

# Youth Conference Service

Inspection of the Youth Conference  
Service in Northern Ireland

February 2008

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





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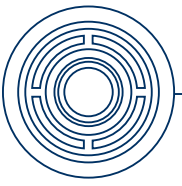
February 2008

Presented to the Houses of Parliament by the Secretary  
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Justice (Northern Ireland) Act 2002.

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## List of abbreviations

<b>ACE</b>	Assessment, Case Management and Evaluation System
<b>ASSET</b>	Structured assessment tool used by Youth Offending Teams in England and Wales
<b>CJI</b>	Criminal Justice Inspection Northern Ireland
<b>CJS</b>	Criminal Justice System
<b>CJO</b>	Criminal Justice Organisation
<b>CJR</b>	Criminal Justice Review
<b>CS</b>	Community Services Directorate (YJA)
<b>DPP</b>	Director of Public Prosecutions
<b>HR</b>	Human Resources
<b>IT</b>	Information Technology
<b>JJC</b>	Juvenile Justice Centre
<b>MoU</b>	Memorandum of Understanding
<b>NI</b>	Northern Ireland
<b>NIACRO</b>	Northern Ireland Association for the Care and Resettlement of Offenders
<b>NICS</b>	Northern Ireland Civil Service
<b>NICtS</b>	Northern Ireland Court Service
<b>NIO</b>	Northern Ireland Office
<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>PSR</b>	Pre-Sentence Report
<b>QUB</b>	Queens University Belfast
<b>RJ</b>	Restorative Justice
<b>RM</b>	Resident Magistrate
<b>S75</b>	Section 75 (of the Northern Ireland Act)
<b>SLA</b>	Service Level Agreement
<b>VCS</b>	Voluntary and Community Sector
<b>YCS</b>	Youth Conference Service
<b>YDO</b>	Youth Diversion Officer (in police)
<b>YJA</b>	Youth Justice Agency



## Chief Inspector's Foreword

There is enormous interest, both in Northern Ireland and internationally, in the pioneering work the Youth Justice Agency here has done in relation to restorative conferencing for young offenders and their victims.

The work was evaluated by Queen's University Belfast at an early stage, but this inspection provided the first chance to look at the Service now it is mature and to consider how far it is meeting its own objectives and the aspirations the Government had for it.

Overall the picture is a positive one. This Inspectorate remains convinced in principle of the value of the restorative approach to criminal justice. It would be wrong to expect perfect outcomes every time. There are bound to be limits to the effectiveness of the approach with the more persistent young offenders, and it is understandable that not all victims will want to take part. But where victim and offender can be brought together in a carefully moderated environment there is no question that restorative conferencing can be extremely effective.

There remain two concerns, both of which relate to cost-effectiveness. First, it is clear that the Service is coming under pressure as a result of rising numbers of referrals and limited resources to handle them. I am concerned that the quality of the process may be jeopardised as a result, which could lead to the distinctive benefits of restorative conferencing being lost. Secondly, we do not yet have reliable figures to show how effective conferencing is in reducing re-offending compared to the conventional justice system. Conferencing is in principle a superior approach, but the Agency will need to show that it is also serving the primary objective of the criminal justice system.

This inspection was led for CJI by Bill Priestley. I would like on his behalf to thank all those whom he contacted in the course of the work, and in particular the staff and managers of the Youth Justice Agency, who gave Inspectors every assistance.

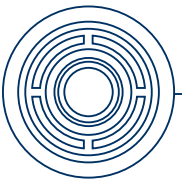


**Kit Chivers**

Chief Inspector of Criminal Justice in Northern Ireland

**Criminal Justice Inspection  
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## Executive Summary

This inspection looked at how young offenders are dealt with through the Youth Conference Service (YCS). It followed on from a comprehensive evaluation of the service conducted early in its development by Queens University Belfast (QUB)<sup>1</sup>. It assessed the service in terms of the CJI inspection framework at a point in time when the service was receiving on average around 2000 referrals a year.

Inspectors found that the YCS was delivering an effective and useful service but that it was operating at the boundary of its capacity under its present structures and resources. Staff and management were totally committed to providing a restorative system that worked for the young offenders as well as for victims and they were focused on getting the balance right between the needs of offenders and victims. The key recommendation of this Inspection is that a full system-wide review into current practices in youth offending is now needed with the aim of developing a clearer and more integrated system with restorative practice at its core.

Operating with its present workload of around 2000 referrals a year will not be sustainable unless the YCS and its parent organisation the Youth Justice Agency (YJA) implements the measures that Inspectors found to be in the early stages of planning at the time of inspection fieldwork. Inspectors also believe that after three years of operation the YJA should now fundamentally review its operating structures to ensure a more integrated approach to youth offending and the continued effective delivery of the conferencing service.

The YCS had been rolled out across all areas of Northern Ireland in line with the deployment of the Public Prosecution Service (PPS) but this had squeezed finances and had resulted in the reduction of programmes purchased by the YCS from the Voluntary and Community sector (VCS). The strain on finances had also meant that two separate elements of the YJA, Community Services (CS) and the YCS, had had to work more closely together even though their approach to youth justice differed. Inspectors found that this alliance had caused some initial difficulties mainly in Belfast but that the organisation had begun to address these. In more rural areas the difficulties were less stark as sharing of resources had meant that there were closer working relationships between CS and YCS staff at operational and management level.

Inspectors found that YCS staff were fully committed, well trained, produced good quality reports, and delivered what appeared to be effective conference plans. However, when dealing with less common offences such as ones of a sexual nature more support and training would be essential to ensure the correct handling of such sensitive cases. The

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<sup>1</sup> Queens University, Institute of Criminology and Criminal Justice, School of Law, Queen's University, Belfast; October 2005






number of such cases is likely to increase when expected amendments are made to legislation in 2008. The provision of support for staff through better IT systems and the development of a repository of programmes and interventions available to address young people's offending behaviour would improve coordinators' effectiveness at a time when they are operating at or near capacity.

The effectiveness of conferencing persistent offenders where a young person had already experienced multiple conferences was an issue. There was no statistical data to suggest that effectiveness diminished with the number of conferences attended but several categories of participants and stakeholders raised the issue with Inspectors. Data needs to be gathered to effectively examine this area of concern. Inspectors were told by young persons and victims that the effect was less than during the first conference experience. More robust conference plans for persistent offenders were being examined by the YCS and other solutions involving consolidated conferences were suggested to Inspectors. It was obvious that these issues need to be addressed and require careful analysis through wide consultation with staff, partners and stakeholders to ensure an outcome that balances the rights of young people and victims.

The YCS had developed effective partnerships with statutory agencies and with organisations from the VCS. After initial difficulties referrals from both the courts and PPS had increased. Inspectors found that the vast majority of referrals were appropriate but that a few very minor cases had been forwarded for conferencing which was disproportionate to the offence committed. Inspectors also found that there was some overlap between the work of the YCS and the PBNi as often they had been dealing with the same young persons. Both organisations had worked to coordinate their activities but more could be done as part of a wider review of the youth justice system to ensure a clearer and more integrated approach to youth offending with restorative justice at its core. Data available to the YCS about the previous behaviour of young persons referred to it was not comprehensive and such a review should address this issue so that fully informed decisions about future interventions can be made.

Training interventions had been made by the YCS with organisations such as the PSNI and with solicitors, through continuous professional development programmes. These interventions had not been evaluated for their effectiveness but YCS staff felt that there had been a positive impact and that through the conferencing process, police youth diversion officers (YDOs), and solicitors had benefited. Training had also been delivered to lay Magistrates. It would be useful to evaluate the effectiveness of all these interventions so that further development can be made.

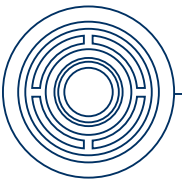


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It was not possible to fully evaluate how effective the conferencing process was in terms of reducing re-offending. No data on re-offending was available from the Northern Ireland Office (NIO). The latest reconviction data had been published in 2002, before the implementation of the YCS. The YCS had been gathering data on re-offending and hoped to publish the figures early in 2008.

Inspectors observed several conferences and spoke with many participants who testified to the effectiveness of the conference in human terms. Victims and their representatives felt that the process was very worthwhile. Young persons spoken to by Inspectors also were positive about conferencing. Survey data gathered by the YCS pointed to high satisfaction levels with the process amongst all those categories of participants surveyed. Participant surveys could be further developed to include all those involved and should cover the period after the completion of conference plans.

The YCS did not gather comprehensive data that enabled it to assess the impact of its activities across all the categories of Section 75 of the Northern Ireland Act 1998 (s75). Inspectors found that there was some reluctance on the part of YCS staff to ask for this information in case it should damage the relationship building process. However, this data could be collected at subsequent meetings in the conferencing process in a way that would lessen the chance of affecting relationships with the young person or with victims. This is an area that should be developed and the collection of s75 data from participants in the conferencing process should be made mandatory.





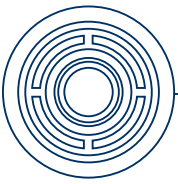
# Recommendations

## Key Recommendation

**It is recommended that a full system-wide review should be conducted into current practices in youth offending with the aim of developing a clearer and more integrated system with restorative practice at its core (paragraph 3.20).**

## YCS/YJA Responsibility

- **Inspectors recommend that detailed YCS key performance information should be reported on and published annually commencing at the time of the next YJA annual report (paragraph 2.2).**
- **It is recommended that the conference survey is expanded to include all conference participants and that it is extended to include the period of time immediately after completion of the conference plan (paragraph 2.3).**
- **It is recommended that the YCS reviews its processes for dealing with offending behaviour involving multiple offences in consultation with staff, all its CJS partners and stakeholders in the wider community (paragraph 2.11).**
- **It is recommended that YCS staff should be consulted regularly, separate to any performance/accountability meetings, and that findings should be circulated to all staff together with management responses and outcomes (paragraph 2.12).**
- **In support of police YDOs, it would be useful if the YCS developed an awareness programme with the PSNI both within the Police College and amongst officers in districts (paragraph 3.3).**
- **It is recommended that as the parent organisation the YJA should review its operating structures to ensure a more integrated approach to the continued delivery of the YCS, utilising the skills and resources that are available in the other YJA directorates (paragraph 3.10).**
- **It is recommended that the YCS develop a central repository of organisations and their area of expertise in relation to the provision of suitable interventions for young people undertaking conference plans. The repository should be regularly updated and be made easily available to conference coordinators (paragraph 3.14).**



- **It is recommended that the collection of s75 data on young persons and victims is made mandatory and that such data is actively monitored, analysed and reported to assess the impact of conferencing on all s75 categories (paragraphs 4.3 & 4.4).**
- **It would be useful if the effectiveness of training delivered to solicitors by the YCS was evaluated and results used to further develop such programmes (paragraph 4.8).**
- **It is recommended that the YCS source and deliver appropriate training for staff who are expected to facilitate conferences to deal with sexual offences and that only fully trained, designated YCS staff are approved to handle such cases (paragraph 4.13).**
- **It is recommended that the provision of IT support should be reviewed to enable outlying areas to communicate management information and to access essential data more effectively (paragraph 5.6).**

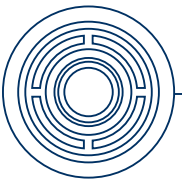
### **Other Organisations**

- **It is recommended that directing lawyers in youth cases should set out their reasoning for directing a course of action to the victim and the YCS (paragraph 2.6).**
- **It is recommended that the YCS should be supplied with comprehensive data on the previous intervention history of any young person referred for conferencing so that fully informed decisions about later interventions can be made (paragraph 4.7).**

Section



# Inspection Report



# Introduction

1.1 The Justice (Northern Ireland) Act 2002 gave statutory authority for Youth Restorative Conferencing. The approach to youth justice was based on the recommendation in the Criminal Justice Review (paragraph 2.60) that: “restorative justice should be integrated into the juvenile justice system and its philosophy in Northern Ireland, using a conference model based in statute, available for all juveniles subject to the full range of human rights safeguards”.

1.2 The aims of the youth justice system as set out in Section 53 of the Act are:

- to protect the public by preventing offending<sup>2</sup> by children;
- that all persons and bodies exercising functions in relation to the youth justice system must have regard to that principal aim in exercising their functions, with a view (in particular) to encouraging children to recognise the effects of crime and to take responsibility for their actions; and
- that all such persons and bodies must also have regard to the welfare of children affected by the exercise of their functions (and to the general

principle that any delay in dealing with children is likely to prejudice their welfare), with a view (in particular) to furthering their personal, social and educational development.

1.3 The idea of youth conferencing is to give young offenders the opportunity to understand and make amends to their victims for the consequences of their offending and to take steps to stop future crime. It involves victims, the young person’s family, the police, the community and supporters<sup>3</sup> to reach an agreed decision on what can be done to put right the harm. In contrast with more traditional models of justice, youth conferencing seeks not only to encourage young people to recognise the effects of their crime and take responsibility for their actions, but also to devolve power by actively engaging victim, offender and community in the restorative process.

1.4 Victim empathy is an important factor in changing the behaviour of young offenders, who in some cases see their offences as victimless. Meeting the victim with members of the young person’s family present should

<sup>2</sup> Including re-offending

<sup>3</sup> Of both victim and offender





not be a question of 'shaming', but there was no question that young people observed by Inspectors at conferences found it a real sanction. The approach is not a panacea and does not turn every young offender into a reformed character. But the ethos is that it is much more of a holistic, problem-solving approach, which addresses the roots of how the pattern of offending behaviour had come about.

- 1.5 Youth Conferencing uses an inclusive restorative justice (RJ) model which as a minimum involves the young person, an appropriate adult, the police (usually a youth diversion officer, YDO), and a conference co-ordinator as facilitator. Other appropriate persons also have a right to be involved, notably, victims, legal representatives, and supervisors of young people under a juvenile justice centre or custody care order.
- 1.6 The original NIO project was intended to establish a Youth Conference Service separate to existing organisations but as the project progressed a decision was made to integrate the YCS with the YJA. The integration of the YJA and YCS with different salary scales and a separate ethos and identity may have led to some initial difficulties with internal relationships, especially with the Community Services Directorate (CS), during the first three years of the YCS existence. These difficulties have largely been overcome through closer integration of services provided by both the YCS and CS

is required if there is to be effective use made of shrinking resources.

- 1.7 The Northern Ireland Youth Conference Service was launched in Belfast in December 2003. It was extended to Fermanagh and Tyrone in April 2004 and to Newry, Banbridge and Armagh in June 2005. The service was introduced to North Down, Downpatrick, Lisburn and Craigavon in October 2006 with Derry/Londonderry, Coleraine, Ballymena, Larne, and Antrim going live in early December 2006. From the outset it was envisaged that the process would be much more than just another means of disposal and that it would encompass the views of victims, society and the young offenders.
- 1.8 Referrals to the YCS may come from the Public Prosecution Service (PPS) as a diversion from prosecution or from the courts as a court ordered conference following a finding of guilt. Both require the full consent of the offender to participate in the conference. Following conference a conference plan<sup>4</sup> is agreed which may be affirmed by the PPS or the court. Once a plan has been affirmed it becomes a statutory order which is monitored by the Youth Conference Co-ordinator. Action may be taken in the event of a breach of the plan. Plans developed as a result of PPS diversions are not criminal convictions. However, those plans resulting from court ordered conferences are classed and recorded as criminal convictions.

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<sup>4</sup> A conference plan is an agreed outcome which is signed by the participants to a conference and includes actions designed to address the young persons' offending behaviour – see table 7 appendix 2 for elements of conference plans

1.9 Initially there was a period of a slow trickle of referrals from the PPS and from some court areas. Young people (often on legal advice) would not admit guilt until the last possible moment. YCS initiatives with The Law Society, PPS and courts have addressed some of these issues but there is a continuing obligation to ensure that these critical partners in the process are kept fully informed.

1.10 The YCS was evaluated in a report published by Queens University Belfast (QUB) in October 2005<sup>5</sup>. At that time there had been a total of 362 referrals of which about one third had been from the PPS and the remainder had come from courts. For the purposes of this inspection, CJI examined data for the period January to December 2006 during which time there were over 900 referrals. The annual referral rate at the time of publication is running at over 2000 cases.

1.11 The QUB evaluation made a total of 30 recommendations grouped under the following headings: *Referrals; Preliminary stages; The Conference; Overall evaluation of conferences; The making of conference plans and orders; and Further research.* Since the evaluation the YCS has been working to address these recommendations and this work is evident in some of

the findings of this inspection. Much of the work is still ongoing, especially in relation to proposed legislative changes, for example the YCS is working with the NIO to make changes to the Rehabilitation of Offenders Order and Sexual Offences legislation. These changes are expected to be implemented in 2008. This inspection examined the work of the YCS using the CJI inspection framework. The YCS produced a pre-inspection self-assessment using the framework which identified areas for improvement as well as areas of strength.

1.12 Restorative Justice has become an established element of many Criminal Justice Systems (CJS)<sup>6</sup> though the existence of hard evidence illustrating its effectiveness compared with other approaches is thin<sup>7</sup>. New Zealand was one of the first jurisdictions to formally introduce restorative practices to deal with youth offending through the implementation of family group conferences in 1989. Initial findings were that re-conviction rates were no worse than experienced when using other approaches to youth offending<sup>8</sup>. However, more recent studies have suggested that RJ may work better with more serious crimes rather than minor misdemeanours<sup>9</sup>.

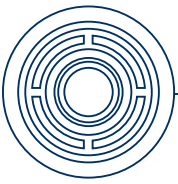
5 Queens University, Institute of Criminology and Criminal Justice, School of Law, Queen's University, Belfast; October 2005

6 Miers, D., *An International Review of Restorative Justice*; Crime Reduction Research Series Paper 10; (Home Office Policing and Reducing Crime Unit, Research, Development and Statistics Directorate; 2001)

7 Maxwell, G. and Morris, A. (2000). Restorative justice and reoffending. In H. Strang and J. Braithwaite (eds), *Restorative justice: Philosophy to practice*, 93-103. Aldershot: Ashgate.

8 Morris, Allison and Gabrielle Maxwell. 1998. "Restorative Justice in New Zealand: Family Group Conferences as a Case Study." *Western Criminology Review* 1 (1).

9 Sherman, Lawrence W. and Heather Strang. (2007). *Restorative Justice: The evidence*, Jerry Lee Program of Randomized Trials in Restorative Justice. Published by the Smith Institute.



1.13 New Zealand has a system-wide approach to youth offending using diversionary measures. A total of 76% of all youth offenders are dealt with through diversion, written warnings or community-based approaches. Eight percent of youth offenders are dealt with by (intention to charge) family group conferences, and a small number of these end up being charged in the Youth Court. Only 16% of young offenders are directly charged in the Youth Court. Despite an increase of the youth population in New Zealand, the number of cases finalised in the Youth Court is in decline. Of those that do reach the youth court well over half of those either receive an absolute discharge after the completion of a family group conference plan, or the case against them is not proved<sup>10</sup>.

1.14 In comparison, Table 1 shows the numbers and percentages of youth offenders charged in Northern Ireland from 2004-05 to 2006-07. Whilst there has been a steady decline in the percentage of young

offenders charged to court, the figure remains high at almost 30% for a jurisdiction that has a youth conferencing approach as its core approach to youth offending.

1.15 Direct comparisons between the cost and effectiveness of different approaches of dealing with youth offending are difficult. Using recidivism studies as a measure of success involves long term evaluation whilst the latest published statistics on re-conviction rates in Northern Ireland are only available for the year 2002, pre-dating the introduction of the YCS. Data on re-offending, as opposed to reconviction, is generally not collected in Northern Ireland though the YCS themselves are now recording this information and aimed to publish it by the end of 2007. Similarly specific unit costs of the different approaches of dealing with youth offending are not available.

1.16 Inspectors conducted interviews with and obtained written submissions from a wide range of stakeholders.

**Table 1**

Decision Type	2004- 05		2005- 06		2006- 07	
	Number of Suspects	Percentage (%)	Number of Suspects	Percentage (%)	Number of Suspects	Percentage (%)
Indictable Prosecution	30	1.1%	53	1.3%	57	0.8%
Summary Prosecution	1,048	39.0%	1,508	37.6%	2,191	28.7%
Caution	383	14.2%	739	18.4%	1,210	15.9%
Informed Warning	521	19.4%	651	16.2%	1,368	17.9%
Youth Conference	129	4.8%	222	5.5%	708	9.3%
No Prosecution	579	21.5%	836	20.9%	2,099	27.5%
<b>TOTAL</b>	<b>2,690</b>	<b>100.0%</b>	<b>4,009</b>	<b>100.0%</b>	<b>7,633</b>	<b>100.0%</b>

\*This includes both DPP (pre-rollout) and PPS (post-rollout) regions

<sup>10</sup> Youth Offending: Putting the Headlines in Context (Issue 3 - covering 2003) - Judge Andrew Becroft; Ministry of Justice Youth Court, New Zealand, December 2004.



Many of the staff involved in the delivery of the conference service were interviewed and Inspectors also spoke with YCS and YJA management<sup>11</sup>. Conferences were observed with prior permission of attendees and Inspectors were impressed with how powerfully some of these events appeared to affect perpetrators and how positively most victims felt about their experience. Following conferences Inspectors were able to survey participants, including victims and offenders, and heard very few negative comments. One victim, a residential care worker, said of the perpetrator (a child in her care):

“I’ve never seen her react like that before, she had tears in her eyes during the conference and it was genuine, I know her well enough to tell that. It (the conference) really seemed to make her realise what she had done.”

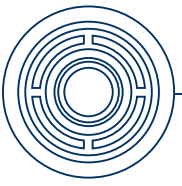
much closer relationship between the YCS and YJA Community Services department was envisaged.

- 1.17 It was evident that the ethos of conferencing was firmly embedded throughout the service and that there was a genuine desire to deliver a system to make things better both for victims and young offenders. However, initially there had been some problems with internal and external partnerships in that strong proponents of the YCS were seen as being almost evangelistic in their approach. But, as the service evolved these problems lessened and Inspectors found there was good partnership working. Internal partnerships had developed even further and at the time of writing a

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<sup>11</sup> Detailed methodology at Appendix 1





## CHAPTER 2:

# Openness



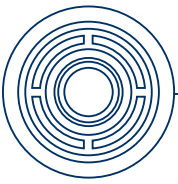
2.1 The YCS is an integral part of the YJA and therefore its activities are reported on annually in YJA reports. The YJA consulted widely in the production of its corporate plan. Being one (though significant) part of a parent organisation has meant that the provision of specific, detailed information to the public has been limited. However, the YCS does have its own dedicated website and produce a stand-alone quarterly news sheet. The news sheet contains general information about referrals received by the agency but the last publication was in March 2006.

2.2 Within the YJA the YCS occupies a prominent place in the parent organisation's commitment to victims of crime as outlined in its main web pages<sup>12</sup>. The YCS rightly belongs with the YJA which should continue to include in its reports specific references to YCS performance. However, it would improve openness and the public profile of the YCS if more detailed information about its performance was reported. This could be done either through the medium of the YCS news sheet or by expanding the YCS review section of the YJA annual report. **Inspectors recommend that detailed YCS**

**key performance information should be reported on and published annually commencing at the time of the next YJA annual report.**

2.3 Users of the YCS include young offenders, victims of crime, and various individuals and organisations engaged to assist in delivering a comprehensive conferencing service. The YCS conducts surveys on a 1 in 10 basis of some of the participants in conferences and consults separately with victims twice a year. However, this process is limited to post-conference and does not cover the period following completion of conference plans. Survey results are communicated via the YCS news sheet. It would further enhance openness and learning if the survey was further expanded to include all conference participants including the police YDOs and extended to deal with issues post conference plan. **It is recommended that the conference survey is expanded to include all conference participants and that it is extended to include the period of time immediately after completion of the conference plan.**

12 [http://www.youthjusticeagency.ni.gov.uk/about\\_us/victims/](http://www.youthjusticeagency.ni.gov.uk/about_us/victims/)




- 2.4 Openness in how young offenders are dealt with is not only the responsibility of the YCS. Young offenders are processed through the PSNI systems and the PPS before being referred for conferencing. Offenders may also be referred to the YCS from the courts following a finding of guilt. Legislation dictates that conferencing must be offered by a court except where there are exceptional circumstances and, *'If a court does not refer a case to a youth conference co-ordinator where it has power to do so –*
- (a) *it must give its reasons in open court; and*
  - (b) *if it is a Magistrates' court, it must cause the reason to be entered in the Order Book'.*
- This approach enhances the openness of decision making in youth cases heard at court.
- 2.5 Prosecution decisions rest with the PPS. In the CJI report, *'An Inspection of the Public Prosecution for Northern Ireland'*<sup>13</sup>, we recommended that, *'Directing lawyers should, save in exceptional circumstances, set out clearly to the victim or personal representative their reasoning for directing no prosecution or withdrawing proceedings'*. Openness in decision making as regards conferencing is legislated for in respect of court cases that are not directed to youth conference but not in respect of PPS diversionary conferences.
- 2.6 PPS decisions are not open. Referrals to the YCS are done on a case by case basis and prosecutors apply the

code<sup>14</sup> but do not give reasons for decisions. Inspectors came across some anomalies where what appear to be very minor offences for example, the theft of a bar of chocolate, can get referred to conference. There are often contextual issues in these cases, for example where other charges are not pursued due to lack of evidence but this is not evident to the YCS or to victims. Arranging a conference with all its attendant issues such as victim participation and preparation seems disproportionate in such minor cases, especially as the context is not known. Therefore, in the context of PPS diversionary referrals to youth conferencing, it would be useful if directing lawyers gave their reasoning whether or not conferencing is directed as the method of dealing with youth offenders. **It is recommended that directing lawyers in youth cases should set out their reasoning for directing a course of action to the victim and the YCS.**

- 2.7 Reporting meaningful and detailed statistics with regard to the YCS is a problem area especially when attempting to measure the success or otherwise of the approach. There is a gap in information available regarding reconviction data. There is no official reconviction data for Youth Conference Orders (YCOs) and diversionary plans are benchmarked against other types of Northern Ireland orders. The latest NIO juvenile reconviction data is for disposals in 2002.

<sup>13</sup> Published July 2007

<sup>14</sup> The Code for Public Prosecutors



2.8 The YCS was designed by reference to other jurisdictions and through a wide consultation process but three years into its development, questions have arisen over the issues of persistent young offenders, multiple victims and multiple conferences. During fieldwork Inspectors spoke with young people who were going through their fifth and sixth conference. On the face of it this suggests that previous conferences had been ineffective. However, in most of these cases the offending behaviour had been concentrated into a short period of time and involved multiple victims. This meant that a conference had been arranged for each separate offence involving separate victims. At the heart of this approach is the right of victims to attend and experience for themselves the conference and the young person's involvement in it. The ethos is that it is all part of the healing process. However, it meant that, for example, a young person in their fifth conference concerning a series of burglaries had heard the submissions of victims or their representatives five times over. Young people in these circumstances told Inspectors that the effect on them was less than it had been during the first such conference, though there is no statistical evidence on which to base these observations.

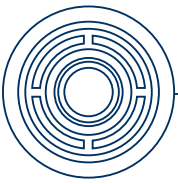
2.9 In addition, coordinators found themselves in a position during the fifth or sixth conference where many of the suggested remedies had already been agreed and the young person was already engaged in a comprehensive conference plan. A solution suggested to Inspectors was

that one conference could be arranged to deal with one episode of offending behaviour involving multiple offences. Such a conference would involve the victims of each offence perpetrated. However, this approach requires careful consideration. Inspectors found that even where there was only one victim present at conference the process of a young person facing a court room full of adults had been replaced by a conference full of adults (including their own supporters). The additional numbers of victims present in a consolidated conference may be counter productive, may affect the conference dynamics and could be detrimental to the young person and the aims of the YCS.

2.10 Another approach suggested was to arrange one conference to deal with multiple offences but to involve each victim for their part only. This would probably mean extending the time a conference took to complete and may mean that the victims would not be present to witness the agreed conference plan. However, the suggested plan could be communicated to the victims for their comments following the conference.

2.11 Whatever the merits or disadvantages of each suggestion it was obvious to Inspectors that these issues need to be addressed, especially with increasing numbers of referrals to the YCS and diminishing resources. Any system should take careful account of the pressures placed on service deliverers, such as coordinators and case managers, so that a quality product is maintained. A conveyor belt approach should be avoided and





each conference should remain a significant event for the participating young persons and victims. The issue requires careful analysis and wide consultation with staff, partners and stakeholders to ensure an outcome that balances the needs of the victim, the young person and the system and does not compromise the rights of the young person nor the principles on which the YCS is based. **It is recommended that the YCS reviews its processes for dealing with offending behaviour involving multiple offences in consultation with staff, all its CJS partners and stakeholders in the wider community.**

introduce staff meetings at locations away from their offices to deal with issues raised by staff rather than with performance and this is encouraging. **It is recommended that YCS staff should be consulted regularly, separate to any performance/accountability meetings, and that findings should be circulated to all staff together with management responses and outcomes.**

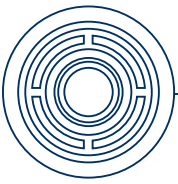
- 2.12 Inspectors spoke with a wide range of YCS staff right across Northern Ireland and their dedication and commitment was apparent. All of the staff spoken to had firm conviction in the ethos of restorative conferencing. However, Inspectors found that many staff were under considerable pressure in terms of their workload and staff perceived that they were operating in a high performance driven environment. Structures were in place that enabled staff to meet with supervisors and managers on a regular basis and the fact that managers visited outlying districts was welcomed by staff. But, meetings were often seen as concentrating on performance issues leaving little time to discuss matters that staff saw as relevant to the development of the YCS. It is important that staff feel able to raise matters with their management confident that they are being listened to. Since the period of fieldwork, Inspectors have been made aware of management plans to

## CHAPTER 3:

# Partnership



- 3.1 The YCS is dependent on good partnership work to enable it to deliver an effective service. As an integral but discrete part of the YJA, it relies on internal partnerships with the other directorates as well as on strong relationships with external providers. Since its inception the YCS had built relationships with community based organisations that had enabled it to identify suitable development programmes for young people who attended conferences. It had also sourced appropriate programmes from within the Community Services Directorate of the YJA, though these had been used less frequently.
- 3.2 Interaction with other Criminal Justice Organisations (CJOs) had also been developed. The YCS had effective protocols and service level agreements (SLAs) in place with all of its main partners within the Criminal Justice family such as the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO), the PSNI and the Northern Ireland Court Service (NICtS), as well as with other organisations such as Mediation Northern Ireland. There were regular meetings with Magistrates and the YCS constantly monitored diversionary referrals from the PPS and referrals ordered by the courts.
- YCS staff also participated in regular training/awareness sessions with the PPS, Law Society and PSNI to communicate roles, responsibilities and restorative processes.
- 3.3 Much successful work had been carried out with the PSNI, especially with the youth diversion officers (YDOs). Police officers had been reluctant to attend conferences as victims. However, attendance rates had improved and the YCS attributed this to the good work of the YDOs. There was a very good working relationship with YDOs and there were regular meetings to explore any issues. The YCS had been involved in the past year in the training of new PSNI officers at the Police College. They had also undertaken joint training with PSNI YDOs and had regular contact with PSNI Community Safety Branch. Some training sessions had been delivered in police districts but this scheme had not been extended outside Belfast as it had proved very resource intensive. The YDOs perceived their work as very worthwhile and most felt that they were supported in their work by police management. However, they also felt that their work was not valued by most rank and file officers and that it was seen as social work rather than core police business. **In support of police YDOs it would**



**be useful if the YCS developed an awareness programme with the PSNI both within the Police College and amongst officers on districts.**


3.4 The YCS had been active in ensuring that lay Magistrates were fully informed of the conference process by delivering training and attending meetings. There were quarterly meetings with Resident Magistrates (RMs) to explore any issues and referrals from courts had been running at generally high levels. YCS coordinators had also attended the court users' forum where administration and legal issues had been raised. Case managers attended every youth court and were always available to explain the conferencing process to young people following an offer by the court. Coordinators had had conference plans rejected by the courts in the early days of conferencing but this was no longer a significant issue. Any plans that were not immediately ratified by the courts were usually due to some additional punitive element being asked for. Magistrates saw the involvement of victims in the process as crucial and

believed that an increase in the number of personal victims attending would be beneficial to the whole process. There had been positive feedback about the quality and timeliness of reports produced by the YCS for courts and there had been close cooperation with court administrators to ensure the correct preparation of orders. It may help with the administration process if the court case number could be added to the conference plan in addition to the existing YCS unique reference number.

3.5 The percentage of YCS referrals across the region was not uniform as illustrated in Table 2 however, this is to be expected as each and every case is decided on its own merits. Inspectors found the YCS had worked closely with Magistrates to ensure that cases were referred appropriately through the courts. The low level of conference plans that had not been ratified indicated that Magistrates had been satisfied with the quality of service offered and Inspectors were told that the quality of conference plans and reports was high.

**Table 2:  
Youth conference from plea of guilt between October and December 2006**

	Plea of guilt	Youth Conference Order	Percentage (%)
Belfast	85	55	65
Fermanagh and Tyrone	63	27	43
Armagh and South Down	21	7	33
Ards	55	34	62
Craigavon	42	20	48
<b>TOTAL</b>	<b>266</b>	<b>143</b>	<b>54</b>



3.6 Inspectors found that there had been some blurring of the boundaries between the work carried out by the YCS and that done by the Probation Board for Northern Ireland (PBNI) in respect of youth cases. The YCS and PBNI could be dealing with the same young people for different offences at different stages of the process. In cases where young people referred to the YCS by the PPS or by the courts were already the subject of orders that were being monitored by the PBNI, the services attempted to coordinate their approach. This was done informally without a written protocol. Probation officers had also attended conferences when the young person or their family was known to them and this had helped facilitate the conference process. However, this could be confusing for the young persons and their families who, when spoken to by Inspectors following conference, were often not aware of exactly which agency they had been dealing with.

3.7 Probation officers had also attended court when young persons subject to their supervision were being dealt with for other offences. In the event of a youth conference being rejected by the young person, the court could ask for the preparation of a pre-sentence report (PSR) and it would be the responsibility of the probation officer to prepare this. It was suggested to Inspectors that this should be the responsibility of the YCS thus freeing up PBNI to deal with adult offenders.

3.8 The YCS and PBNI approaches are different. Both services use offender assessment tools in their dealings

with young persons but the PBNI tool Assessment, Case Management and Evaluation System (ACE) is a systematic assessment tool which distinguishes criminogenic needs from other factors that are problematic and gauges changes in offender's attitudes, behaviour, and social circumstances. The YCS tool (ASSET) is a national format, used by youth justice boards in England and Wales. It is used by the YCS to help determine what work should be undertaken with the young person and focuses on preparation for conferencing.

3.9 These issues are symptoms of a system that can be confusing for service users and go to illustrate that a more cohesive system-wide holistic system of dealing with youth offending is required so that there are clear lines of demarcation and agreed areas of responsibility between all agencies.

3.10 Internally the YCS and CS have differing approaches to tackling youth offending. Whilst both aim to 'reduce offending by young people', the focus of the YCS is on young people 'paying back' for a particular deed and repairing the harm done to victims. The Community Services approach is more focused on the needs of the young person rather than on reparation or the needs of victims. The question is how far the needs of the victim should be prioritised over the needs of the young person. The YCS approach sought to redress the balance between the needs of the young offender and the needs of victims of crime. The differing approaches had created a tension



between YCS and CS. Whilst there had been development of internal partnerships a more integrated approach to youth offending would enable the YJA to better achieve its objectives. There was still a degree of separation between the directorates which reflected the differing approaches to youth offending. There had been initiatives aimed at developing closer cooperation between YCS and CS and this type of work should be developed further in the climate of diminishing resources. There is an increasing need to utilise resources from the other YJA directorates to ensure the continued effective delivery of the YCS. The aim should be an integrated YJA model for the management of youth offending. **It is recommended that as the parent organisation the YJA should review its operating structures to ensure a more integrated approach to the continued delivery of the YCS utilising the skills and resources that are available in the other YJA directorates.**

- 3.11 The YCS had been rolled out in parallel with the PPS and began to deliver full coverage across Northern Ireland in December 2006. At the time of fieldwork the YCS had drawn up a protocol with the PPS which was awaiting agreement and signature. Initially referrals from the PPS had been slow to come through but these were running at about one case in every 10 (see Table 1).
- 3.12 There had been problems with delivery of referrals from the PPS to the YCS. Files were handled in hard copy and were not delivered or

collected every day resulting in a build up of cases. This had a follow on effect on the allocation of cases internally across the YCS and on delay in starting the conference process. However, there had been regular review meetings between the PPS and YCS and this issue seemed to have been addressed though it would require occasional monitoring to ensure the issue did not arise again.

- 3.13 Communication between the PPS and YCS had improved. Referral papers from the PPS had included the names of directing officers so that there was a direct line of communication between YCS case managers and the PPS. The YCS had made good progress in ensuring that PPS staff had been kept fully aware of youth conferencing and had been involved with delivering presentations to existing PPS staff as well as taking part in the induction training of new staff.
- 3.14 The voluntary and community sector (VCS) is an important element in the delivery of an effective conferencing service. Usage of the sector was under pressure at the time of inspection fieldwork and this is likely to increase with the reduction in finances and resources. The YCS had forged very good relationships with many organisations in the VCS particularly with regard to delivering good quality interventions as part of conference plans. They had also forged relationships that enabled them to represent victims' views in the event of there being no personal victim. For example, Business in the Community had attended conferences to represent the views of business



victims. Inspectors found that coordinators had an excellent knowledge of what was available to them locally to help deliver effective conference plans and had often forged links with local organisations themselves. It would be useful if the organisation could compile some sort of central repository of organisations and their areas of expertise for those occasions when suitable interventions or programmes are not immediately apparent. This would help coordinators in formulating appropriate and effective conference plans especially in those situations encountered less frequently. **It is recommended that the YCS develop a central repository of organisations and their area of expertise in relation to the provision of suitable interventions for young people undertaking conference plans. The repository should be regularly updated and be made easily available to conference coordinators.**

3.15 Inspectors spoke with a wide range of organisations in the VCS about youth conferencing. Most were very positive and supported the ethos of restorative conferencing. Some concerns were raised by a few organisations as to the conduct of conferences based on feedback received during their own interactions with young people. In particular the question of whether conferences were focused on the young person or on the victim was raised.

3.16 There is a balance to be achieved between the needs and rights of the victim and the needs and rights of the young person. In most of the conferences that were observed by Inspectors the YCS coordinators displayed a good awareness of the balance necessary to facilitate the conferences in a way that focused on consequences of the young persons actions rather than on shaming and humiliating.

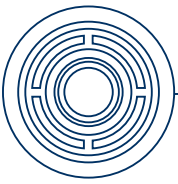
3.17 In just one conference Inspectors observed a situation where a young person appeared to be overwhelmed by the whole process and whilst there was eventual agreement on a conference plan the young person appeared to 'give in' to escape the process. Unfortunately the young person did not wish to engage with the Inspector and no firm conclusion could be reached based on this one observed conference. However, balance is an issue and in the judgement of Inspectors one that coordinators are very well aware of.

3.18 The YCS was beginning to pursue further links with other voluntary bodies including sports associations in order to enable it to continue to deliver appropriate conference plans. There may also be opportunities for the YJA to engage with the various community restorative justice groups should there be agreement and that they operate within the protocols<sup>15</sup>. Engagement with these groups could assist the YJA in delivering programmes closer to the young person's community. Whilst the

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15 NIO Protocol for Community-based Restorative Justice Schemes (February 2007)





YJA community services division had provided support in delivering programmes for young people as part of conference plans the VCS operate closer to the community and could help to avoid stigmatising the young person through interaction with statutory bodies.

3.19 Inspectors spoke with young people and staff at children's homes who had been involved with the YCS. The number of referrals varied from home to home however staff at some homes were frustrated and felt that there needed to be some sanction for the young people they dealt with. Inspectors spoke with some care home staff who said that they dealt with young people who had more violent backgrounds than they had previously had experience of. Staff felt vulnerable and believed that it was necessary to refer incidents to the PSNI so that there would be some consequence to the young persons for their actions. Staff were broadly supportive of conferencing as a concept but felt that once a young person had been through a number of conferences they became "immune to the process and needed more robust consequences".

3.20 As illustrated by the overlap of work involving young offenders, the lack of clear demarcation lines between agencies and by the variations in referrals from the PPS and across the court system, a more closely integrated system-wide approach to youth offending should be developed that has restorative justice at its core as envisaged by the Criminal Justice Review. This would require an extensive review of current practices

in dealing with youth offending and should involve all the key players on youth justice in the CJS. Young offenders need to be dealt with by the system in a seamless and timely manner and the aim of any review should be to deliver such a system. **It is recommended that a full system-wide review should be conducted into current practices in youth offending with the aim of developing a clearer and more integrated system with restorative practice at its core (paragraph 3.20).**

## Equality and learning



4.1 The YJA and YCS internal Human Resources (HR) procedures and processes operations were fully compliant with equality legislation. Recruitment and promotion processes had been monitored in their application as regards religion and gender. Statutory rights and responsibilities were set out and had been communicated to staff. All the YCS staff Inspectors spoke with as part of the fieldwork were well aware of their responsibilities with regard to equality and rights and they all said that the agency took such matters very seriously. Access to training and development opportunities had also been monitored with regard to equality issues. The agency applied the Northern Ireland Civil Service (NICS) Risk Assessment matrix when considering the suitability of persons with criminal records for employment.

4.2 The impact of YCS policies on all categories of Section 75 of the

Northern Ireland Act 1998 (s75)<sup>16</sup> had not been actively monitored amongst people subject to the conferencing process. The QUB evaluation had made a recommendation in respect of collecting s75 data and the YCS had designed appropriate forms to enable YCS staff to gather this information. Data regarding gender, age and postcode had been recorded but staff had not routinely recorded religion/community background or ethnicity/nationality. Information was available with regard to the gender and age of 969 young people who engaged in youth conferencing during 2006. Of those young people who engaged in youth conferencing, 834 (86%) were male with the remaining 135 (14%) female. The average age of the 969 young people who engaged in youth conferencing during 2006 was 16 years of age (same for male and female). Figure 1 shows that 30% of the young people were 16 years of age, 28% 17 years of age, and 22% 15 years of age.

16 Section 75 and Schedule 9 to the Northern Ireland Act 1998 came into force on 1 January 2000 and placed a statutory obligation on public authorities in carrying out their various functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity –

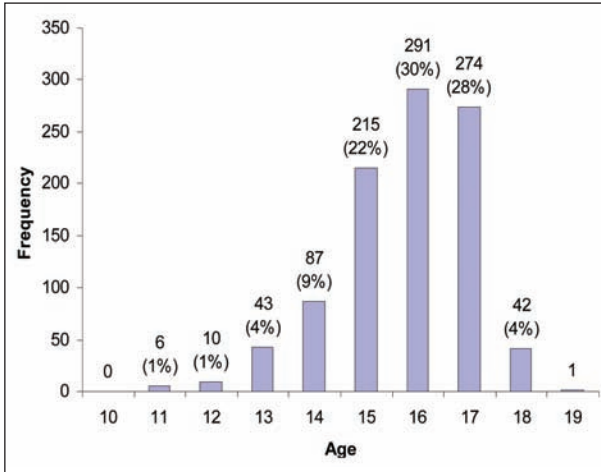
- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

In addition, without prejudice to this obligation, Public Authorities were also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion, and racial group.





**Figure 1: Age of young people involved in conferencing**



4.3 In many of the case files examined by Inspectors s75 data was missing or incomplete. Staff said that they rarely asked young persons for all of the s75 information and it was not mandatory to do so. Some staff told Inspectors that they felt it would be inappropriate to ask young persons for such data as it may hinder what can sometimes be a delicate communication process. However, such data does not need to be gathered during the first meeting of YCS staff with young people and it may be more appropriate to collect it during subsequent meetings after a rapport has been established. Coordinators often meet young persons on more than one occasion in the preparation phase of conferencing and it should be possible to obtain such data without threatening that relationship. Failing to record s75 data hinders the process of reporting on the even-handedness of conferencing and whilst anecdotal evidence suggests that the system had been operated fairly, it would be useful to publish statistical evidence to that effect.

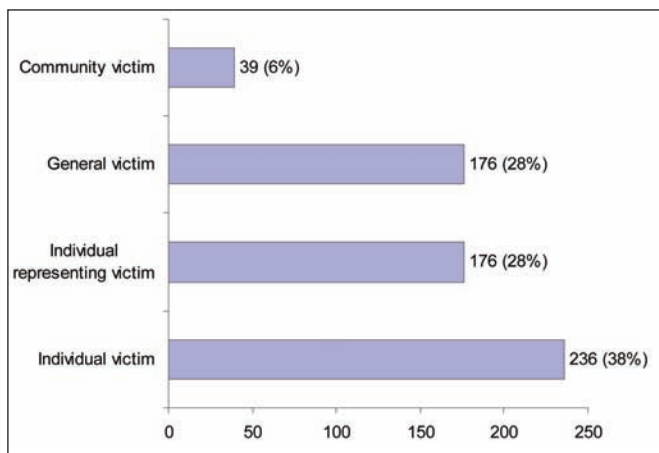
4.4 Victims and their participation in conferences had not been monitored as regards their s75 categories and at the time of the QUB study were not being disaggregated. The YCS usefully began categorising four victim types from July 2006:

- individual victim – private named;
- individual representing victim (for example, a store manager from a shop in a case of retail theft);
- community victim (for example, where an offence was against shared public areas a representative of the community affected may attend); and
- general victim (for example, Business in the Community or Age Concern to explain the impact of crimes on elderly people where an individual victim does not wish to attend a conference).

However, s75 information had not been collected in relation to victims and as in the case of young persons, had affected the ability of the YCS to report on the even-handedness of conferencing. The victim perspective is an important element of conferencing and whilst data had been gathered from victims the YCS were unable to disaggregate it in respect of age, gender, or community background, for example. It would be useful to be able to examine the victim perspective by analysing it with regard to its application across the s75 categories. **It is recommended that the collection of s75 data on young persons and victims is made mandatory and that such data is actively monitored analysed and reported to assess the impact of conferencing on all s75 categories.**

4.5 Figures were available for 775 conferences held during 2006 with regard to victim participation. The overall figure for victim representation was high, at 67% in comparison with that reported in other jurisdictions<sup>17</sup>. In total 627 victims attended these conferences. Figure 2 shows the breakdown of the type of victim representative.

**Figure 2: Details of victim attendees for 2006**



Note: Community victim label recorded from summer 2006

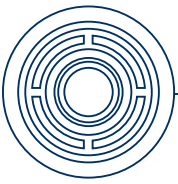
Thirty eight percent of the victim representatives were recorded as 'individual victim' defined as someone usually named in the offence details. A total of 28% were recorded as 'individual representing victim' usually a representative of a corporate or public body. Twenty eight percent were recorded as 'general victim' providing a view on the impact of the offence from a broad perspective where often there is no direct victim of an offence. Finally, six percent were recorded as 'community victim' or a representative of the community

affected by the offence. The YCS had used the analysis of these figures, together with data obtained from the twice yearly victim surveys, and the one-in ten post conference surveys to plan for future victim inputs and to inform their coordinators of the true picture of victim participation.

4.6 Victims surveyed by Inspectors as part of the fieldwork felt that they were treated positively by the YCS and felt that the conference experience was a good one for them. Inspectors also spoke with victims who had experienced conferencing as representatives in each of the categories, 'community victim', 'general victim', and 'individual representing victim'. Once again the experiences related to Inspectors were positive. One issue raised by all these categories of victims, most of whom had attended a number of conferences was that of young persons going through the motions when they had had the experience of attending previous conferences. Victims agreed that the behaviour they experienced may have been bravado but nonetheless felt that the impact of conferences on a young person declined with the number attended.

4.7 Without reliable, recent statistics on re-offending or reconviction and reliable information on the previous history of young persons' behaviour – including informal warnings and restorative cautions administered by the police – it is not possible conclusively to say whether the effectiveness of conferences diminishes with the number attended. As the recipient of referrals, the YCS

17 Average figures of between 30 – 40%



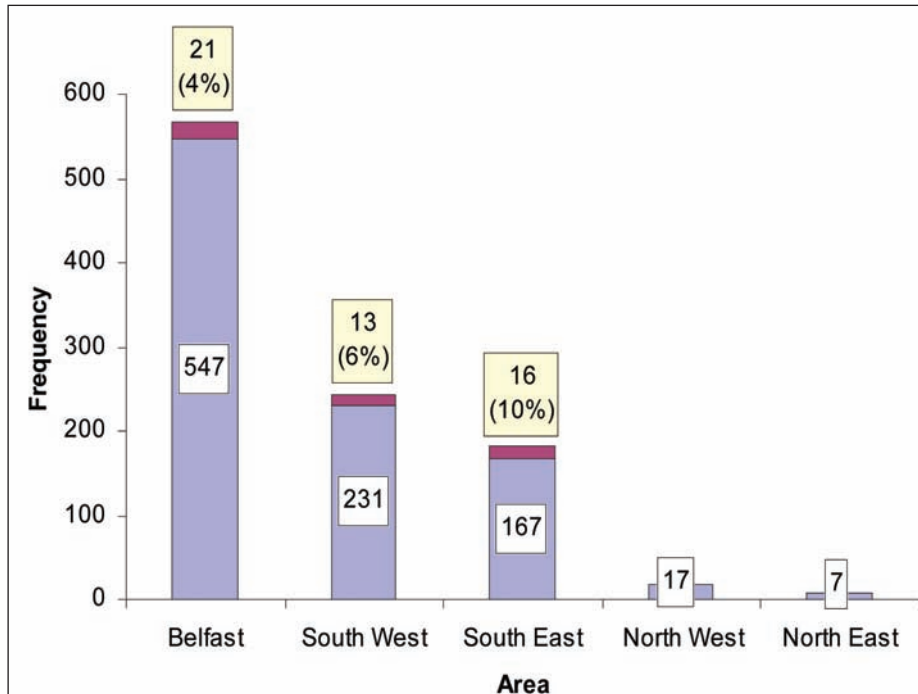
should be in a position where its case managers and coordinators can feel confident that they are in possession of the most recent and accurate information about the young persons, so that interventions made as a result of conferencing can be as effective as possible. Internally, the YCS had improved communication between CS and YCS so that there had been better sharing of information about referred young persons. However, this is an area that warrants further analysis and as a starting point requires the collection of reliable data for analysis. That data should come from agencies across the criminal justice system and should detail all previous interventions experienced by a young person. **It is recommended that the YCS should be supplied with comprehensive data on the previous intervention history of any young person referred for conferencing so that fully informed decisions about later interventions can be made.**

- 4.8 Victims also raised the issue of young people turning up at conference on legal advice but with no real desire to make reparation or to take responsibility for their actions. Inspectors witnessed one conference which had to be abandoned because the young person disagreed with the version of events as related by the conference coordinator. However, this young person said that he had agreed to the conference on the advice of his solicitor without question. When he attended the conference he did not agree with the

summary of events as related by the coordinator and did not admit his actions. Young people must admit their guilt to be dealt with by way of conference. Abandoned conferences are not a major issue for the YCS. Figures for 2006 illustrate that overall only five percent of the 969 referrals in 2006 failed or were terminated. However, it would be reasonable to expect that this type of issue would have been detected in the preparatory phase leading up to conferencing thus avoiding a later costly, time-consuming and ultimately ineffective process. Solicitors' awareness of the YCS had been recognised as an area for development and progress had been made in this area. Coordinators and case managers had detected improvement though this was described as patchy and dependent on individual solicitors. Awareness training had been delivered to solicitors by the YCS through the Law Society as part of continued professional development and Inspectors believe that this training should continue. **It would be useful if the effectiveness of training delivered to solicitors by the YCS was evaluated and results used to further develop such programmes.**

- 4.9 The largest percentage (10%) of failed or terminated referrals was in the South East (SE) area with the lowest in North West (NW) and North East (NE) with no referrals failed or terminated (see Figure 3). These figures reflect the later roll out of conferencing in the NW and NE areas.

**Figure 3: Failed/Terminated Conferences**



During 2006, 48 young people withdrew their consent to participate in a conference after they had initially agreed to the referral. Of these 41 were court ordered whilst 7 were PPS diversionary referrals. It would be useful to further analyse this data with regard to reasons for failure or withdrawal. This qualitative information could be gathered in an extended survey as recommended at paragraph 2.3.

- 4.10 The quality of case files was good. Inspectors examined a random sample of files and found no major issues with their quality. The YCS case file audit team performed a quality assurance check on files by randomly selecting a number of files to check quality and compliance with procedures. There had been some trend analysis of the files and results had been reported to the director of

YCS and fed back to staff at team meetings. Coordinators and case managers said they were kept well informed about the quality of their case files and reports and positive feedback from the courts had been communicated to them.

- 4.11 Conference plans were monitored by coordinators as part of their work load. This had caused some difficulties because they were operating at capacity for much of the time. For example, one coordinator had 15 cases pre-conference and 38 cases at the conference plan monitoring stage. The numbers and grade of staff had been determined by the YCS project team in 2002 based on coordinators managing 6-8 referrals at a time. Coordinators indicated that burnout could be a real problem if the workload was not addressed. Coordinators felt that




they had been unable to devote time necessary to deliver effective conference plan monitoring with a resultant drop in quality. Some coordinators said that they had developed good relations with external programme providers and monitored the effectiveness of conference plans through regular updates from them rather than through direct contact with young people, though they saw this as less than satisfactory. The YCS had plans to involve CS staff with the monitoring of conference plans in an effort to reduce the pressure on coordinators. This would be of benefit to the whole process but would require enhanced levels of communication between YCS and CS staff to ensure that all involved with the young person remained aware of the progress of cases and to ensure the continued delivery of a quality service.

- 4.12 Inspectors found that YCS staff were generally well trained and had been offered further training dependent on their existing attainments and experience. Staff had embarked on a University of Ulster Diploma in RJ though at the time of fieldwork training budgets had been squeezed and this was likely to drop to a certificate level course for new starters.
- 4.13 Very few sexual offences had been dealt with by way of conferencing and no sexual offences appeared in the top 15 types of offence dealt with either by court ordered conference or by PPS diversionary conference.

A full breakdown of the types of offence dealt with by conference in 2006 is presented in Appendix 2. Inspectors were informed of a sexual offence that had been dealt with at a conference where there had been management support in that two coordinators had been assigned to the case. However, coordinators recognised that in order to deal effectively with such cases they would require specific skills training and a great deal of support. Cases are likely to increase when legislation is amended in 2008. **It is recommended that the YCS source and deliver appropriate training for staff who are expected to facilitate conferences to deal with sexual offences and that only fully trained, designated YCS staff are approved to handle such cases.**

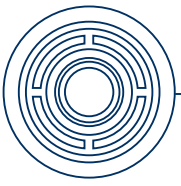
- 4.14 The attendance of police YDOs at conferences was seen as essential by the coordinators and Inspectors were told that there was anecdotal evidence that it had improved relationships between young persons and the police as an unexpected outcome of the conference procedure. Inspectors spoke with young persons following conferences all of whom were positive about the input of the YDOs. However, without detailed survey data it is not possible to conclude that YDO attendance at conferences had a beneficial effect on police/youth relations. It should be possible to collect such information from the extended survey recommended at paragraph 2.3.



4.15 The level of complaints against the YCS was running at very low levels as reported in a previous CJI inspection<sup>18</sup>. However, more could be done to raise awareness amongst conference participants of the YJA/YCS complaints procedures. Participants spoken to by Inspectors were unaware of how to make a complaint should they wish to do so, although all said that they felt they could raise any issues with the coordinator confident that it would be dealt with. Some coordinators and case managers said that they reminded young persons of their right to complain but not always, whilst others said that complaints leaflets were given to young persons at first contact. It would be useful if the right to complain and the procedures for doing so were summarised to conference participants at the beginning of each youth conference.

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18 The Handling of Complaints in the Criminal Justice System (July 2007)



## CHAPTER 5:

# Results

5.1 There have been challenging targets in relation to conferencing set both internally and by legislation. There are legislative targets of 20 days to deliver a conference following a court ordered referral and 30 days for a PPS diversionary conference. In general the YCS had met their targets but at the time of fieldwork, pressure was mounting on case managers and coordinators and they were beginning to ask for adjournments at court in order to prepare for conference. This pressure

is likely to increase due to a temporary reduction in available staff during the autumn. This pressure may also have an adverse effect in the future on the length of time cases stay in the system before being disposed of.

5.2 Table 3 shows the average number of days between a court order and the holding of a conference. The overall average had remained steady at 14 or 15 days with a lower average recorded for 2007.

**Table 3: Number of days between court order and conference**

Year	Average Overall	Belfast	South West	South East	North East	North West
2004	14	14	13	N/A	N/A	N/A
2005	15	17	14	13	N/A	N/A
2006	14	16	12	11	N/A	N/A
2007	9	8	7	9	9	N/A

*Note: The average overall is unweighted.*

Table 4 shows the average number of days between PPS decision and conference. The overall average had reduced from 29 days in 2005 to 20 days for 2007.

**Table 4: Number of days between PPS decision and conference**

Year	Average Overall	Belfast	South West	South East	North East	North West
2004	21	21	21	N/A	N/A	N/A
2005	29	28	34	19	N/A	N/A
2006	23	23	23	19	N/A	N/A
2007	20	19	16	25	25	N/A

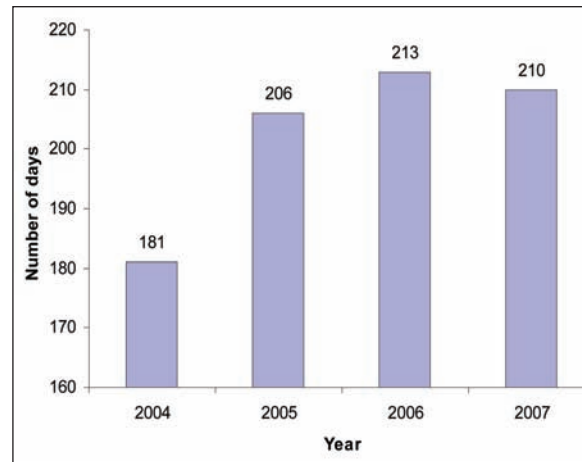
*Note: The average overall is unweighted.*





- 5.3 Internally the YCS had set targets to enable the delivery of its legislative targets. Once a case had been referred, a coordinator had a maximum of five days in which to arrange a meeting with the young person and parents and to write to the victim. Coordinators and case managers recognised that the targets were stretching and that internal targets were required, but they felt that management could give more recognition of the difficulties they face arranging meetings with conference participants.
- 5.4 Delay in processing youth cases had been the subject of comments in previous CJI inspection reports<sup>19</sup>. In CJI's 'Avoidable Delay' report Inspectors suggested that, '*there should be a specific target for reducing delay in youth cases*'. The same report found that published case processing times for youth court cases are more than twice as long in Northern Ireland as in England and Wales. Whilst the YCS had met its targets as regards arranging conferences within the target time, youth cases may have been in the system for some time before being referred to the YCS. The average number of days between the incident being reported and a conference being completed increased from 181 days recorded in 2004 to 210 days in 2007 (see Figure 4).
- 5.5 Inspectors spoke with young people at conferences who had found it difficult to relate to incidents that had taken place six months previously. Table 5 illustrates the number of

**Figure 4: Average number of days between incident and conference**



Note: Overall average reflects the top and bottom 10 cases truncated.

Note: The average overall is unweighted.

days between incident and conference across the areas of Northern Ireland where the YCS was operating. In almost every case the time is increasing year on year. The delay between incident and conference is not fully within the control of the YCS but it remains the responsibility of all CJOs to reduce unnecessary delay and this is currently being pursued through a multi-agency 'delay action group'. There needs to be a focus on youth cases to reduce the length of time a case spends in the system before it is referred to the YCS to enable young persons involved in conferencing to make the link more easily between a particular conference and their offending behaviour. Following on from the recommendation in the 'Avoidable Delay' report that, '*...the PSNI should therefore assume delegated responsibility for decisions on youth warnings and cautions*,<sup>20</sup> it would help reduce delay in the system if the PSNI were able to refer minor cases directly to the YCS that were deemed unsuitable for warning and caution.

<sup>19</sup> 'Avoidable Delay' (May 2006) and 'An Inspection of the Public Prosecution Service for Northern Ireland' (July 2007)

<sup>20</sup> 'Avoidable Delay' (May 2006) paragraph 9.6



**Table 5: Number of days between incident and conference by area**

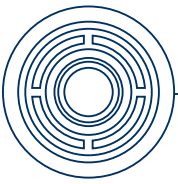
Year	Belfast	South West	South East	North East	North West
2004	181	184	N/A	N/A	N/A
2005	197	208	235	N/A	N/A
2006	223	201	203	N/A	N/A
2007	215	182	249	139	213

5.6 YCS coordinators had been using alternative venues to conduct conferences in the local community in some areas. Local arrangements included the use of CS accommodation which had been working very well and had enhanced communication between the YCS and CS in more rural areas. Away from the central offices in Belfast, the lack of effective computer systems had caused problems. At the time of fieldwork coordinators in outlying areas had access only to a dial-up internet connection which was too slow to handle large files and meant that staff had to travel to Belfast to update the management information system. This is resource and time intensive in an organisation that is already operating around capacity. The YJA did not have a shared IT system to integrate the work within the whole of the Youth Justice System. The YJA headquarters and JJC had use of the NIO OASIS system which meant they could communicate with each other. Staff outside Belfast maintained manual records and had to come to a terminal in HQ to key data and statistical returns on to the system at least once per month. It is expected that the YJA integration with the rest of the CJS will be developed as part of the Causeway IT

system at DSM 2 stage but that is likely to be in 2009 at the earliest. Belfast staff had access to the Criminal Records module through OASIS. At the time of fieldwork it was planned to enable access for rural offices through improved IT facilities and broadband connections. **It is recommended that the provision of IT support should be reviewed to enable outlying areas to communicate management information and to access essential data more effectively.**

5.7 During the time of fieldwork the YCS budget allocated by the YJA board amounted to about 11% of the total YJA budget. The budget had been predicated on the figures that were set to meet the cost of the pilot scheme and not on that required to finance the roll-out of the service across Northern Ireland. This had caused problems. The YJA had made cost saving changes to practices including cutting grants to the VCS and reworking SLAs. Internally there were plans to integrate some of the work of the YCS and CS and the training budget had been reduced. CJI will be publishing an inspection report on corporate governance in the YJA in 2008 and these issues will be reported on further in that report.





5.8 At the time of inspection fieldwork there were 56 staff solely employed on YCS business and activities managed through a hierarchical structure. The workload had been running at much higher levels than had been anticipated and the fact that the service was delivered as effectively as it had despite increased referrals and reduced resources demonstrated high levels of commitment by YCS staff and management. There had been recognition by YCS management that the burden on staff was unsustainable. More flexible arrangements between YCS and CS staff and the planned shift of responsibility for monitoring conference plans to CS staff had been designed to decrease the burden on case managers and coordinators.

Section



# Appendices



## Appendix 1 Methodology

This Inspection commenced in March 2007 and consisted of the following main elements:

1. Research and Data collection
2. Stakeholder consultation
3. Fieldwork
4. Report refinement

### Research and data collection

The following publications and data sources were consulted as part of this Inspection:

- NICtS youth case statistics;
- NIO Protocol for Community-based Restorative Justice Schemes (February 2007);
- PPS youth case statistics;
- YCS Business Plans;
- YJA Annual Reports;
- YJA and YCS statistics;
- Youth Justice Board England and Wales Annual Statistics;
- Evaluation of the Youth Conference Service; Queens University, Institute of Criminology and Criminal Justice, School of Law, Queen's University, Belfast; October 2005;
- Miers, D., *An International Review of Restorative Justice*; Crime Reduction Research Series Paper 10; (Home Office Policing and Reducing Crime Unit, Research, Development and Statistics Directorate; 2001);
- Maxwell, G. and Morris, A. (2000). Restorative justice and reoffending. In H. Strang and J. Braithwaite (eds), *Restorative justice: Philosophy to practice*, 93-103. Aldershot: Ashgate;
- Morris, Allison and Gabrielle Maxwell. 1998. "Restorative Justice in New Zealand: Family Group Conferences as a Case Study." *Western Criminology Review* 1 (1);
- Sherman, Lawrence W. and Heather Strang, (2007). *Restorative Justice: The evidence*, Jerry Lee Program of Randomized Trials in Restorative Justice. Published by the Smith Institute; and
- *Youth Offending: Putting the Headlines in Context (Issue 3 - covering 2003)* - Judge Andrew Becroft; Ministry of Justice Youth Court, New Zealand, December 2004.

In addition, a random selection of 100 case files from across Northern Ireland were examined by Inspectors at the offices of the YCS in Belfast.

### Stakeholder consultation

The following individuals or organisations were interviewed about their experiences of the work of the YCS:

- Age Concern Northern Ireland;
- Altigarrion Court residential centre;
- Banbridge Adolescence Project;
- Business in the Community;
- Community Restorative Justice Ireland;

- Glenmona Resource Centre;
- IMPACT;
- Include Youth;
- Law Society for Northern Ireland;
- NIACRO;
- NIO;
- Northern Ireland Alternatives;
- Opportunity Youth;
- PBNI;
- Philip Donaghy;
- PPS;
- PSNI Youth Diversion Officers;
- Resident Magistrates;
- Short Strand Community Centre;
- The E go project Omagh;
- The Hope centre;
- The Wash Basin;
- Victim Support; and
- Youth Action.

### Fieldwork

Visits to the YJA and YCS took place during April and May 2007. Interviews were conducted with staff from all levels in the organisation and right across Northern Ireland. Interviews were conducted with:

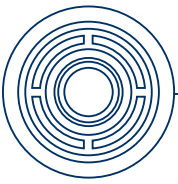
- YJA Chief Executive;
- YJA Directors (x2);
- Director of YCS;
- YCS Assistant Directors (x 3)
- Head of Administration;
- Case managers (x 5);
- Coordinators (x12); and
- Administrators (x 5).

Inspectors attended 20 youth conferences across Northern Ireland and surveyed participants on each occasion.

- 15 young offenders engaged with Inspectors.
- 18 victims or victim representatives engaged with Inspectors.
- All case coordinators conducting the conferences engaged with Inspectors.
- All PSNI YDOs attending conferences engaged with Inspectors.
- 10 young people's supporters engaged with Inspectors.

### Report refinement

Draft reports were shared with the YCS for factual accuracy checking prior to sharing the report with interested organisations.

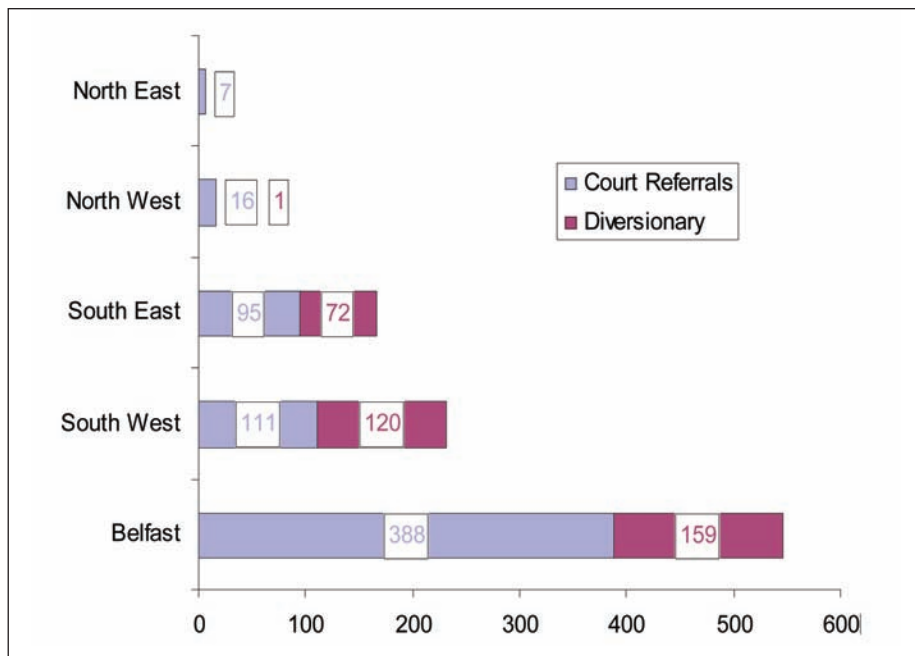


## Appendix 2 Youth Conference Statistics

### Number of referrals

The roll out of the Youth Conferencing Service (YCS) in Craigavon, Lisburn, Newtownards, Bangor and Downpatrick courts was completed on 1 October 2006. This was further extended to Londonderry/Derry, Coleraine, Magherafelt, Ballymena, Larne and Antrim on 1 December 2006. Figure 1 shows that following the rollout of each of the locations that 969 referrals (64% from the court and 36% diversionary) for youth conferencing were received in 2006. Further, between January and March 2007 the YCS had already received 850 referrals.

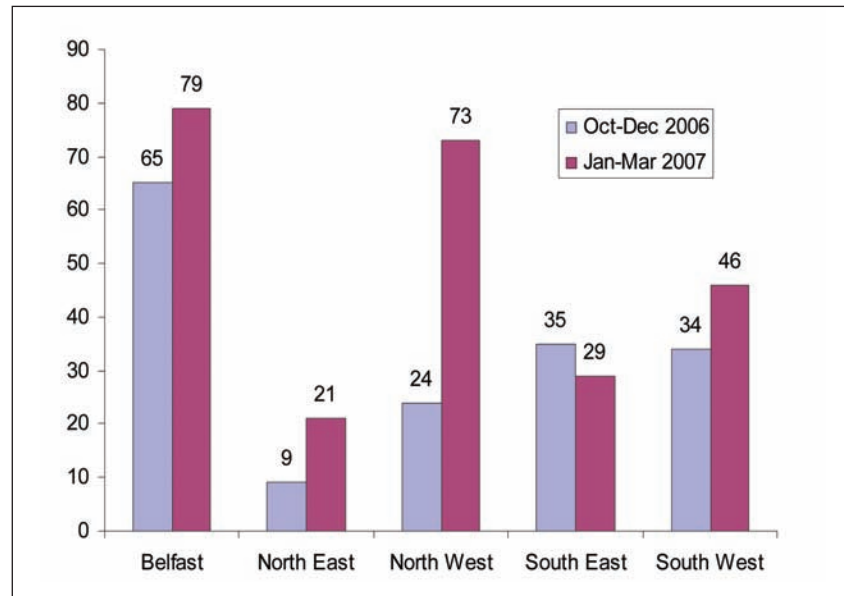
**Figure 1: Referrals received in 2006**



### Number of Youth Court Cases not recommending youth conferencing

The data is based on observation by YCS staff and based on individuals appearing in court rather than by court number. Figure 2 shows that 167 youth court cases between October and December 2006 and 248 youth court cases between January and March 2007 did not recommend youth conferencing.

**Figure 2: Youth Court Cases not recommending youth conferencing**



Of the 415 youth court cases in 2006 and 2007 that did not recommend youth conferencing, the five main reasons were that the offence was a motoring offence (95), non-consent (43), disposal following PSR (42), conditional discharge (40), or already engaged with probation (25).

### **Non-acceptance of youth conference in court**

The monthly statistics gathered by YCS staff in court cover courts from October 2006 to March 2007. During this time, of the 551 YCS court referrals, 43 (8%) young people did not accept the offer of a youth conference referral.

### **Withdrawal of consent by young person after referral**

During 2006, 48 young people withdrew their consent to participate in a conference after they had initially agreed to the referral. Forty-one of the 48 were court referrals with the remaining seven diversionary. Over half (58%) of the referrals withdrawn by the young person were from the Belfast office.

### **Number of action plans modified and by whom**

The monthly statistics gathered by the YCS staff between October 2006 and March 2007 show that 35 (10%) of the 334 plans approved by the court were amended. YCS did not have data for Belfast and the request is not applicable to Londonderry/Derry or Ballymena offices as the service had not rolled out to those areas.





### Offence details for court ordered conferences

There is a long list of associated offences that are referred for youth conferencing. Table 1 shows the top 15 offences from the 854 offence details for court ordered conferences.

**Table 1: Offence details for court ordered conferences**

Offence	Number	%
Criminal damage	165	19%
Disorderly behaviour	90	11%
Theft	75	9%
Theft – shoplifting	48	6%
Resisting police	39	5%
Assault on police	37	4%
Common assault on adult	35	4%
Possessing Class C controlled drug	26	3%
Burglary and theft – non dwelling	24	3%
Assault occasioning actual bodily harm	22	3%
Taking a motor vehicle without owners consent	22	3%
Possessing offensive weapon in public place	21	2%
Assault	16	2%
Burglary and theft - dwelling	12	1%
Riot	10	1%
Other Offences	212	25%
<b>Total</b>	<b>854</b>	<b>100%</b>

### Offence details for PPS referred conferences

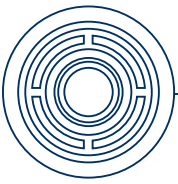
The offence details for PPS diversionary conferences also include cases diverted at court before a hearing. As with the court ordered offences there is a long list of associated offences that are referred for youth conferencing. Table 2 shows the top 15 offences from the 563 offence details for PPS diversionary conferences.

**Table 2: Offence details for PPS diversionary conferences**

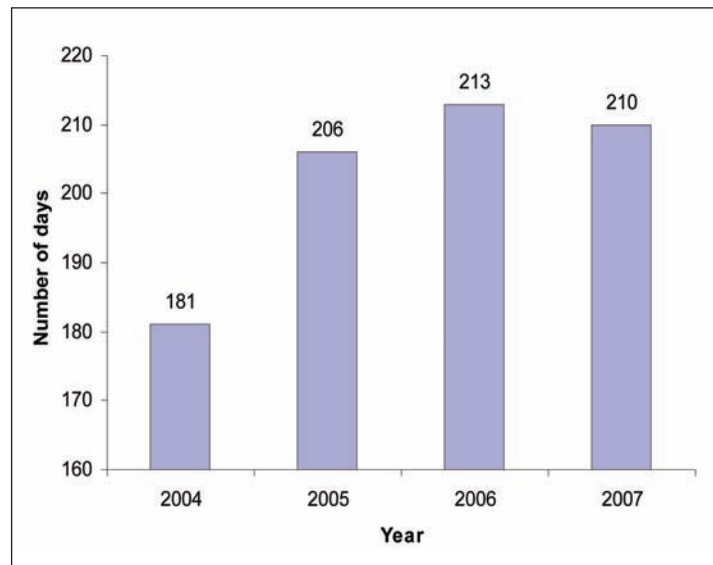
Offence	Number	%
Criminal damage	82	15%
Theft	43	8%
Disorderly behaviour	38	7%
No insurance	38	7%
Taking a motor vehicle without owners consent	25	4%
No driving licence	23	4%
Theft – shoplifting	23	4%
Common assault on adult	19	3%
Assault occasioning actual bodily harm	18	3%
Possessing Class C controlled drug	17	3%
Assault on police	16	3%
Possessing offensive weapon in public place	15	3%
Assault	13	2%
Resisting police	11	2%
Burglary with intent to steal - non dwelling	10	2%
Other offences	172	30%
<b>Total</b>	<b>563</b>	<b>100%</b>

### **Average time between incident and conference**

The YCS provided CJI with details of the average number of days from the date of the incident to the date of the conference. The data was truncated with the removal of the top and bottom ten referrals. The data showed that the average number of days had increased by 29 from 181 recorded in 2004 to 210 in 2007 (see Figure 3). Table 3 indicates that the largest average number of days between the incident and conference was 249 days in 2007 for the South East area of Northern Ireland. The Table also indicates a general increase in the average number of days from 2004 to 2007 for Belfast and the South East area.



**Figure 3: Average number of days between the incident and the conference**



Note: Overall average reflects the top and bottom 10 cases truncated.  
 Note: The average overall is unweighted.

**Table 3: Number of days between the incident and the conference by area**

Year	Belfast	South West	South East	North East	North West
2004	181	184	N/A	N/A	N/A
2005	197	208	235	N/A	N/A
2006	223	201	203	N/A	N/A
2007	215	182	249	139	213

**Average time between court order and conference**

Table 4 shows the average number of days between court order and the conference. From the table the overall average has remained steady at 14 or 15 days with a lower average recorded for 2007.

**Table 4: Number of days between court order and conference**

Year	Average Overall	Belfast	South West	South East	North East	North West
2004	14	14	13	N/A	N/A	N/A
2005	15	17	14	13	N/A	N/A
2006	14	16	12	11	N/A	N/A
2007	9	8	7	9	9	N/A

Note: The average overall is unweighted.



### Average time between PPS decision and conference

Table 5 shows the average number of days between PPS decision and conference. From the table the overall average has reduced from 29 days in 2005 to 20 days for 2007.

**Table 5: Number of days between PPS decision and conference**

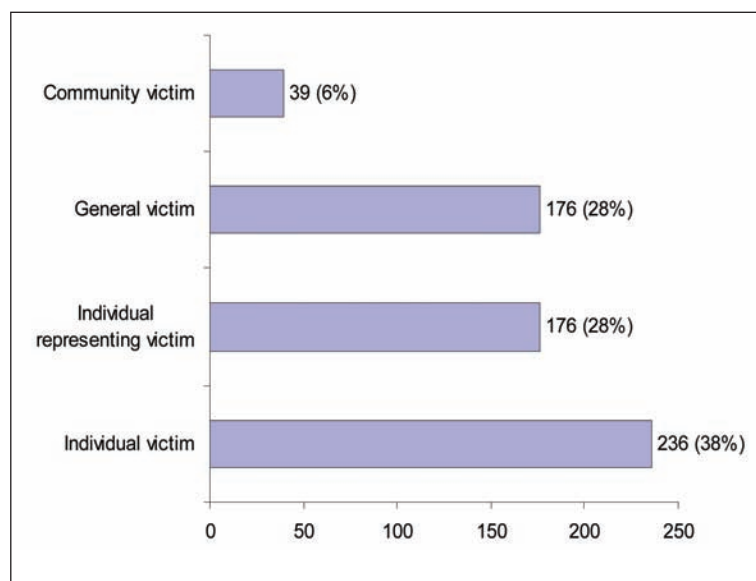
Year	Average Overall	Belfast	South West	South East	North East	North West
2004	21	21	21	N/A	N/A	N/A
2005	29	28	34	19	N/A	N/A
2006	23	23	23	19	N/A	N/A
2007	20	19	16	25	25	N/A

Note: The average overall is unweighted.

### Conference attendees – Victims

The YCS were able to provide CJI with details of 775 conferences held during 2006 where there was some form of victim representation at 521 (67%) of these. In total 627 victims attended these conferences. Figure 4 shows the breakdown of the type of victim representative.

**Figure 4: Details of conference attendees for 2006**



Note: Community victim label recorded from summer 2006





From the figure 38% of the victim representatives were recorded as ‘individual victim’ defined as someone usually named in the offence details. Twenty eight percent were recorded as ‘individual representing victim’ usually a representative of a corporate or public body. Twenty eight percent were recorded as ‘general victim’ providing the impact of the offence from a broad perspective where often there is no direct victim of an offence. Finally, six percent were recorded as community victim or a representative of the community affected by the offence.

### **Conference attendees – Victim Supporter**

Of the 627 victims, 72 supporters attended conferences with the vast majority of these being family members.

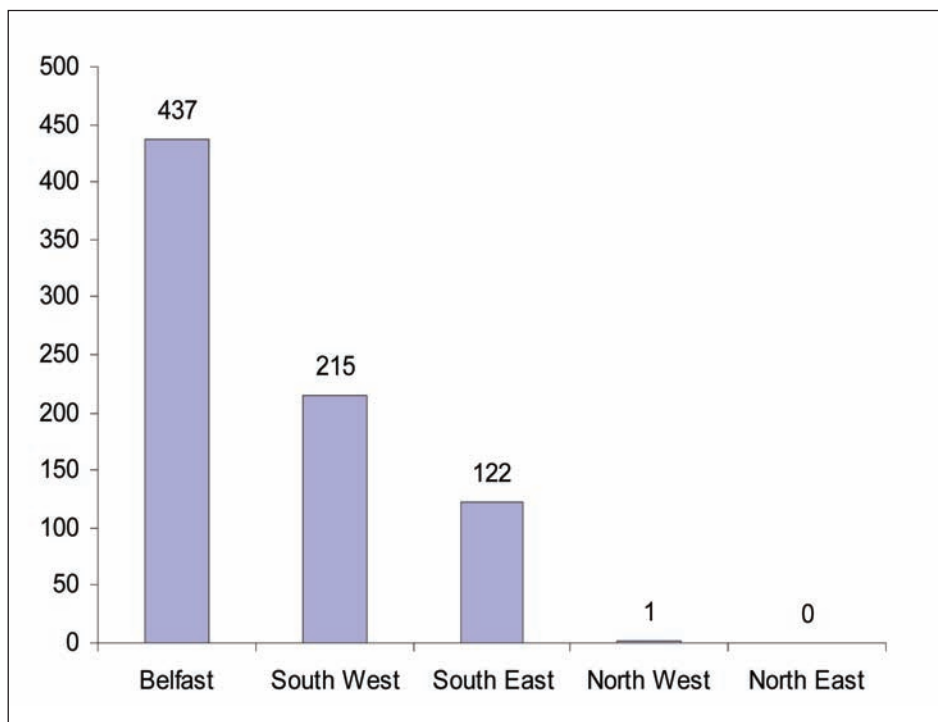
### **Conference attendees – Offender Supporters**

An appropriate adult attended every conference. In addition, a further 425 people attended as young person supporters, mostly family members.

### **Total number of conferences by area**

Figure 5 shows that 65% of the 775 conferences in 2006 were held in Belfast.

**Figure 5: Conferences by area**

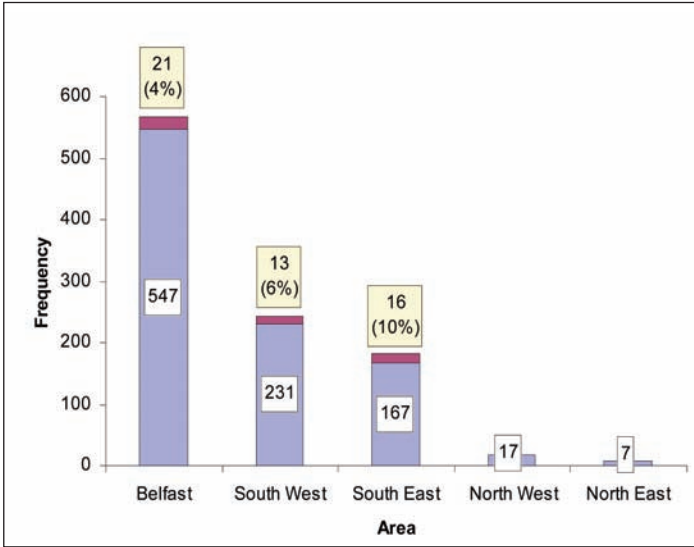




### Number of Youth Conferences that Failed/Terminated

Five percent of the 969 referrals in 2006 failed or were terminated. The largest percentage (10%) of failed or terminated referrals was in the SE area with the lowest in NW and NE with no referrals failed or terminated, (see Figure 6).

Figure 6: Conferences that Failed/Terminated



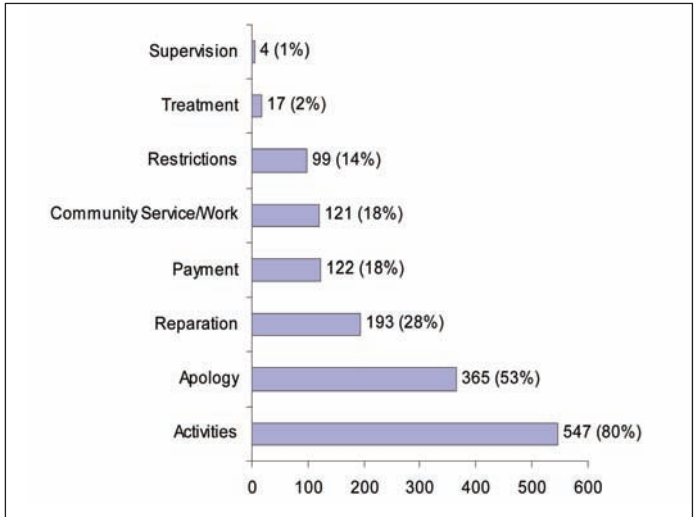
### Conference Duration

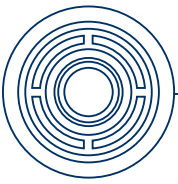
In 2006 the duration of a conference ranged from 20 to 165 minutes (2 hours 45 minutes) with an average of 63 minutes.

### Action Plan elements

Eighty percent of 686 plans started in 2006, with available details, involved some activity while 53% involved an apology (see Figure 7 and Table 6 for full details).

Figure 7: Action Plan Elements





Although the elements of the action plans varied within different areas, the use of activities and an apology remained the most common element of an action plan in all areas.

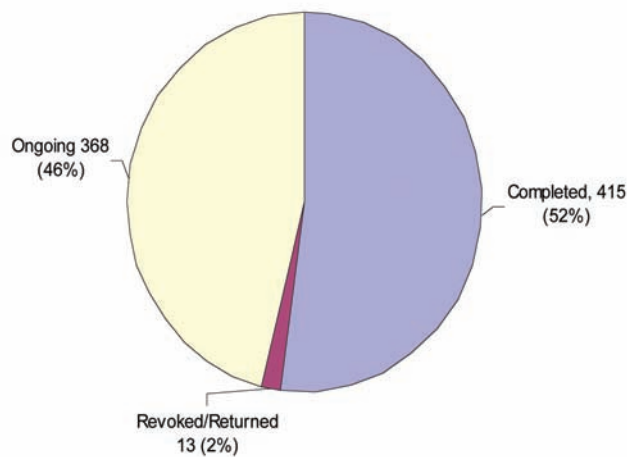
**Table 6: Action Plan Elements by area**

	All	%	Belfast	%	Omagh	%	Banbridge	%
Activities	547	80	316	80	151	79	80	78
Apology	365	53	205	52	101	53	59	58
Reparation	193	28	109	28	69	36	15	15
Payment	122	18	47	12	43	23	32	31
Community Service/Work	121	18	74	19	19	10	28	27
Restrictions	99	14	49	12	30	16	20	20
Treatment	17	2	9	2	7	4	1	1
Supervision	4	1	1	0	3	2	0	0

**Action plan completions and breaches**

Over half (52%) of the 796 plans arising from referrals received in 2006 had been completed as of 6 June 2007, while 46% were ongoing and 2% of the referrals had orders revoked or returned to PPS for non-compliance (see Figure 8).

**Figure 8: Current status of action plans**

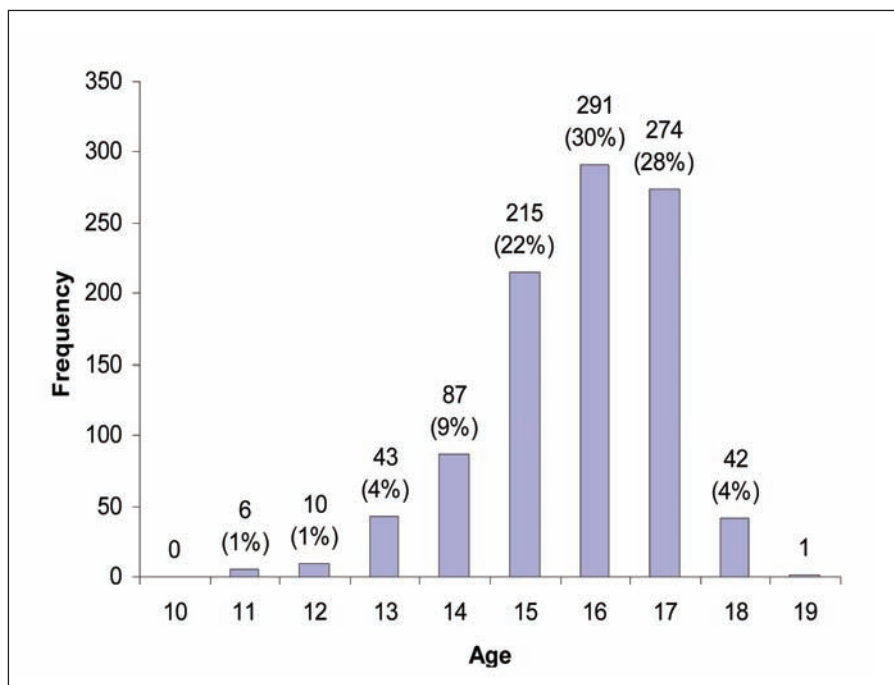




## Demographics

Information was available with regard to the gender and age of 969 young people who engaged in youth conferencing during 2006. Of the 969 young people who engaged in youth conferencing 834 (86%) were male with the remaining 135 (14%) female. The average age of the 969 young people who engaged in youth conferencing during 2006 was 16 (same for male and female). Figure 9 shows that 30% of the young people were 16 years of age, 28% 17 years of age, and 22% 15 years of age.

**Figure 9: Age of young people involved in conferencing**







## Appendix 3 PPS Referrals

### Workload

In 2005, youth conference decisions were issued for 151 persons. In 2006, 519 persons were referred for youth conferencing.

### Offences

Table 1 outlines the number and percentage of offence details for cases referred by the PPS for diversionary conference in 2005 and 2006. As can be seen from Table 1 criminal damage was the most common offence recorded in 2005 and 2006.

**Table 1: Number and Percentage of offences for 2005 and 2006**

PRIMARY OFFENCE DESCRIPTION	2005	%	2006	%
Criminal damage	32	21	71	14
Theft	20	13	68	13
Disorderly behaviour	13	9	45	9
Common assault	9	6	52	10
Common assault on adult	8	5	0	0
Theft – shoplifting	7	5	15	3
Taking a motor vehicle without owners consent	5	3	11	2
Possessing Class C controlled drug	4	3	17	3
Possessing offensive weapon in public place	4	3	13	3
No insurance	4	3	11	2
Riotous behaviour	3	2	19	4
Assault on police	3	2	11	2
Burglary and theft - non dwelling	3	2	9	2
Driving without due care and attention	3	2	7	1
Handling	3	2	4	1
Driving under age	2	1	12	2
Burglary and theft - dwelling	2	1	7	1
Arson	2	1	6	1
Allowing self to be carried	2	1	5	1
Other Offences	22	15	136	26
<b>Total</b>	<b>151</b>	<b>100</b>	<b>519</b>	<b>100</b>

## Appendix 4 Court Referrals

The Northern Ireland Court Service provided CJI with information regarding the number of youth defendants disposed of by division and venue (PSNI/PPS prosecutions only) between October and December 2006. Both Antrim and Londonderry divisions have been removed from the analysis as youth conferencing was only rolled out during December and no youth defendants had been disposed with a youth conference order.

### Youth Defendants disposed

Between October and December 2006 approximately one in four youth defendants had been disposed by way of a youth conference order. Table 1 shows the number and percentage of youth conference orders between October and December 2006 by division. A third of youth defendants in Ards had been disposed of by way of youth conference order compared to seven percent in Armagh and South Down.

**Table 1: Youth conference orders between October and December 2006**

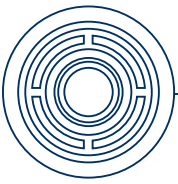
	Prosecutions	Youth Conference Order	%
Belfast	235	55	23
Fermanagh and Tyrone	142	27	19
Ards	104	34	33
Craigavon	85	20	24
Armagh and South Down	43	3	7
<b>Total</b>	<b>609</b>	<b>139</b>	<b>23</b>

### Plea of guilt

Table 2 shows that 44% of youth defendants pleaded guilty for cases between October and December 2006. Over half of the youth defendants in Ards pleaded guilty compared to 36% in Belfast.

**Table 2: Youth conference orders between October and December 2006**

	Prosecutions	Plea of guilt	%
Belfast	235	85	36
Fermanagh and Tyrone	142	63	44
Armagh and South Down	43	21	49
Ards	104	55	53
Craigavon	85	42	49
<b>Total</b>	<b>609</b>	<b>266</b>	<b>44</b>

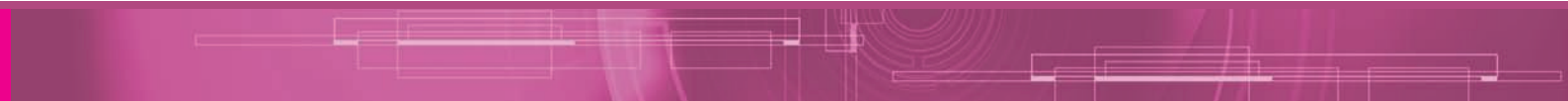


### **Youth Conferences from plea of guilt**


Fifty-four percent of youth defendants who pleaded guilty are disposed by way of youth conference order (see Table 3). Nearly two-thirds of youth defendants who pleaded guilty in Belfast were disposed by way of youth conference compared to 33% in Armagh and South Down.

**Table 3: Youth conference from plea of guilt between October and December 2006**

	<b>Plea of guilt</b>	<b>Youth Conference Order</b>	<b>%</b>
Belfast	85	55	65
Fermanagh and Tyrone	63	27	43
Armagh and South Down	21	7	33
Ards	55	34	62
Craigavon	42	20	48
<b>Total</b>	<b>266</b>	<b>143</b>	<b>54</b>







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