*

*a) maximising direct victim participation rates;*

**Achieved**

### DoJ/agency response - June 2013

*Accepted. The YJA has taken steps to ensure that **direct** victim attendance was maximised. Victim categories have been re-defined in order to clarify the importance of the participation of individuals and communities that have been directly impacted on by the crime. Internal targets/objectives have been set that focus on direct victim attendance rather than indirect or victim representative attendees. YJA's victim satisfaction survey process has also been restructured, moving from surveying 10% of all victim category participants to 100% of all direct victims. This will allow the YJA to concentrate on improving their service to this category in the spirit of the recommendation. Victim satisfaction reported quarterly.*

### Inspectors' assessment

Inspectors found the YJA had incorporated this recommendation into its corporate plan. Figures provided show direct victim attendance was 49% for 2012-13. The previous figure was 78%, however this related to any victim, whereas the new measurement was solely 'direct victims'. There was an upward trend in attendance rates. The YJA now measure victim

satisfaction for every direct victim with a reported satisfaction rate of between 90-100%. Stakeholder survey satisfaction was at 79%. Inspectors therefore consider this recommendation achieved.

### Recommendation 10 (b)

*b) ensuring conference outcomes are proportionate and relevant to the offending;*

**Commenced with substantial progress**

### DoJ/agency response – June 2013

*Accepted. The issue of proportionality is now cross-cutting as all services delivered by the YJA have produced and embedded a proportionality position paper. This sets out clearly across the Agency the premise and parameters of making recommendations to the PPS and the court that are proportionate and relevant to the offending. Internal targets/objectives set whereby 75% of all recommendations going forward are monitored by senior staff. The YJA is also base lining the number of youth conference plans that do not exceed six months in order to set an internal target for 2013-14. This ensures that youth conference plans that exceed six months were only made in exceptional circumstances.*

### Inspectors' assessment

Inspectors found in discussions with the YJA that the previous trend in youth conferencing had veered towards creating an onerous list of tasks; an increasing number of plans of a duration longer than six months; and conferences disproportionate to the offences committed. Targets in the YJA business plan specifically referred to plans of a duration longer than six months, with staff needing approval from their manager for such plans. The YJA indicated that they have seen improvements in a re-balance towards proportionality. They also identified that there was therefore a challenge for the PPS and the youth conference coordinator working with the victim, to implement these changes. A position paper had been produced for all staff about the changes and this had been embedded for over a year.

<sup>17</sup> Para 6.75 NI Law Commission, Bail in Criminal Proceedings. [http://www.nilawcommission.gov.uk/32432\\_-\\_bail\\_report\\_nilc14\\_2012\\_.pdf](http://www.nilawcommission.gov.uk/32432_-_bail_report_nilc14_2012_.pdf).



Inspectors noted that there had been a re-balancing and re-direction of conferences and as such the impact of such changes should be monitored over time to ascertain whether the aims of this recommendation were met.

### Recommendation 10 (c)

***c) reducing the time taken from arrest to conference disposal;***

**Achieved**

#### DoJ/agency response - June 2013

*Accepted. Targets will be kept under review to ensure compliance. The time taken to process diversionary Youth Conference referrals is counted from receipt from the PPS to return rather than by date of internal allocation of the case as was the previous practice. The YJA have also introduced (internally) a 20-working day target for return in order to ensure the 30-working day legislative target was met. In 2012-13 a 95% compliance rate of timely returns was achieved.*

#### Inspectors' assessment

Inspectors found that the YJA had reduced the target time for return of youth conference referrals to the PPS from 30 to 20 days. Ultimately, the PPS make the decisions on youth conferencing so the earliest measurement of time within the YJA can only be from the date a file is received from the PPS. The PPS indicated that the average time taken from the receipt of file from the PSNI to youth conference decision was, at the time of the fieldwork, approximately 10.5 days.

The timing of disposal from arrest to conference is affected by the issue of whether 'arrest' is a suitable start point as discussed later at Recommendation 15 (statutory times limits). The DoJ believed that there were differences in practice between the jurisdictions in England and Wales and Northern Ireland with respect to arrest of young people, whereby the arresting of young people is seen as routine in England and Wales, but used less frequently in Northern Ireland. The DoJ therefore considered that

to deem arrest as the point in time to measure from, was not appropriate.

This had impacted on this recommendation which called for a reduction in the time taken from arrest to disposal. The PSNI provided data which suggests that the average time taken for all files from point of initial contact with the PSNI to submission of a file to the PPS was approximately 33.5 days. Further comparative analysis of statistics from the PSNI, the YJA and the PPS will be made over the period from 2011-12 to 2013-14 to ensure that the time taken at all stages is driven down. Inspectors found that although the time was being reduced as required by the YJR, there was still room for improvement from point of initial contact with a young person (PSNI stage) to conference disposal.

### Recommendation 10 (d)

***d) ensuring co-ordinators use their discretion to return to court those cases which in their professional judgement, would be better dealt with formally.***

**Achieved**

#### DoJ/agency response - June 2013

*Accepted. The YJA acknowledges that the youth conference process may not be the best option in every case. The relevant legislation has been highlighted to youth conference co-ordinators who are supported by senior management in stating that a conference may not be appropriate.*

#### Inspectors' assessment

Inspectors found that an internal paper had been issued by the YJA. The YJA were actively trying to persuade courts that there was no requirement for a pre-sentence report completed by a probation officer but that the use of the youth conference report was entirely appropriate for this purpose. The YJA indicated that co-ordinators could use youth conference reports to greater and wider effect. In circumstances for example, where a conference was not recommended or a young person withdrew

consent for a conference, the YJA could still provide a report to the court outlining alternative disposals, thus cutting down on the need for pre-sentence reports and reducing delay. Inspectors agreed that this was a positive and proactive approach in potentially dealing with the delay involved when young people are returned to court.

Compliance by the co-ordinators with the internal guidelines was being monitored over time along with the numbers of cases that were being returned to court. The YJA was actively focused on addressing this recommendation.

## Key theme: The Youth Court

### Recommendation 11

*The status and content of the Northern Ireland Courts and Tribunals Service Official Guidelines for Youth Courts should be reviewed and arrangements developed to ensure adherence on a consistent basis.*

**Commenced with substantial progress**

#### DoJ/agency response - June 2013

*Accepted. The NICTS revised Youth Court Guidelines were published on the NICTS website on 1 May 2013 and links circulated to targeted list of stakeholders, partners and youth sector organisations. Printed copies of the Guidelines were produced and distributed to youth court venues. Companion guides for parents and child defendants will also be revised and re-published by September 2013. Awareness training for court staff on the revised Youth Court Guidelines has been planned and will be completed by September 2013. A plan to monitor compliance with the Guidelines has been developed and compliance with the Guidelines has been added as a standing agenda item at all Youth Court User Group Meetings or similar.*

#### Inspectors' assessment

Inspectors found that it would be up to individual Judges to run their courts in accordance with the guidance, however it was noted that there are no

sanctions available for breaching the guidelines. There were processes in place within the NICTS to escalate concerns regarding breaches of the Guidelines and concerns could be raised with the Lord Chief Justice and/or presiding judge.

CJI were impressed that the NICTS had acted directly with this recommendation to address the concerns raised in the YJR. There was evidence that the status and content of the Guidelines had been reviewed and that this element of the recommendation was achieved. Adherence to the Guidelines on a consistent basis however, could only be monitored over a period of time which does not lend itself easily for review purposes. This area shall be considered further in the 2014 report.

### Recommendation 12

*All judges, lay magistrates and lawyers working in the Youth Court should be specially trained and accredited to work within a new, single youth court jurisdiction.*

**Commenced with limited progress**

#### DoJ/agency response - June 2013

*Accepted in principle. Initial contact has been made with the Judicial Studies Board, the Office of the Lord Chief Justice, and representatives of the legal professions to invite discussion on how training and accreditation may be taken forward, with plans for the type of training developed.*

*Contact with the legal professions and their training counterparts will be taken forward separately by the Implementation Team. An initial meeting took place with the Law Society on 8 April 2013, with plans for a further focus group discussion with solicitors in training.*

*Initial discussions on the issue of a single youth court jurisdiction have taken place, and an options paper will be prepared to inform further debate. Enabling legislation will be included in the Faster, Fairer Justice Bill to be introduced to the Assembly in the Autumn into a focused training package, resulting in accreditation on*

completion. This will be explored further with the stakeholder groups.

### Inspectors' assessment

Inspectors found that the NICTS were preparing a paper setting out some proposed options on how judicial resource could be managed under a single Youth Court jurisdiction for discussion with the Office of the Lord Chief Justice. In the 'Faster, Fairer Justice Bill', the inclusion of a single geographical jurisdiction for youth courts, is intended to facilitate more flexibility for listing. There would still be divisions for administrative purposes and options were being explored as to how many divisions will be required.

The findings at Recommendation 5(ii) in training professionals on the aims of the United Nations Convention on the Rights of the Child apply equally to this recommendation. Inspectors found that a single complete training package for all professionals, which incorporates all areas outlined within the YJR should be considered, and the NICTS and DoJ should jointly undertake the implementation process to ensure that the March 2014 deadline is achieved. Accreditation and training for defence professionals remained an issue.

## Key theme: Delay

### Recommendation 13

*Urgent attention needs to be paid to driving down the time taken for all diversionary disposals, in particular diversionary youth conferences, which should be renamed PPS ordered youth conferences. This process should be closely monitored, with the use of appropriate targets, by the Criminal Justice Board.*

Driving down time (a) - Achieved  
Renaming of PPS conferences (b) - Not accepted  
Monitoring by Criminal Justice Board (c) - No progress

### DoJ/agency response - June 2013

Accepted with caveat: Diversionary Youth Conferences will not be renamed as this would cause significant

technical problems for records management systems, including Causeway, for a minor presentational gain.

Time taken to process diversionary Youth Conference referrals was counted from receipt from the PPS to return, rather than by date of internal allocation of the case as was the previous practice. The YJA also introduced (internally) a 20-working day target for return in order to ensure the 30-working day legislative target was met.

### Inspectors' assessment

Inspectors found this issue had been identified by the YJA prior to the YJR and remedial action was underway prior to the publication of the report. The response to Recommendation 10c also outlines the actions taken to date by the YJA in the reduction of response time from 30 days to 20 days with 91% compliance.

The PPS and YJA point to the Youth Engagement Clinic project as providing evidence of an ongoing commitment to drive down the time taken for disposals. The PPS confirmed that the average time for decision on diversionary youth conferences is in the region of 10.5 days.

Inspectors confirmed that the renaming process would not be completed with the PPS indicating that there was little to be gained for what would have been a technologically difficult resolution, and that the addition of a third tier of diversion would not enhance but complicate the diversion process. Inspectors accept this rationale.

A PPS/YJA joint protocol regarding youth conferences was being developed and was hoped to be 'signed off' by both organisations by March 2013. However, discussions on its implementation were still ongoing as of September 2013, with the content of the protocol being reconsidered to possibly include the ongoing Youth Engagement Clinic programme.

The area of time reduction had been addressed by the YJA as was the case with the PPS. The PSNI were in the process of providing Inspectors with the necessary data on timeliness of submission of files

to the PPS. This information will form part of the ongoing review and findings will be reported in March 2014.

There was no evidence provided to CJJ that results were being monitored by the Criminal Justice Board although the DoJ indicated that all information available should go to the Board.

### Recommendation 14

*Work to tackle the problem of delay should prioritise young offenders. The lessons learnt should then be applied to the adult criminal justice system.*

Commenced with limited progress

#### DoJ/agency response - June 2013

*Accepted. A wide range of initiatives are underway through the Speeding Up Justice Programme. In response to this Review and other independent reports, work on improving timeliness in the youth courts is being prioritised.*

#### Inspectors' assessment

This recommendation is linked to Recommendation 15 in relation to introducing statutory time limits. The statutory time limits are to be introduced to the youth courts initially, and therefore can be said to be prioritising young offenders as recommended. However, as outlined below, there are concerns around how this is being implemented and the DoJ has indicated that it was not implementing the YJR recommendations 'to the letter'.

The issue of delay is the subject of an ongoing follow-up review by CJJ.

### Recommendation 15

*Statutory time limits should be introduced for all youth justice cases, providing for a maximum period from arrest to disposal of 120 days. This provision, which should include protection for victims from injustice in cases where the time limits are exceeded, should be contained in the next Justice Bill and thereafter implemented within 12 months to ensure all agencies have enough time to prepare. The Criminal Justice Delivery Group and all relevant agencies should find the means to significantly reduce the time taken in advance of the legislation. The Criminal Justice Delivery Group, together with the Judiciary, should oversee and be held to account for delivering the time limits.*

Commenced with limited progress

#### DoJ/agency response - June 2013

*Accepted. A wide range of initiatives are underway through the Speeding Up Justice Programme. Statutory Time Limits (STLs) are to be introduced in the youth courts within this Assembly mandate. In support of this, a new approach to the management of youth court cases has been developed and is being piloted from October 2012 to March 2013.*

#### Inspectors' assessment

The DoJ are engaged in a public consultation process on the introduction of Statutory Time Limits in the Youth Court, as part of a programme of work on speeding up justice. This consultation process provides an opportunity to agree and implement a range of measures in support of reducing avoidable delay. Inspectors would expect to find substantial progress against this recommendation when the final CJJ report is prepared in 2014.

The DoJ indicated to Inspectors that it was their intention to introduce a Statutory Time Limit of 120 days during the current mandate of the Assembly. This would not require new legislation as it could be achieved through the Criminal Justice (Northern Ireland) Order 2003.



In summons cases, which comprise the majority of Youth Court proceedings, the proposed starting point would be the date of complaint on the summons. A statutory time limit for charge cases is proposed to commence from the date of charge rather than the earlier arrest date. The end date for charge and summons cases is proposed to be the first day of a contest in the Youth Court.

Inspectors are concerned that the proposed starting point for summons cases in particular, at the date of complaint, would exclude a significant period of time in the early stage of proceedings i.e. the periods from when the PSNI inform a young person of their intention to prepare a report for the PPS and the period from when the PPS receive that report to taking a decision on prosecution. It would therefore not be end-to-end as envisaged by the YJR.

Youth Court case data provided to Inspectors shows that it takes more than twice as long to complete a summons case in the Youth Court compared to a case which starts by a charge (Table 1). While performance on charge cases has shown steady progress in recent years, cases initiated by report and summons continue to deteriorate with an average time from accused informed to disposal of 247 days in 2012-13. CJJ has consistently stated, in a series of reports on *Avoidable Delay*, that this is not acceptable.

**Table 1: Average number of days taken in youth charge and summons cases in 2012-13**

Stage in process	Average number of days taken	
	Charge files	Summons files
Accused charged/informed of intention to report by the PSNI to PPS receipt of file	16	46
File received to decision issued by PPS	12	26
Decision to disposal	80	175*
<b>Total</b>	108	247

\*(102 days from summons to first appearance in court + 73 days for disposal from court).

The YJR was unequivocal in its recommendation of Statutory Time Limits commenting that, provisions in the Criminal Justice (Northern Ireland) Order 2003 for the introduction of Statutory Time Limits were inadequate, as they do not make provision for Statutory Time Limits on an **end-to-end** basis. This final point is critical. For offenders, but more importantly for victims, it is the whole of the process that impacts on them rather than any of its component parts. Inspectors received broad consensus from stakeholders that the Statutory Time Limit process should begin at arrest, or first point of contact between the police and a young person suspected of an offence.

The YJR identified an alternative method to deal with young people in a manner that reduced delay and avoided the difficulties regarding service of summonses. Following the questioning of a child by the police, the child should then return to the police station a week later to be charged, summonsed, cautioned/warned, diverted to a youth conference or told that no further action will be taken. On this return visit, relevant papers could be served and a full explanation provided.

The forthcoming consultation process on Statutory Time Limits is an opportunity to further explore the scope, range and actual target time/limit. This could include the need for new legislation as well as the implications of re-balancing charge and summons cases, the operation of new police bail arrangements and the further extension of police discretion in youth cases. The issue of end-to-end timeliness targets, particularly in the context of proposed Statutory Time Limits, will be addressed in detail in the CJJ follow-up review of *'Avoidable Delay'*.

## Key theme: Custody

### Recommendation 16

*The practice of allowing the courts to send persons under the age of 18 to Hydebank Wood Young Offenders' Centre should cease. Arrangements should be put in place to manage their transition to Woodlands Juvenile Justice Centre no later than 18 months from the publication of this report. As part of this, suitable options for accommodating a very small number of dangerous young offenders will need to be explored.*

Achieved

#### DoJ/agency response - June 2013

*Accepted. Robust arrangements have been developed to ensure that the move to a single centre is carefully managed, sustainable and that the regimes are appropriate. Following co-operative work between the YJA, the NIPS and sentencers, no children have been held at the Young Offenders' Centre since 1 November 2012. The development of legislative provision to underpin this policy provides an opportunity to review and overhaul all of the custodial arrangements associated with children and young people. Given the extent and scope of this exercise, the Department has decided that the appropriate way forward is to conduct a full public consultation on the issues. The consultation document will be finalised over the Summer and considered by the Justice Committee in September 2013 before the formal consultation is launched.*

#### Inspectors' assessment

The NICTS indicated that as a result of the Guidelines provided by the Office of the Lord Chief Justice to the youth courts, no children had been sent to the Young Offenders' Centre at Hydebank since November 2012. This position has been monitored on a daily basis by various groups and agencies.

Children's rights groups maintained that there were still concerns regarding the timeframe given to this recommendation and the potential breach of the rights and best interests of children. The UK

government has removed its reservation to Article 37(c) of the United Nations Convention on the Rights of a Child regarding children held separately from adults in custody. This review has found that the 'interim' provisions being applied by the NIPS, the YJA and the NICTS, with the continued assistance of the various children's organisations, had proved effective in ensuring that no under 18's have entered the Hydebank Wood Young Offenders' Centre.

The YJR sought to emphasise the importance of ensuring that no young person placed at Woodlands posed a risk to other children, staff or the facility's regime and ethos. An option included in the report was to 'create a special provision within Woodlands alongside the development of additional procedures and staff training to ensure any risks are effectively managed. Other options should be considered.'<sup>18</sup>

There was no indication anywhere within the report of the YJR placing 'dangerous offenders' anywhere else other than the JJC. This area was being considered in a public consultation by the DoJ on custody arrangements for possible inclusion in the Faster, Fairer Justice Bill.

### Recommendation 17

*Young people who attain the age of 18 while in custody should have their place of detention determined by an assessment of their circumstances, paying particular attention to their needs and best interests.*

Achieved

#### DoJ/agency response - June 2013

*Accepted. The approach taken to young people turning 18 whilst in custody will vary subject to their status and the nature of the custodial order under which they are detained. All such young people subject to a Juvenile Justice Centre Order will remain in Woodlands JJC for the duration of the custodial element of the order before being released under community supervision in the normal way. Those subject to other custodial orders will be individually assessed, as part of the normal case*

<sup>18</sup> YJR 3.10.5 p.78.

review process and may remain in Woodlands if they are close to completing their sentence; are nearing completion of a planned programme of work prior to release; or, are exceptionally vulnerable. Otherwise they will transfer to Hydebank Wood Young Offenders' Centre. In relation to remands, the expectation is that those turning 18 will either transfer immediately to Hydebank Wood or at the next available court hearing.

## Inspectors' assessment

Inspectors found this area formed part of the ongoing consultation for legislative change on custodial arrangements as outlined in Recommendation 16. In terms of progress against the recommendation, this review obtained evidence that the YJA continued to assess the circumstances of each individual child during their stay within the JJC. Inspectors are therefore content to report this recommendation as achieved.

### Recommendation 18

*The practice of using the Juvenile Justice Centre as a place of safety for PACE procedures for any child should be reduced to an absolute minimum through the measures outlined in this report (Recommendations 8, 9 and 19). The number of PACE places in Woodlands Juvenile Justice Centre should be limited to one or two.*

**Achieved**

## DoJ/agency response - June 2013

*Accepted. The DoJ is working direct with the DHSSPS to track all admissions to the JJC from children's homes and ensure that they are proportionate and fully justified. Joint DHSSPS/PSNI guidelines on the appropriate operation of PACE procedures for children have been developed and issued to Custody Sergeants. These guidelines make specific reference to 'looked after' children. The average daily PACE population in the JJC is only one child, but ultimately the decision whether or not to accept a child under PACE will be an operational matter for the Centre Director, taking account of the circumstances of the case and the capacity of the Centre at the time.*

## Inspectors' assessment

Inspectors noted that the 'aide memoire' for PSNI custody officers developed by the Office of Social Services provided custody officers with guidelines which could be used uniformly across all policing Districts to ensure a consistent approach to PACE admissions. The aide memoire reinforces the recommendation that custody under PACE should be seen as a last resort when all other options have been exhausted. The definition of 'Place of Safety' had been carefully drafted to highlight that every effort should be made to find appropriate accommodation for a child without the use of Woodlands as a place of safety.

Further to this, police must complete a form before admission to the Woodlands JJC. Each of these applications were monitored and scrutinised by the Office of Social Services representative. Systems and checks had been established whereby the Office of Social Services/Heath and Social Care Board were notified whenever a young person from a care background was detained for more than four hours.

Statistics provided by the Office of Social Services showed that over 60% of young people were released on bail to the next available court after one or two nights in custody. Almost all of these young people returned to their previous address and concerns were raised that any deterrent or rehabilitative value could be undermined by such PACE admissions. Furthermore, Inspectors noted that there appeared to be variations amongst different PSNI Districts for PACE remands to Woodlands JJC in 2011 (Appendix 4). The PSNI and the Office of Social Services should assess the underlying issues for this variation as a priority. This issue required a strategic grip by the PSNI.

Inspectors were advised that JJC staff robustly challenged PSNI officers requesting use of the facility as a place of safety. This review found ongoing evidence that numbers were being kept down. This was due to pro-active individuals within the DHSSPS/DoJ and a robust challenge process of PSNI officers by Woodlands staff.

## Recommendation 19

*Looked after children should no longer be placed in custody, either through PACE, on remand or sentenced, where this would not have been an outcome for children in the general population.*

**Commenced with limited progress**

### DoJ/agency response - June 2013

*Accepted. As well as the actions above (see Recommendation 18) the DoJ is working direct with DHSSPS to track all admissions to the JJC from children's homes and ensure that they are proportionate and fully justified. Joint DHSSPS/PSNI guidelines on the appropriate operation of PACE procedures for children have been developed and issued to Custody Sergeants.*

### Inspectors' assessment

As outlined in Recommendation 18, the Office of Social Services was closely monitoring all admissions to Woodlands JJC under PACE. Taken in conjunction with the 'looked after' children guidelines developed by the Office of Social Services for the PSNI and the DHSSPS, and the related ongoing training, there was a demonstrable commitment from the Office to ensure that admissions of 'looked after' children at Woodlands JJC were kept to a minimum.

The recommendation stated that the reasons for remand should not simply be on the grounds that the child is looked after. In reality, such reasons were not generally addressed. Unless there is specific recording of such reasons (i.e. remanded because of their looked after status) when a 'looked after' child entered custody, there will be no evidence available to verify whether this recommendation was complete.

In relation to the number of places occupied by 'looked after' children, the Office of Social Services reported that there had been a reduction from a half to a third of PACE admissions. Overall PACE admissions to the JJC had remained almost static over the last couple of years.

Inspectors could find no evidence that 'looked after' children were placed in custody, either through PACE, on remand or sentence, where this would not have been an outcome for children in the general population. This recommendation was aspirational and monitoring its implementation was difficult. All agencies which come into contact with 'looked after' children should implement a review into this area to formalise a unified approach.

## Key theme: Reintegration and rehabilitation

### Recommendation 20

*Greater priority should be accorded to the rehabilitation and re-integration of young offenders in custody. They should be prepared for release from the outset through, for example, day release for the purpose of education, training or employment and should have continuing access to support on a multi-agency basis.*

**Commenced with substantial progress**

### DoJ/agency response - June 2013

*Accepted. Woodlands JJC operates a multi-agency review process involving the child, parents, probation and Social Services. The first planning meeting, which includes consideration of re-integration needs, is held within 10 working days of admission. Where appropriate, day release for young people to attend courses can be approved depending on stage of sentence & risk assessment. The new YJA/Department of Employment and Learning/Careers Service Partnership will assist in this approach. Currently, the community element of a Juvenile Justice Centre Order and a determinate custodial sentence are supervised by the PBNI but include tailored support packages provided by Youth Justice Services of the YJA. The PBNI has worked with the YJA, DoJ and others to introduce a Best Practice Framework, incorporating NI Standards, to give priority to the rehabilitation and re-integration of young offenders when they leave custody.*



## Inspectors' assessment

Inspectors found that the JJC was reviewing the delivery of education and learning. This was, in the main, as a result of the changing demographics of age within the population to one where there was a greater proportion of post-compulsory school age young people. A paper on this was being prepared for the YJA's Management Board. This was an example of the ongoing evolution of the JJC which has been evident prior to the YJR. The Centre reported that multi-agency reviews have been completed for the last nine years. Whilst the PBNI supervise young people on JJC Orders post-release, the YJA made submissions to the YJR team that a single agency to deal with young people would be a more logical way to deal with young people and their rehabilitation and reintegration into society.

Whilst it was clear that this area was being addressed by Woodlands staff and through the wider YJA, there has been no evidence provided that there has been a *greater* priority placed upon this recommendation. Again, the complexities of measuring the 'before and after' approaches and the ongoing evident involvement of this area, did not lend itself to practical measurement for inspection purposes. This was an ongoing process which required continual review.

## Recommendation 21

*Policy and legislation relating to the rehabilitation of offenders should be overhauled and reflect the principles of proportionality, transparency and fairness. Specific actions should include:*

- a) diversionary disposals should not attract a criminal record or be subject to employer disclosure;*
- b) young offenders should be allowed to apply for a clean slate at age 18;*
- c) for those very few young people about whom there are real concerns and where information should be made available for pre-employment checks in the future, a transparent process for disclosure of information, based on a risk assessment and open to challenge, should be established. The decision to disclose and the assessment on which it is based should be regularly reviewed.*

**Not accepted**

## DoJ/agency response - June 2013

*Not yet accepted. This recommendation and its component parts is being considered alongside the outcome of the consultation on Sunita Mason's review of the management of criminal records in Northern Ireland, including the definition of a criminal record, before coming to a firm view on how best to proceed.*

## Inspectors' assessment

Phase one of Sunita Mason's Criminal Records Regime Review was completed and published on 11 February 2011. The second phase was completed on 30 November 2011. Both phases appeared to address the areas of proportionality, transparency and fairness as in Recommendation 21 of the YJR.

In 2013, subsequent to the Mason reports, a decision was issued by the European Court of Human Rights in relation to the case *MM v UK*.<sup>19</sup> This case centred around the disclosure of police caution data and the infringement of Article 8 rights.<sup>20</sup> The DoJ were waiting for cross-jurisdictional agreement regarding this case and the Mason reports before

<sup>19</sup> <http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-114517>.

<sup>20</sup> Article 8 – Right to respect for private and family life.

deciding on the direction for Northern Ireland. At the time of this review there was therefore no agreed view on how to best address the YJR recommendation.

## Key theme: Special groups

### Recommendation 22

*All agencies working with children and young people should improve their understanding of special needs and the impact these have on those specific groups over-represented in the youth justice system and in custody. The DHSSPS should lead in developing better assessment, inter-agency information exchange and cross-referral mechanisms alongside more specialised interventions.*

**Commenced with substantial progress**

### DoJ/agency response - June 2013

*Accepted. DHSSPS work: Many initiatives are already underway between the DHSSPS and its partners which seek to address the problem of over-representation of children with special needs in the Youth Justice system and in custody. The list of projects and schemes which seeks to address this recommendation are listed within Implementation Plan (June) Update.*

*PSNI work: The PSNI are mindful of the requirement to increase officers' awareness of the special needs of young people, particularly those with mental health issues. The PSNI have engaged Mindwise in the development a programme (Linked-In) which addresses the issues of mental health within custody for those aged 13-24 years.*

*YJA work: The YJA is working with the Royal College of Speech and Language Therapists in piloting an e-learning and screening tools. Findings from an evaluation showed 54% of young people screened across the two sites have a communication need. The YJA will extend the work across the entire Agency from September 2013 to January 2014 and will undertake joint training with the Royal College and the PSNI.*

*The YJA, the Health and Social Care Board and DHSSPS are developing a forensic adolescent consultation and treatment service for children in Northern Ireland.*

### Inspectors' assessment

Inspectors assessed many of the projects that were ongoing which sought to address this recommendation. The Office of Social Services had an ongoing presence within the core areas recommended and demonstrated an ongoing commitment. The Office report excellent ongoing and regular communications between the JJC staff, children's homes and the DHSSPS. The Office of Social Services described the expected information exchange when a young person was taken into custody under PACE. E- mails were exchanged between the local Trusts involved, the PSNI and the Office of Social Services, flagging up the young person so that their needs could be met as a priority.

The DHSSPS had increased their spending on Child and Adolescent Mental Health Services from £9.3 million in 2006 to £19 million in 2013. The Health and Social Care Board had secured additional funding of £2.2 million to develop a number of outreach/home-based psychiatric services for young people with a view to reducing waiting times for mental health services.

Inspectors were of the opinion that the initiatives outlined were not developed to directly address the central core of the recommendations but *were* evidence of the ongoing work being done in the area of special needs. Whilst the excellent work undertaken in all the areas outlined cannot be underestimated, structured written guidance should be completed which outlines the requirements of all agencies involved thus ensuring that there cannot be any derogation of agencies' responsibility when a young person with special needs enters the youth justice system. This recommendation did not lend itself easily to practical measurement for inspection purposes.

## Key theme: Strategic and practical arrangements

### Recommendation 23

*The First and Deputy First Ministers should reconfirm the Government's commitment to children and young people through the establishment of a Ministerial Committee comprising the Ministers of Education, Health and Social Services, Social Development and Justice as its core members. Its overarching aim should be to promote social inclusion, prevent offending, deliver better outcomes for children and facilitate the transition to adulthood. This Ministerial group should set the strategic direction, rationalise and make more coherent the current strategic planning process and engage other Ministers as necessary.*

Commenced with substantial progress

### DoJ/agency response - June 2013

Accepted in principle. Ministers have reconfirmed their commitment and moved to establish better arrangements through the DSC framework, which is aimed at driving forward cross-cutting arrangements to address multi-generational poverty and improve children and young people's health, wellbeing and life outcomes. The framework reports to the Northern Ireland Executive through the Ministerial Sub-Committee for Children and Young People and the Ministerial Sub-Committee for Poverty and Social Inclusion, each of which include the Ministers of Education, Health Social Services and Public Safety, Social Development and Justice.

### Inspectors' assessment

Inspectors found the response as set out above went some way towards addressing the immediate concerns regarding unifying the varying departmental heads and Ministers. Inspectors noted that the Ministerial Sub-Committees, into which the DSC framework reports, were currently being well attended by Ministers. This was a critical factor in ensuring the appropriate level of commitment by

OFMDFM and the various agencies to children and young people. This recommendation was ongoing and reliant on the continued attendance of Ministers to ensure the long-term objectives of the YJR are realised.

### Recommendation 24

*The Children and Young People's Strategic Partnership should become the strategic, multi-agency forum through which regional and local priorities are agreed.*

Commenced with limited progress

### DoJ/agency response - June 2013

Accepted in principle. The Children and Young People's Strategic Partnership is now the multi-agency mechanism through which children's services are planned and commissioned at a strategic level. The specific work of outcomes groups and regional subgroups address needs at a local level. The YJA, the PBNI and the PSNI are represented at the Strategic Partnership and the YJA Chief Executive chairs the Regional subgroup for children, young people and offending.

Three key strategic priorities have been identified - education, mental health and early intervention for the prevention of offending. The Partnership is committed to integrated commissioning and funding of services for these priorities.

### Inspectors' assessment

Inspectors were satisfied that the DoJ/agency response was an accurate assessment of progress.

The Children and Young People's Strategic Partnership had mapped out the areas of concern raised by the agencies represented and taken feedback from young people, families and their communities. The Strategic Partnership had established five outcomes groups (at Health and Social Care Trust level) which prioritised children's issues and focused on early intervention. The plans from the outcome groups had been considered and priorities identified and mapped.

Below the level of the outcome groups there were 25 locality groups. The Partnership aimed to direct efforts on shared objectives but leave some opportunity for locality groups to develop plans for issues specific to their local area. There were also regional subgroups developing priorities, for example the Children, Young People and Offending Subgroup. This subgroup had mapped out the journey of a young person through the youth justice system identifying potential points of contact and mapping diversionary services at these contact points.

Inspectors were concerned that there was potential for disconnect between the policies and strategies developed by the Strategic Partnership and the work of the DSC Programme Board. These concerns were alleviated as the Strategic Partnership had established a direct line of communication with the DSC Programme Board to ensure uniformity of approach. The Partnership aimed to ultimately lead to mainstreaming of services via the organisations that the Chief Executives represented. There was however, a lack of clarity to whether an integrated early intervention fund covering the three priorities of the Strategic Partnership would be delivered through a funding pool created by the DoJ, the DHSSPS and the Department of Education or whether it would be created using DSC funding.

Inspectors noted that the DoJ aimed to deal with the Children and Young People's Strategic Partnership *and others* with the obvious inference that the Partnership would not be the only mechanism for the delivery of this recommendation. There were no alternatives however suggested to Inspectors that would potentially fulfil the role of others.

## Recommendation 25

***The Criminal Justice Delivery Group should develop a strategic interest in youth justice and, together with the Criminal Justice Board and the Ministerial Children's Committee, take overall responsibility for implementing the recommendations in this report. They should also address, as a matter of urgency, the paucity of high quality statistical data and research across and beyond the criminal justice system.***

**Commenced with limited progress**

### DoJ/agency response - June 2013

*Accepted. The YJR has been discussed at both the Criminal Justice Delivery Group and the Criminal Justice Board and agreement has been obtained to support implementation. To help increase the strategic focus on youth justice issues, the Head of Reducing Offending Division, with overall responsibility for the Youth Justice Review Implementation, now sits as a full member of the Criminal Justice Board. The Board has received ongoing information relating to work being undertaken on implementing a number of the YJR recommendations e.g. Statutory Time Limits, Youth Engagement Clinic pilot. The July Board meeting is expected to have a particular youth focus with both the evaluation of the Clinic and the updated Implementation Plan tabled for information.*

*On the issue of statistical data and research, following the recent review, the Department has created a new unit with responsibility for strategy, innovation and research. The existing Statistics and Research Branch will be located within this new unit, and will be reorganised to better meet the information needs of the Department.*

### Inspectors' assessment

The Criminal Justice Delivery Group's acceptance of the Implementation Plan, the Criminal Justice Board's agreement to receive six monthly update reports and the attendance of the Head of Reducing Offending Unit did not in Inspectors' views represent taking overall responsibility for implementing the YJR as envisaged in the report.



This matter will be revisited in full along with the new unit developed for statistical research, when compiling the final CJJ report.

### Recommendation 26

*The Ministerial Committee and the Children and Young People's Strategic Partnership should take the lead in developing a multi-disciplinary model of practice for children in need and oversee its implementation across Northern Ireland. Once developed and agreed, consideration should be given to putting these arrangements on a statutory footing.*

Commenced with limited progress

#### DoJ/agency response - June 2013

*Accepted in principle. The Ministerial Sub-Committee, through the DSC Signature Programmes, were funding the establishment of 10 Family Support Hubs across Northern Ireland over the next two years. This model of multi-disciplinary practice for children in need was being taken forward, as recommended, by the Children and Young People's Strategic Partnership with the aim of providing co-ordinated support to individual families. The model will be evaluated over the course of the DSC funding with a report on the effectiveness expected in 2015.*

#### Inspectors' assessment

The Children and Young People's Strategic Partnership re-emphasised their long-term commitment to taking the lead in promoting their three key strategies of education, early intervention and mental health. An example given was an Action Plan to develop a screening tool identifying both physical and mental health issues for all children and young people which would identify and provide the support needed as early as possible.

An early Action Paper developed as part of DSC focused on policy development and delivery on the needs of children and families. Examples given include poor educational outcomes, poor physical and mental health, economic inactivity, social

exclusion and disadvantage. It was intended that there would be development of a wider policy plan for social change alongside early programmes of work. The Early Action Paper represented the aims of DSC to deal with the multi-generational poverty and social exclusion.

There was an overlap of strategies and priorities with those of the Children and Young People's Strategic Partnership. The Partnership was keen to ensure that there would not be a duplication of work, and focused on what was required for children and young people and how those objectives could be delivered. This in turn had shaped their priorities (the three objectives), which were submitted to the DSC Programme Board for funding approval.

This process by its nature was long-term and again a longer timeframe is required to assess the effectiveness and impact of the relationship between the DSC and the Children and Young People's Strategic Partnership. Again, Inspectors take cognisance of the DoJ stance that the Partnership may not necessarily be the sole mechanism for delivery of recommendations within the YJR. This recommendation was not expected to be completed by March 2014.

### Recommendation 27

*The success of youth and community work in Northern Ireland should be built on by providing additional resources to support its expansion, allowing other agencies to draw on the skills and expertise of youth and community workers in engaging young people, especially those who offend.*

No progress

#### DoJ/agency response - June 2013

*Accepted in principle. This recommendation relates to a cross-cutting issue that involves all departments and work will be undertaken with the Northern Ireland Executive and Departmental colleagues through the Delivering Social Change framework to explore how to*

take forward this work. The DoJ very much appreciates the skills of Youth and Community Workers in engaging hard-to-reach young people and having a positive impact on their lives. The YJA, as the primary deliverer of services to young people who offend, recognise the importance of this skills mix and employ Youth and Community Workers alongside social workers in providing their services. The Department of Education had also given a commitment to fund a dedicated Youth and Community Outreach worker, based at Woodlands JJC, to provide support and assistance to those young people leaving custody and returning to the community.

### Inspectors' assessment

Inspectors found that there were no proposals on how to best resource, in the long term, the work of voluntary and community work. The notional idea of the Department of Education agreeing funding for an outreach worker, whilst welcomed, did not address the concerns of Inspectors that this recommendation would not be implemented by March 2014.

## Key theme: Children's rights and international standards

### Recommendation 28

**Section 53 of the Justice (Northern Ireland) Act 2002 (the aims of the youth justice system) should be amended to fully reflect the best interest principles as espoused in Article 3 of the UN Convention.**

**Commenced with substantial progress**

### DoJ/agency response - June 2013

Accepted. The aims of the youth justice system, as currently articulated in Section 53 of the Justice (Northern Ireland) Act 2002, reflect the importance attached to protecting the public, preventing offending and the concerns of victims. These elements will not change. However, in response to this recommendation, the reference to the welfare of the child in Section 53 will be extended to include the 'best interests' principle as espoused in Article 3, which is important

developmentally for a child but is also entirely compatible with the concepts of discipline, boundary setting and the application of sanctions. The Faster, Fairer Justice Bill will provide the vehicle for this amendment.

### Inspectors' assessment

Inspectors will revisit this recommendation in the final CJJ report to ascertain the details of the proposed legislation when it becomes available.

### Recommendation 29

**The minimum age of criminal responsibility in Northern Ireland should be raised to 12 with immediate effect, and that following a period of review of no more than three years, consideration should be given to raising the age to 14.**

**No progress**

### DoJ/agency response - June 2013

Accepted in principle. Recognising the sensitivities involved on all sides, and noting that such a change had implications beyond the justice arena, the Minister of Justice has consulted further with political parties to seek to develop a consensus in favour of raising the minimum age of criminal responsibility. No progress has been made to date. However, the issue of how the system responds to young people who offend will remain on the agenda for further discussion.

### Inspectors' assessment

The minimum age of criminal responsibility was a matter of sensitivity amongst members of the public and with Ministers within the Northern Ireland Executive, with polarised views on this issue. The lack of consensus on this issue means the recommendation is unlikely to be progressed.

The minimum age of criminal responsibility in the Republic of Ireland and Scotland at the time of this review was 12 years old. In the Republic of Ireland, exceptions are made for the most serious of crimes. The unanimously held view reported in the YJR was that children's 'misdemeanours' are a normal part of

growing up and that parental responsibility on discipline and atonement was to be encouraged, with support provided in cases where there were difficulties or where this was absent.

Inspectors were aware of another view that there was a growing number of young people who had the belief they were 'immune' from prosecution and had no fear of the criminal justice system.

### Recommendation 30

*We further recommend that, in the intervening period, appropriate local services and programmes should be developed to meet the needs of children and young people who would otherwise have entered the criminal justice system.*

No progress

#### DoJ/agency response - June 2013

*Accepted in principle. This recommendation is contingent on one particular aspect of Recommendation 29, which envisages an increase in the minimum age of criminal responsibility from 12 to 14. However, regardless of the outcome of this recommendation, relevant Departments are already working together through the DSC framework to develop the necessary structures within which improved services can be delivered to children in this age group.*

#### Inspectors' assessment

This recommendation was subsumed within the DSC. The objective of ensuring there were interim proposals, did not appear to fit neatly into the DSC framework and its stated purpose to 'co-ordinate key actions across Government Departments to take forward work on priority social policy areas. It aims to deliver a sustained reduction in poverty and associated issues across all ages but it is also seeking to secure an improvement in children and young people's health, well being and life opportunities thereby breaking the long-term cycle of multi-generational problems.'<sup>21</sup>

Youth justice was one branch of the DSC framework. Other than the ongoing DSC signature programmes, Inspectors were not provided with evidence of any interim proposals as envisaged by this recommendation. It was noted that, as the DSC programmes were further rolled out, the interim arrangements would no longer be required. However, the very purpose of this recommendation was to ensure, even in the absence of agreement on reducing the minimum age of criminal responsibility, that appropriate local services and programmes were developed to meet the needs of children and young people, who would otherwise have entered the criminal justice system.

Inspectors noted that time had passed from the acceptance of the YJR recommendations. The target date for implementation of this recommendation would not be achieved by March 2014.

### Recommendation 31

*The Northern Ireland Executive should make it clear to all public authorities that the 'age' category in Section 75 of the Northern Ireland Act 1998 requires them to consider how their policies and practices impact on children and young people.*

No progress

#### DoJ/agency response - June 2013

*Accepted. Northern Ireland Executive agreement will be sought. The matter has been referred to OFMDFM for advice on how best to take this forward.*

#### Inspectors' assessment

This recommendation was described as being 'under discussion'. Inspectors found there had been no progress from OFMDFM or the DoJ to identify a consensus approach to deal with this recommendation.

<sup>21</sup> <http://www.ofmdfmi.gov.uk/index/equality/delivering-social-change.htm>.

## Overall assessment

As outlined in the introduction to this report, the YJR report contained 31 recommendations for change, many of which contained further subsections/recommendations and a more detailed breakdown of the 'headline' recommendations. In total there were 48 recommendations including sub-recommendations.

Table 2 provides a summary of progress against each of these sub-recommendations. Totals and percentages in each category have been calculated using the total of 45 recommendations accepted by the DoJ (i.e. excluding Recommendations 13b and 21 a, b and c which have not been accepted). It should also be noted that although in the original report Recommendation 13 was one single recommendation, Inspectors have split this into three parts (a, b and c) when considering progress as one part has been

assessed as achieved, one was not accepted, and one has been assessed as no progress to date. This has therefore led to the recommendation being assessed in two halves.

Overall, therefore of the 45 recommendations and sub-recommendations assessed and accepted eight and a half have been fully achieved (19%), five and a half indicate no progress (12%) with the remaining 69% showing either substantial or limited progress.

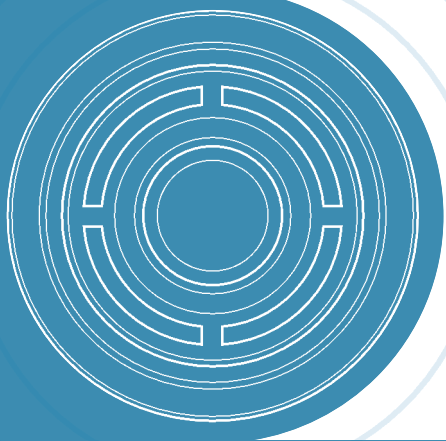
Inspectors are therefore concerned that in the second year of work to addressing the recommendations of the YJR there are a number of recommendations which require significant progress to be made in order to achieve them in the timescales. This is particularly the case for the 50% of recommendations assessed as only limited progress or no progress being made to date.

**Table 2: Summary of progress against each sub-recommendation**

Assessment of recommendation progress	Achieved	Substantial progress	Limited progress	No Progress	Not Accepted
Recommendations	7a	4a	1	3	13(b)
	7b	5i	2	13(c)	21a
	10a	6a	4b	27	21b
	10c	6b	4c	29	21c
	10d	6c	4d	30	
	13(a)	6d	5ii	31	
	16	7c	8		
	17	9a	9b		
	18	10b	9c		
		11	9d		
		20	12		
		22	14		
		23	15		
		28	19		
			24		
			25		
			26		
<b>Total number</b>	<b>8.5*</b>	<b>14</b>	<b>17</b>	<b>5.5*</b>	
<b>Percentage*</b>	<b>19%</b>	<b>31%</b>	<b>38%</b>	<b>12%</b>	

\* Although in the original report Recommendation 13 was one single recommendation Inspectors have split this into three parts (a, b and c) when considering progress as one part has been assessed as achieved, one was not accepted and one has been assessed as no progress to date.

\*\* Percentages have been rounded to the nearest whole number.



# Appendices





## Appendix 1: Methodology

The main methodology for this inspection comprised three strands as follows:

- literature review;
- agency self-assessments; and
- stakeholder interviews.

### Literature review

A desktop review was conducted throughout the oversight process and included the following:

- Youth Justice Review, 26 September 2011;
- Department of Justice Implementation Plan 31 October 2012 and update January 2013;
- Delivering Social change, OFMDFM online;
- Delivering Social Change – Early Action Document 14 November 2012;
- Bail in Criminal Proceedings, Northern Ireland Law Commission report September 2012;
- Criminal Records Regime Review Phase 1 and 2, Sunita Mason. 11 February and 30 November 2011;
- Policing Board Human Rights Thematic Review, January 2011;
- Child poverty article: 'Campaign reveals wide disparity in UK child poverty' BBC online 20 February 2013;
- Democracy Live – Justice Committee 28 June 2012;
- Democracy Live – youth Justice Review 23 October 2012;
- Hansard, Committee for Justice on STLs, 13 September 2012;
- Youth Diversion, CJI, March 2011;
- Youth Justice Review minutes of Stakeholder Meetings;
- UN Committee on the Rights of the Child General Comments;
- Council of Europe recommendations;
- Hillsborough Castle Agreement, 5 February 2010; and
- Minutes of Youth Justice Review Stakeholder's meetings.

### Agency self-assessments

Each of the core/lead agencies provided updates to the Department of Justice via the Implementation Plan. Inspectors then considered these assessments within the Implementation Plan in conjunction with stakeholder interviews and, where appropriate, using the material to develop checks and areas for validation.

## Stakeholder interviews

A series of interviews with key staff in each of the core criminal justice agencies and bodies associated with oversight included:

- Department of Justice Reducing Offending Unit;
- Department of Justice Criminal Justice Development Division;
- Department of Justice Youth Justice Unit;
- Department of Justice Criminal Policy Unit;
- YJA, Chief Executive;
- YJA, Custodial Services;
- PPS, Assistant Director Policy;
- PPS, Senior Prosecutors, Policy Branch;
- PSNI, Head of Equality and Diversion;
- PSNI, Head of Custody;
- PSNI, officers performing the Gatekeeper role;
- NICTS, Chief Executive;
- NI Commissioner for Children and Young People, Chief Executive;
- Include Youth;
- Opportunity Youth;
- Children's Law Centre;
- Health and Social Care Board, Children's Services Planning Professional Advisor (Children and Young People's Strategic Partnership); and
- Northern Ireland Policing Board, Human Rights Advisor.



## Appendix 2: Terms of reference

### Introduction

Criminal Justice Inspection Northern Ireland (CJI) will monitor the progress that is being made in implementing the Youth Justice Review Recommendations.

The Youth Justice Review (YJR) was launched in 2010 by the Minister of Justice, David Ford MLA, in furtherance of the Hillsborough Castle Agreement. The Report on the Review of the Youth Justice System in Northern Ireland (The Report) was published on 26 September 2011. This report contained 31 recommendations for changes to the youth justice system and wider arrangements for children in Northern Ireland. The 31 recommendations within the Report contain further subsections/recommendations thus adding to the actual number of recommendations.

Following a comprehensive consultation process, the Department of Justice (DoJ) published an Implementation Plan (The Plan) on 23 October 2012, detailing how the recommendations are to be implemented. The Plan identifies and links the key agencies and their responsibility to the recommendations made. A number of the agencies share the responsibility for implementing the recommendations. CJI does not have statutory power to inspect outside of the Criminal Justice System (CJS). However, where recommendations are overseen by external organisations such as Department of Health Social Services and Public Safety or Department of Social Development, Inspectors will examine, where possible, the impact of those recommendations within the CJS and its stakeholders.

### Context

The devolution of policing and criminal justice following the Hillsborough Castle Agreement provided a unique opportunity to consider the youth justice system in Northern Ireland.

Given the complexity of the myriad of issues surrounding youth justice, the Report focused on those issues which was felt would make the greatest difference to the lives of children, victims and communities.

The YJR was undertaken on behalf of the Minister of Justice by an independent team of three people. Its terms of reference were:

- to assess the current arrangements for responding to youth crime; and
- make recommendations for how these might be improved within the wider context of, among other things, international obligations, best practice and a financially uncertain future.

The consultation process involved a wide range of stakeholders including children and young people and members of the communities where they lived. The report focused on:

- areas of strengths;
- policing/early intervention/diversion and prosecution;
- bail/remand/custody;
- youth court;
- conferencing/re-integration and rehabilitation;

- delay;
- children's rights/special groups and international standards; and
- strategic and practical arrangements for delivery.

The Report made 31 recommendations with several recommendations being broken down into sub-sections.

The DoJ have taken the lead in ensuring implementation of the YJR recommendations. A Reducing Offending Programme Board has been established to oversee the progress of the implementation. An Implementation Plan has been devised with a view to gauging the progress of each and every recommendation. The Plan provides milestones against which to measure progress.

CJI has been requested by the Minister of Justice, David Ford, to provide oversight and independent scrutiny over the process of YJR implementation.

## Aims of the monitoring process

The broad aims of the process are to:

- assess the progress of the relevant justice agencies in respect of their implementation of the recommendations from the YJR Report;
- report on the current position as to whether the recommendations have been achieved;
- report on the reasons for those recommendations not yet achieved and the progress made;
- report on any recommendations that have not been achieved and potentially are not achievable and the reasons for this; and
- assess the impact on the CJS of recommendations being progressed by external organisations.

A number of recommendations may not be easily implemented – for example the raising of the statutory age for prosecution has not been met with any political consensus and without such a platform to begin, from implementation will not be possible. Such recommendations will be identified and reasons will be sought from the relevant lead agency as to the issues surrounding implementation.

Finally, consideration will be given to the impact of any recommendations that have been implemented, and where possible in the time frame given, try to measure whether the intention of the recommendations in the YJR Report, have been implemented through the Implementation Plan. Cognisance is given to the relatively short period of time since the YJR was published and further, the recently published Implementation Plan. To monitor the impact at this point may be of nugatory value, however the YJR Report focuses on those issues which were felt would make the greatest difference to the lives of children, victims and communities and it is this regard that the impact of any recommendations will be based.

## Methodology

Terms of reference have been shared with the DoJ and lead agencies.

The inspection will be based on the CJI Inspection Framework, as outlined below, for each inspection that it conducts. The three main elements of the inspection framework are:

- strategy and governance;
- delivery; and
- outcomes.



CJI constants throughout each inspection are independence, equality and fairness, together with standards and best practice.

The methods of gathering evidence will include:

- structured interviews/focus groups with relevant personnel from the DoJ, the PSNI, the PPS, the YJA and other relevant agencies;
- feedback from other relevant stakeholders, for example, the Children's Law Centre, Opportunity Youth, Include Youth, Children in Northern Ireland, Victim Support, NIACRO, Northern Ireland Commissioner for Children and Young People and Voice of Young People in Care;
- information from CJI inspection and thematic reports;
- observation through attendance at relevant DoJ/Stakeholder/Reducing Offending Programme Board meetings and events; and
- consideration of progress reports, performance milestones and assessment of achievement against objectives.

It is acknowledged that children and young people are key stakeholders in evaluating the implementation of YJR recommendations. At the time of writing, only some of the recommendations have been assessed as complete, whilst others are in the process of being implemented. Given the limited time from the completion of the YJR and the implementation thereof, it may not be possible to adequately engage with young people and children directly, to assess their experiences of the changes within the CJS. However, their views will be sought through the various VCS organisations for example Include Youth and Opportunity Youth.

Further consideration will be given to the structure of project management, strategies in place and governance, to ensure delivery of the objectives/recommendations.

### Research and review

Research will be conducted into the report on the Review of the Youth Justice System, the Implementation Plan for the YJR and the feedback documentation from the various organisations in drafting the Report on the Review of the Youth Justice System. Further consideration will be given to the Delivering Social Change (DSC) Framework where it coincides with the aims of the YJR recommendations. Further research will be conducted regarding any impact on the outcomes of any completed recommendations where possible. Processes, policies and procedures will be researched and reviewed.

### Fieldwork

Fieldwork is scheduled to commence in January 2013.



## Delivery

### *Stakeholder consultation*

Consultation will include statutory agencies and non-statutory organisations which are involved in implementing the recommendations of the YJR. This will also involve consultation of a range of interest groups. The stakeholder organisations will include but will not be limited to the:

- Department of Justice;
  - Youth Justice Agency;
  - PSNI; and
  - PPS.
- Interviews will be conducted with stakeholder management, staff, and relevant agencies to give insight into progress of the implementation of the recommendations.
  - Timelines and milestones will be examined and monitored with a view to benchmarking progress and completion of recommendations.
  - Assessment of current strategies in place to implement recommendations.
  - Identify where possible and/or relevant, best practice within and outside Northern Ireland to provide some basis for standard setting and benchmarking.

### Feedback and writing

Following completion of the fieldwork and analysis of data a draft report will be shared with the relevant stakeholders for factual accuracy check. The Chief Inspector of Criminal Justice will thereafter invite relevant stakeholders to complete an Action Plan to address any recommendations and, if possible, this will be published as part of the final report. The final report will be shared, under embargo, in advance of the publication date with the inspected agencies.

### Publication and closure

CJI will produce an Annual Report on the overall progress of the YJR recommendations. The first report will be presented to the Minister of Justice in March 2013. A further report will be submitted in March 2014. Quarterly updates will be provided to the Minister of Justice.

To allow the necessary follow-up work to be undertaken by Inspectors, reports to independently validate recommendations deemed complete will be provided by CJI to the Chair of the Reducing Offending Programme Board and the YJR Stakeholder Forum, for the meeting following that at which the original report of completion was made.

Inspectors will also report on any emerging issues relevant to the Youth Justice Review agenda as directed by CJI's Chief Inspector.

All reports will be published on the CJI website.




## Appendix 3: Delivering Social Change six signature programmes

Department	Programme	Detail
<b>Department of Education (DE)</b>	Undertaking additional literacy and numeracy measures.	An additional 230 recent graduate teachers who are not currently in work will be employed to deliver one to one tuition for children in primary and post primary schools who are currently struggling to achieve even basic educational standards.
<b>Department of Health Social Services and Public Safety (DHSSPS)</b>	Taking forward the establishment of 10 Family Support Hubs over the next two years.	These are coalitions of community and voluntary organisations and agencies which provide early intervention services locally in order to enhance awareness, accessibility, co-ordination and provision of Family Support resources in local areas.
<b>Department of Health, Social Services and Public Safety</b>	Taking forward additional high quality support to new and existing parents living in areas of deprivation through positive parenting programmes.	This would include potentially engaging 50 additional health workers on a two-year basis to support this work and will provide guidance, training and information for up to 1200 families.
<b>Department for Social Development along with Department of Education (DSD &amp; DE)</b>	Taking forward funding an additional 20 nurture units to be rolled out across Northern Ireland in addition to the seven nurture units already being rolled out by DSD.	These units are based within schools with specialists that work with targeted children to provide support, encouragement and help.
<b>Department for Social Development along with the Department of Enterprise, Trade and Investment (DSD &amp; DETI)</b>	Taking forward the development of approximately 10 Social Enterprise Incubation Hubs servicing areas of multiple deprivation over a two-year period.	This is designed to tackle dereliction and community eyesores but also the lack of local employment by encouraging social enterprise business start up within local communities.
<b>Department for Employment and Learning (DEL)</b>	To scale up and roll out a pilot intervention to support young people not in Education, Employment or Training (NEETs) in developing skills and linking them to the employment market through structured programmes and projects.	DEL's pilot currently targets 44 families in urban and rural areas. The intention would be replicate this model and increase the target number of families to 500. Further information is available on the DEL website.

## Appendix 4: Admissions to Woodlands Juvenile Justice Centre by PSNI station in 2012

PSNI STATION	Children from Care Home	Children not from Care Home	TOTAL
Antrim	6	22	28
Bangor	15	12	27
Musgrave	6	18	24
Antrim Road	5	18	23
Lurgan	11	9	20
Grosvenor Road	3	16	19
Lisburn	2	12	14
Banbridge	8	6	14
Coleraine	3	7	10
Ballymena	2	7	9
Omagh	3	4	7
Dungannon	1	5	6
Newtownards	5	0	5
Enniskillen	3	0	3
Armagh	1	2	3
Limavady	1	1	2
Newry	1	1	2
Downpatrick	0	1	1
Strand Road	0	0	0
Not identified	1	9	10
<b>TOTAL</b>	<b>77</b>	<b>150</b>	<b>227</b>



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