

Children's Law Centre and Include Youth

Joint Briefing Paper for the Committee for Justice

Concerns around regression of implementation of the Hillsborough Agreement and the recommendations of the Youth Justice Review

28th January 2016

CLC and IY are concerned that since the Youth Justice Review made its recommendations in September 2011, a pattern has emerged of the recommendations of the Review not being implemented in either their letter or spirit. In some cases, we have seen a complete digression from the recommendations made by the Youth Justice Review or a lack of action to achieve the recommendations. While officials have been before the Committee on individual issues, the DoJ have not reported back to the Committee for Justice on the overall implementation of the recommendations since February 2014. The Implementation Plan has not been updated since early 2014.

CJINI stated in December 2015 that of accepted recommendations, only 59% had been achieved, with **41% of recommendations having not been achieved**. This falls far short of Ministerial target to achieve 90% of the recommendations by 2014.

Key recommendations **not achieved** include:

- Introduction of end to end statutory time limits (recommendation 15)
- The development of an appropriate range of supported accommodation to reduce to a minimum the use of Woodlands Juvenile Justice Centre (JJC) as a place of safety under PACE (recommendations 8, 9d, and 18)
- Looked after children should not be placed in custody, either through PACE, on remand or sentenced, where this would not have been the outcome for children in the general population (recommendation 19)
- Recommendation 21 of the Youth Justice Review regarding the retention and disclosure of criminal record information relating to children and young people was not accepted by the DoJ and has not been achieved.
- The Criminal Justice Delivery Group should develop a strategic interest in youth justice and together with the Criminal Justice Board and the Ministerial Children's Committee take overall responsibility for implementing the recommendations of the review (recommendation 25).
- The minimum age of criminal responsibility should be raised to 12 with immediate effect, and that following a period of review of no more than 3 years, consideration should be given to raising it to 14. In the intervening period, appropriate local services and programmes should be developed to meet the needs of children and young people who would otherwise have entered the criminal justice system (recommendations 29 and 30)

Key recommendations in relation to which **concerns exist around their implementation** include:

- Whilst children and young people have not been detained in Hydebank Wood since 1st November 2012, legislative reform to completely prohibit this practice in the future has not yet been undertaken (recommendation 16)
- Large numbers of children attending Youth Engagement (YE) Clinics will **not** have had a legal representative or legal advice at the YE Clinic. These children are very likely to accept diversionary measures through the YE Clinic process, which can all potentially be disclosed as part of a future criminal records check.

CJINI have noted the lack of strategic priority and direction with regard to implementation of the recommendations:

- The DoJ Youth Policy Team no longer exists
- Youth justice has been subsumed into the Reducing Offending Division
- No evidence was presented to Inspectors to demonstrate how youth justice would strategically feature in the future
- Inspectors noted that Criminal Justice Delivery Group does not bear overall responsibility for implementation of Youth Justice Review
- The Youth Justice Review was no longer a standing agenda item at Reducing Offending Programme Board meetings
- The role of a Criminal Justice Officer in the Department of Health, Social Services and Public Safety (DHSSPS) (which provided a link between the DoJ and the Office of Social Services) was ended
- Inspectors have highlighted a “loss of momentum” in implementing recommendations

CJINI’s December 2015 inspection report monitoring implementation of the recommendations of the Youth Justice Review is their final report in relation to this area. **Given the large percentage of recommendations which have not been achieved, or in relation to which concerns have been raised at their implementation, the lack of proposed independent oversight of the recommendations moving forwards is worrying. In the absence of a monitoring role for CJINI, we would welcome the Committee continuing to scrutinise the implementation of the Review’s recommendations on a regular basis, particularly those highlighted above.**

Youth Justice and the Northern Ireland Prison Service

In September 2014, the DoJ Reducing Offending Division became the sponsor for the Youth Justice Agency (YJA), meaning that the YJA was realigned alongside the Northern Ireland Prison Service (NIPS). The Head of the Reducing Offending Division is also NIPS Director General. This realignment of the YJA and youth justice generally alongside the NIPS causes significant concerns, as we believe that

the youth justice system, if it is to achieve the objective of redirecting children and young people away from the criminal justice system, should remain separate and distinct from the criminal justice system as it applies to adults. We welcome the particular interest shown by Committee members at our evidence session on 14th January in relation to where youth justice services should be placed within current and future Departmental structures, rather than being aligned alongside the NIPS within the Reducing Offending Directorate. We look forward to engaging with Committee members further on this issue.

‘Scoping study’

We anticipate that DoJ and Youth Justice Agency officials will refer to the work of the ‘Scoping study’, announced by the Minister of Justice in May 2015, in providing evidence to the Committee on 28th January. The recommendations that will be made by the Scoping Study remain unclear at this stage, as despite the extensive experience of the wider voluntary and community sector, there has been limited engagement to date with those organisations working closely with children and young people. However many of the issues that the Minister has said the scoping study will look at are those that were considered by the Youth Justice Review team in its report published in September 2011. This leads to obvious concerns that what is being undertaken is a review of a review, rather than progressing with implementation of the recommendations that have already been made in the Youth Justice Review.

Resources

The Minister of Justice has recently highlighted that in 2015, significant numbers of staff left the YJA under the Civil Service Voluntary Exit Scheme. Within the JJC, staffing levels within the Education Learning Centre have also fallen considerably, resulting in the number of hours of education delivered to children falling. Sick leave rates amongst staff in the JJC rose considerably from 2013/14 to 2014/15, with high rates again recorded between April 2015 and November 2015. The reduction in staff levels in the YJA and the significant percentage of educational staff that have left the JJC, along with high sick leave rates, are a growing cause of concern to CLC and IY. Since the NIPS assumed responsibility for the YJA, we have been concerned about the potential change in the profile of the staff recruited to the JJC. The retention of the childcare ethos within the JJC is predicated on appropriate staffing level and suitably qualified and experienced staff. Given these issues, we would welcome further scrutiny being applied in relation to any pressures that are being placed on the work of the YJA currently and what actions will be taken to address this in the future. We would also welcome scrutiny being applied to current and future budgetary arrangements for the YJA and services provided for children in the JJC in particular, including education.

We believe that a renewed focus is required on ensuring implementation of the commitment made to a youth justice system that complies with international standards. The most immediate and urgent step required is the decoupling of Youth Justice from the adult criminal justice system especially the NIPS.