



Department of
Justice

An Roinn Dlí agus Cirt
Máinnystrie o tha Laa



Strategic Framework for Youth Justice

2022 - 2027

March 2022

Table of Contents

Ministerial Foreword	1
1. Introduction	3
2. Strategic context	6
3. Setting the policy context – where we have come from	10
4. Youth Justice System: Our Vision and Principles	12
5. Outcomes	13
6. Outcome 1 - Children are exited from the criminal justice system at the earliest point, with appropriate support	14
7. Outcome 2 - Positive outcomes for children, families, victims, and communities affected by offending	25
8. Outcome 3 - Children will only ever be placed in custody as a last resort	36
9. Outcome 4 – Working in partnership to deliver wider, systemic change to improve the lives of children	46
10. Monitoring arrangements	59
Annex A: Strategic Framework – High Level Summary Document.....	60
Annex B: Glossary of Terms.....	61
Annex C: Relevant Executive & Departmental Strategies.....	63
Annex D: Information on YJA Earlier Stage Diversion.....	64

Ministerial Foreword

I am pleased to publish my Department's Strategic Framework for Youth Justice. Since the devolution of Justice in 2010, much has been achieved to improve the youth justice system in Northern Ireland. Developments in policy and practice, including a focus on diverting young people away from further offending at the earliest possible point in time, along with a greater use of restorative justice principles, have contributed to a significant reduction in the number of children committing crimes, entering the justice system and being dealt with in court. Levels of both first time offending and re-offending by children are continuing to fall. This is good for everyone and is helping to deliver on the principal statutory aim of the youth justice system which is "*to protect the public by preventing offending by children.*"

A significant proportion of children who offend have difficult backgrounds and may have encountered a number of adverse childhood experiences (ACEs). Not all children with ACEs will enter the youth justice system but for those who do, we are determined to support them in turning their lives around and avoiding a downward spiral of further offending which not only has a detrimental effect on them, but also has an impact on their families and society as a whole. There has already been a significant amount of excellent work undertaken in this area, led by the Youth Justice Agency, and this Strategic Framework contains a number of case studies that illustrate the impact of this work. We will continue to build on that progressive vision into the future in partnership with others, taking a children first and welfare-led approach to youth justice. By doing this, we believe that outcomes will be better for children, families and victims alike.

While much has been achieved, there is still much more to do. The legislative framework for youth justice now looks somewhat outdated and is, in many ways, out of step with international standards on children's rights. Northern Ireland has, for example, one of the lowest minimum ages of criminal responsibility in Europe. Too many children are entering custody simply because they have no suitable bail address. We also need to simplify key elements of the youth court process, particularly around the number and structure of court-ordered community sentences.

While this Strategic Framework focuses on the youth justice system, it also explicitly recognises the value of working with a wider set of partners who share our aims of improving the well-being and life chances of vulnerable children. A good embodiment of this commitment to partnership working is the programme being led by Health, Justice and Education to transform the way secure accommodation and allied services in the community are delivered to better support children with some of the most complex needs.

At the time of publication, my Department in common with others, is facing significant challenges in light of a proposed budget cut, directly attributable to increased pressures as a result of the Coronavirus pandemic. We must be realistic and recognise that this may impact on our ability to deliver on those actions in the accompanying Action Plan which require considerable additional funding or staffing resources. However, we are committed to ensuring that every effort will be made to secure these resources at the earliest opportunity in order to progress this very important work.

Finally, I would like to thank everyone who has supported the development of this Strategic Framework – most importantly, children themselves. It is abundantly clear to me that only through true collaboration between all those with a role to play in supporting children within our society, will we achieve our vision of a progressive youth justice system – delivering better outcomes for children and communities.

NAOMI LONG

Minister of Justice

1. Introduction

The youth justice system in Northern Ireland has undergone significant change and improvement over the past few decades, as social norms and our understanding of offending behaviour and how it can be addressed has evolved. The most recent decade particularly, has witnessed a renewed focus in the implementation of initiatives aimed at keeping young people out of the criminal justice system. A summary of the key developments which have taken place in relation to youth justice since the devolution of policing and justice in 2010 is provided in Figure 1 below. This Strategic Framework seeks to build upon these developments in order to further improve the outcomes and life chances for those children¹ who do come into contact with it.

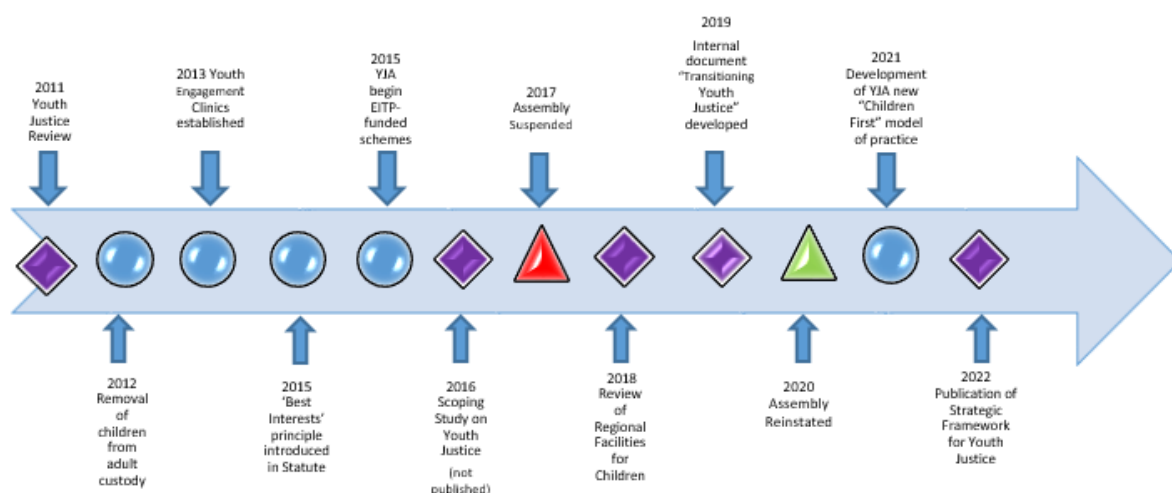


Figure 1: Summary of main developments in the youth justice system since 2011

There has been an increased focus on the implementation of diversionary initiatives aimed at preventing children from entering or moving further into the criminal justice system. The impact of this work has been considerable and the progress outlined below represents the collective efforts of all those involved in the provision of support to children across Northern Ireland. These efforts have produced considerable results, and notable achievements within the last decade include:

¹ In Northern Ireland, a child is defined within the Children (Northern Ireland) Order 1995 as “a person under the age of 18”. While recognising that many amongst this cohort would identify more readily with the term “young people”, for the purposes of this Strategic Framework, references to children throughout the document will include children and young people under the age of 18.

- ❖ a 54% reduction in the number of children entering the justice system for the first time for offending behaviour², from 1,555 children in 2011/12 to 710 children in 2019/20;
- ❖ a 59% reduction in the number of children dealt with by the youth courts³, from 3,023 in 2011 to 1,256 in 2019;
- ❖ a 61% reduction in the daily average number of children held in custody⁴, from 28 in 2011/12 to 11 children in 2020/21⁵; and
- ❖ a decrease of almost 12% in the Youth Justice Agency's (YJA) court ordered referrals to Youth Justice Services as a proportion of all their referrals, from 34.6% in 2016/17 to 22.8% in 2020/21, and an increase in the proportion of Earlier Stage Diversions, from 6.4% in 2016/17 to 20.2% in 2020/21.

Work undertaken to support children in the early stages of offending, and to divert them away from prosecution, has helped create a significant reduction in the number of children entering the justice system. The increased focus on early intervention, prevention and family support across education, health and social care has also played an important role, as have changes in policy and practice across the justice family, with the recognition that diversion from the system is in a child's best interests.

We have, however, much more to do in order to fully realise our vision of a youth justice system that delivers better outcomes for children and communities. Many of the children we see entering the system are among the most vulnerable in society and a number have complex and multi-faceted needs. Furthermore:

- a higher proportion than those in the general population will also have lived through Adverse Childhood Experiences⁶;
- within the past year, 35% of those who spent time in custody are care experienced; and

² [First Time Entrants to the Criminal Justice System 2019/20](#)

³ [Judicial Statistics 2020](#).

⁴ [YJA Annual Workload Statistics 2020/21](#)

⁵ The impacts of the Covid-19 pandemic may have been a factor in the reduced numbers in 2020/21

⁶ Research points towards a higher proportion of children in custody having experienced Adverse Childhood Experiences than within the general population: *Adverse Childhood Experiences in children at high risk of harm to others: A gender perspective*. Nina Vaswani (January 2018) (<https://strathprints.strath.ac.uk/63124/>)

- those receiving a custodial sentence today are more likely to have engaged in persistent and/or serious offending behaviour than those who would have been sentenced ten years ago.

The task facing our youth justice system is to support and challenge these children to live better lives. We can do this by helping to prevent them from becoming trapped in negative life cycles, with a consequential impact on their future outcomes. By providing this support and addressing their needs, we can prevent or moderate further offending, reduce the number of future victims of crime and ultimately, make our communities safer.

Our Strategic Framework recognises that while the justice system is adept at working with those children most at risk of offending, it alone cannot provide the full spectrum of support necessary to address the root causes of youth offending behaviour, typified by absenteeism from school, chaotic family lives, substance use and chronic physical and mental health issues.

We will, therefore, need to further embed our existing partnerships to ensure that those children and families in greatest need are able to access support through effective pathways to appropriate services at the earliest opportunity.

The vast majority of children in Northern Ireland will never come into contact with the youth justice system. On average, five in every thousand children engage with the Youth Justice Agency's Youth Justice Services, while less than one in every thousand will experience custody at Woodlands Juvenile Justice Centre.

2. Strategic context

Programme for Government Outcomes

An outcomes based approach has defined strategic planning across the public sector since 2016, driven by an outcomes-focused draft Programme for Government.



Figure 2: Programme for Government Draft Outcomes Framework

While a number of outcomes within the draft framework contribute to improving the lives of children and young people, two are particularly relevant to our Strategic Framework, which focuses on those children on the cusp of, or in contact with the justice system. These are:

- Outcome 1: our children and young people have the best start in life; and
- Outcome 7: everyone feels safe – we all respect the law and each other.

Collaboration

As well as aligning with PfG outcomes, this Strategic Framework also seeks to align to a number of other key strategies, as well as to the ethos of the Children's Services Co-operation Act (Northern Ireland) 2015 (the CSCA). This legislation places a statutory duty on children's authorities to co-operate in the planning, provision and

delivery of services to children and young people; and a duty on the Northern Ireland Executive to promote co-operation across Departments. It also aims to build further on existing partnerships to ensure that we make better connections between services designed to support our most vulnerable children.

An additional requirement of the CSCA was the adoption by the Executive of a [Children and Young People's Strategy](#). This was published in January 2021 and aims to improve the well-being of children and young people and to achieve positive, long-lasting outcomes. The Executive Strategy includes a number of 'areas of greatest focus', which are issues that stakeholders have identified as requiring particular attention, and groups of children they have identified as being in greatest need. One such area is children in contact with the justice system, and our Strategic Framework will work towards improving outcomes for this specific group.

Many children who enter the criminal justice system have a range of complex educational and health needs. This is particularly true for the smaller cohort who spend time in youth custody, a disproportionate number of whom are care experienced. One way in which we are looking to address this is through partnership working with the Department of Health on the development of a Secure Health and Justice Campus led by a joint Programme Team. More detail on this is provided in Chapter 8.

In addition, a number of targeted strategies have recently been published, aimed at addressing the particular needs of those who are among the most disadvantaged in our society. The most relevant, for the purposes of impacting upon the children and young people at risk of entering the criminal justice system, are:

- "A Life Deserved: "Caring" for Children and Young People in Northern Ireland" Strategy;
- Mental Health Strategy for Northern Ireland 2021-2031;
- Preventing Harm and Empowering Recovery – Substance Use Strategy 2021-2031; and
- Improving Health within Criminal Justice - Strategy and Action Plan.

Further information on these and other relevant strategies can be found at Annex C. The Department is also currently developing a strategy dedicated to supporting women and girls which, when published, will work in tandem with our Strategic Framework in seeking positive changes for young females in, or on the cusp of, the youth justice system.

Furthermore, we will ensure that we work closely with our colleagues in Health and Education to support initiatives such as Education Restart and the Children and Young People's Emotional Health and Wellbeing in Education Framework.

In delivering our Strategic Framework, we will take account of wider government strategies to ensure they are aligned. Our focus, however, will be on those outcomes that are within the gift of the Department of Justice, its agencies and partners to deliver in support of those children and young people who are on the cusp of, or in contact with the justice system due to their offending or risk-taking behaviour.

Justice structures & responsibilities

The work of each Department underpins PfG and the [Department of Justice Corporate Plan and Annual Business Plan](#) sets out its strategic direction and priorities. The Department's mission is ***“working in partnership to create a fair, just and safe community, where we respect the law and each other”***.

The Reducing Offending Directorate of the Department is responsible for developing and maintaining the policy and the legislative framework for youth justice. [Section 53 of the Justice \(Northern Ireland\) Act 2002](#) sets out the statutory purpose of the youth justice system, the principle aim of which is “to protect the public by preventing offending by children”.

The Youth Justice Agency (YJA) is an Executive Agency of the Department of Justice. Its statement of purpose, which is ***“making communities safer by helping children to stop offending”*** reflects the statutory purpose of the youth justice system, while its mission ***“to reduce offending by supporting children to achieve their full potential”*** reflects the importance of its role in prevention and diversion.

Since it was established in 2003, the YJA has delivered interventions, in both the community and in custody, aimed at addressing the needs of those young people who have offended. Its services, often delivered in partnership with others, seek to help children to address their offending behaviour and its underlying causes, divert them from crime, assist their integration into the community and meet the needs of victims of crime. These front-line services are delivered either by Youth Justice Services or Custodial Services.

3. Setting the policy context – where we have come from

We are looking towards the future from a position of strength and have already touched upon the significant change that our youth justice system has seen over the last decade. Much of that change can be attributed to priorities for action identified through two comprehensive reviews which were undertaken between 2011 and 2016.

Two key pieces of work on youth justice have informed the development of the Strategic Framework. These are the Youth Justice Review 2011 and the Scoping Study 2016.

The [Youth Justice Review](#), an independent report published in 2011, made 31 recommendations for changes to the youth justice system and wider arrangements for children. Implementation of these recommendations led to greater co-operation and communication within and between criminal justice organisations, and greater use of discretion and diversion by police and prosecutors – a starting point for the reduction in the number of children coming further into the justice system. This work also saw the removal of all children from adult custodial provision, and a shift towards ensuring that in all decision-making involving children, the child's best interests are a primary consideration, with this principle incorporated into legislation.

There were, however, a number of recommendations upon which progress was limited. Many related to issues which were complex or systemic in nature and as such required structural change and/or considerable buy-in, whether political or cross-departmental, which was not in place at that time. It was clear the Department of Justice alone could not solve these issues. In 2015, in order to move forward, an end-to-end Scoping Study was undertaken. The Steering Group, which was established to progress the Scoping Study, comprised senior representation from those key departments and agencies that had policy responsibility for issues affecting children in Northern Ireland, including Health and Education.

Building upon the earlier Review, it considered whether the legislative, strategic and structural architecture of the youth justice system sufficiently addressed the many and complex needs of the children who came into contact with it. This focus on a child's

'needs not deeds' resulted in an agreed view to move the system from one which treated children as offenders first and children second, to one which would be completely child-centred. The importance of recognising and responding to the needs of a child who had offended was not intended to excuse or justify the impact of the child's behaviour on their victim and the wider community, but it did acknowledge the responsibility others had to both to protect children's rights and to meet their needs.

Although they were not formally published, the high level proposals from the Scoping Study were set out in a Ministerial Statement made in the Assembly in March 2016, with the intention that they would be worked into detailed implementation plans during the new mandate beginning in May 2016. As a period of dissolution of the Assembly followed early in that new mandate - halting progress - an interim measure was introduced through the development of an internal reference document, '*Transitioning Youth Justice*' (TYJ). This document set the direction for those working in the Department and the Youth Justice Agency and enabled progress of the Scoping Study proposals as far as possible.

This Strategic Framework builds upon '*Transitioning Youth Justice*', by offering clarity on the evidence in support of future change and outlining how we will deliver improved outcomes for children who are at risk of, or engage in, criminal behaviour. The impact of the actions we will undertake will be reported within an annually published progress report.

4. Youth Justice System: Our Vision and Principles

Our vision for the youth justice system is set out below. It is aspirational in nature and ultimately, seeks to prevent children from coming into contact with the justice system in any capacity.

“A progressive youth justice system – delivering better outcomes for children and communities.”

This vision, and our work to deliver on the Strategic Framework, will be underpinned by the following **key principles**, which are central to all we do:

- children involved in the criminal justice system should always be treated as **children**;
- the criminal justice system should act in the **best interests of children** in all of their interactions;
- The criminal justice system should ensure **children’s rights** are respected at all times and will align to **international standards**;
- The criminal justice system will take a **trauma-informed** approach at all stages, recognising the impact of their lived experiences;
- The **views of children** will be heard, respected and taken account of;
- children should be **diverted** from the criminal justice system at the earliest possible stage, with **appropriate support**; and
- a child should only ever be placed in **custody as a last resort**.

5. Outcomes

An outcomes-based approach has been adopted to measure the key actions the Strategic Framework will deliver over the period from 2022 – 2027:

- **Outcome 1:** Children are exited from the criminal justice system at the earliest point, with appropriate support.
- **Outcome 2:** Positive outcomes for children, families, victims and communities affected by offending.
- **Outcome 3:** Children will only ever be placed in custody as a last resort.
- **Outcome 4:** Working in partnership to deliver wider, systemic change to improve the lives of children.

Each Outcome is examined in detail in the following chapters, along with supporting evidence as to why change is needed and how we will measure progress.

A one-page overview of the Strategic Framework supports this document, together with the accompanying Action Plan.

6. Outcome 1 - Children are exited from the criminal justice system at the earliest point, with appropriate support

Background

The concept of intervening before an issue occurs or worsens is not a new one and is relevant to many aspects of our lives, cutting across health, education and justice. Research in 2018 estimated that the annual short-run cost to the public sector of late intervention in Northern Ireland could be as high as £536 million per year.⁷ By investing upstream, we can ultimately reduce costs by reducing the need for later, more costly remedial intervention. More importantly, the impact of intervening at the earliest possible stage in order to prevent children in Northern Ireland from becoming drawn into a pattern of offending behaviour, will have major consequences for the future opportunities and quality of life experienced by children, families, communities and even subsequent generations.

The importance of this work was recognised through the [Early Intervention Transformation Programme](#) (EITP) which, as a result of joint funding from Executive Departments and Atlantic Philanthropies, invested more than £30m between 2014/15 and 2018/19 in support of 19 projects across 4 workstreams. These projects were delivered by a combination of statutory and voluntary sector organisations, with a focus on early years' intervention for children and families. They included 'universal' services funded through the Departments of Health, Education and others, for early years support for children and their families, and targeted interventions to divert those who have come to the attention of the justice system and other statutory agencies as a result of their risk-taking or offending behaviour.

Both the statutory aims of the youth justice system and the Youth Justice Agency's (YJA) statement of purpose point to a role in preventing children offending. The work undertaken by the YJA in support of this outcome falls into two areas – **Earlier Stage Diversion**, which provides short-term, targeted interventions and support for children involved in low level offending; and **Pre-Court Diversion**, which relates to formal disposals delivered as an agreed alternative to court prosecutions. It is worth clarifying

⁷ *The Cost of Late Intervention in Northern Ireland* (May 2018), Early Intervention Foundation

that all children with whom the YJA works directly with, have been involved in offending behaviour and the vast majority has already had involvement with the police.

In consciously introducing interventions aimed at diverting children from moving further into the criminal justice system, the YJA is reflecting similar approaches being undertaken in other jurisdictions. Wherever possible, children who require support to deal with issues not directly related to their offending behaviour, are referred to mainstream or specialist support provided by relevant statutory or voluntary and community sector organisations outside of the justice system.

Current Arrangements/Progress to Date

In the main, referrals to the YJA are for children who are subject to a discretionary or diversionary disposal and who are assessed by a multi-agency panel as needing additional support to avoid further offending. Discretionary disposals are those which are available to the PSNI to consider and deliver if appropriate. If the PSNI does not believe the offence necessitates onward referral to the Public Prosecution Service, it can either decide to take no further action or to issue a Community Resolution Notice, either with or without the offer of additional help from a range of services, including YJA. Neither of these options will result in the child receiving a formal criminal record. Diversionary disposals, whether informed warnings, restorative cautions or diversionary youth conferences do, however, result in criminal records.

Figure 3 sets out the high level process and decision points which are considered when a child in Northern Ireland comes to the attention of the police for offending.

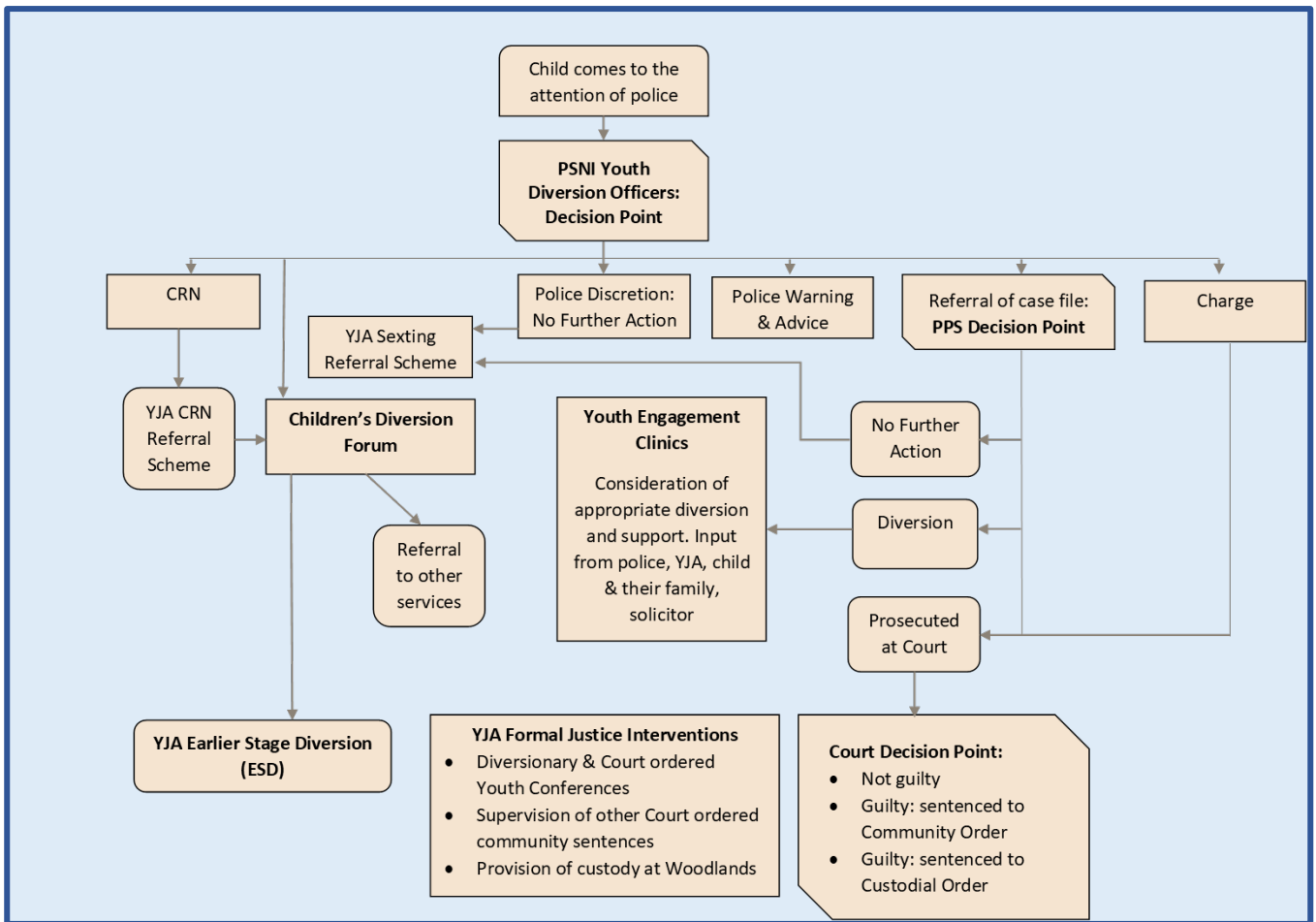


Figure 3: Youth Justice System in Northern Ireland – High Level Process

Earlier Stage Diversion

In order to reduce the numbers of young people entering the formal justice system and building on a successful pilot run as part of the EITP, the YJA has been engaged in delivering a range of **Earlier Stage Diversion**⁸ (ESD) initiatives since 2015. These initiatives have been developed and delivered in conjunction with a range of partners and offer specialised support services to 10-17 year olds⁹ based on voluntary engagement with children and families.

YJA is clear that, in engaging in ESD work, it adheres to the following principles:

- intervene as early as possible where children are involved in offending;
- avoid net-widening;
- only do what needs to be done, for the shortest possible period of time;
- focus on desistance, and the building of personal and social capital; and

⁸ Previously referenced as Earlier Stage Intervention

⁹ Paper explaining the range of Earlier Stage Diversions is attached at Annex D

- encourage voluntary engagement.

The duration, intensity and content of ESD is guided by assessment and the wishes of the child and his/her parents/carers. Engagement is on a voluntary basis, however, the child is required to accept responsibility and own up to the offence committed. This engagement has a high level of user satisfaction with 98% of children and 99% of parents/carers rating their experience of the support they received through ESD as either good or very good in 2020/21. In addition, 89% of children and 90% of parents/carers felt that their experience with ESD would help avoid further offending. This work also has close links with the Department's overall strategic approach to reducing offending.

Case Study 1

N was a 14-year-old male referred to YJA via a Community Resolution Notice (CRN) by the PSNI for criminal damage. He had been caught by the police throwing stones and plastic bottles at a person's house. The victim had apparently been targeted repeatedly by youths and was from an ethnic minority group, therefore there was also a potential racial element to this case. N admitted responsibility for his part in this offence and accepted the CRN. N's mum expressed concerns around his involvement with a negative peer group and the prospect of N ending up in the formal justice system.

As N had a diagnosis of ADHD, a tailored educational session was developed which took into account his needs and level of understanding. This session was completed using a whole family approach which created a better impact. After the session, N was able to talk about what happened and his involvement. He expressed regret and remorse and was able to articulate how his behaviour harmed himself and others. His mum was able to express her feelings and N agreed at the end of the session that he would try harder to stay out of trouble.

This session allowed the participation of the young person, family and YJA and helped to divert N from entering into a formal justice system that could impact upon his future life. This young person has not been referred to YJA since.

Another aspect of this work is the establishment of multi-agency Children's Diversion Forums (CDFs) across Northern Ireland. These developed from Reducing Offending in Partnership (ROP) Prevent and Deter forums, with CDF pilots operating in the YJA's Belfast, Southern and Western (Foyle) areas from February 2020. They were rolled out more widely from January 2021 and are now well established across Northern Ireland. The Forums are panel-type meetings with representatives from PSNI, Social Services and Education, and are chaired and administered by YJA. Their objective is

to contribute to the reduction in first time entrants to the formal criminal justice system, and the number of children subject to court orders. They achieve this by:

- diverting children from the formal criminal justice system at an early stage;
- sharing available information about children who are referred by any of the partner organisations; and
- assessing if additional intervention is needed (and by whom) and supporting children to link to those services in order to promote desistance from (re)offending.

All partner organisations can make referrals to the panel for consideration, but the majority are made by the PSNI. Likewise, all partner organisations can take appropriate referrals from the panel, or provide the conduit between children/families and other more appropriate statutory, voluntary or community sector universal or specialist services.

Case Study 2

C was aged 14 when she was referred to the YJA via the Children's Diversion Forum. The PSNI had brought the referral to the CDF based on a number of concerns: C had been caught drinking alcohol several times and had been brought home; she was ignoring the advice and warnings given by police; she was associating with an older, negative peer group and had been caught stealing from family members to buy alcohol and drugs. Other issues had been identified such as poor school attendance, relationship difficulties at home and poor mental health.

Weekly sessions with C included bespoke pieces of work around risk-taking behaviours, alcohol/drugs use, peer relationships and resilience building. Family work helped to re-build their relationship as C's mum felt more supported and confident in implementing boundaries. It also helped mum with her own mental health and encouraged her to seek help and support. C identified a love of make-up and had a genuine talent for this – ESD funding enabled her to complete a make-up course that provided her with a qualification. This gave her a focus, and helped to increase her self-esteem and self-worth. YJA partnership working with education welfare has also helped increase attendance at school.

C has not come to the attention of police or the YJA since.

Pre-Court Diversion

The YJA, in conjunction with PSNI and PPS, also delivers **Pre-Court Diversion** for those children whose offending is low level and for whom the PPS has decided that formal prosecution at court is not required/appropriate. The most significant engagement is through the delivery of Diversionary Youth Conferences, which make up nearly half of YJA's annual referrals to their Youth Justice Services Team.¹⁰ Unlike ESD interventions, all Pre-Court disposals attract a criminal record.

In order to support children and families to make better informed choices when they have been charged with an offence, Youth Engagement (YE) Clinics were developed and rolled out following the conclusion of a pilot exercise in 2013. Where the PPS decides that the offence is suitable for a diversionary disposal, the child will be offered the opportunity to attend a YE Clinic.

At the Clinic, the PSNI Youth Diversion Officer and YJA worker explain to the child and their family/supporters the nature of the case against them and their options. They are encouraged to take legal advice either before, or as part of, the Clinic process and the child is then given an opportunity to discuss the case with their family and make a decision based on their full understanding of the facts. A key part of this work is the identification of underlying needs, and the child and their family can be sign-posted to further support and/or be referred to the YJA for support to avoid further offending.

Since their establishment, these Clinics have improved the timeliness of youth cases¹¹ and supported children and their families to make better decisions about proceedings against them. This has, in turn, expedited the resolution of cases suitable for diversion and reduced the number of cases progressing unnecessarily to court.

Supporting evidence

Available data for recent years in relation to children who are engaged in, or on the cusp of, the criminal justice system shows that significant improvements have been

¹⁰ [YJA Annual Workload Statistics 2020/21](#)

¹¹ [Youth Engagement Statistics for NI 2020/21](#)

made to reduce both the number of children entering the youth justice system for the first time, and those reaching the formal court system.

Figure 4 demonstrates that there has been a decrease of nearly 54% in the number of children being prosecuted at court since 2015, and a 50% decrease in all disposals during the same period. Whilst this is encouraging, the data still highlights that in the period of one year (2019/20), almost 2,000 offences were committed by children which resulted in them exiting the system with a criminal record.

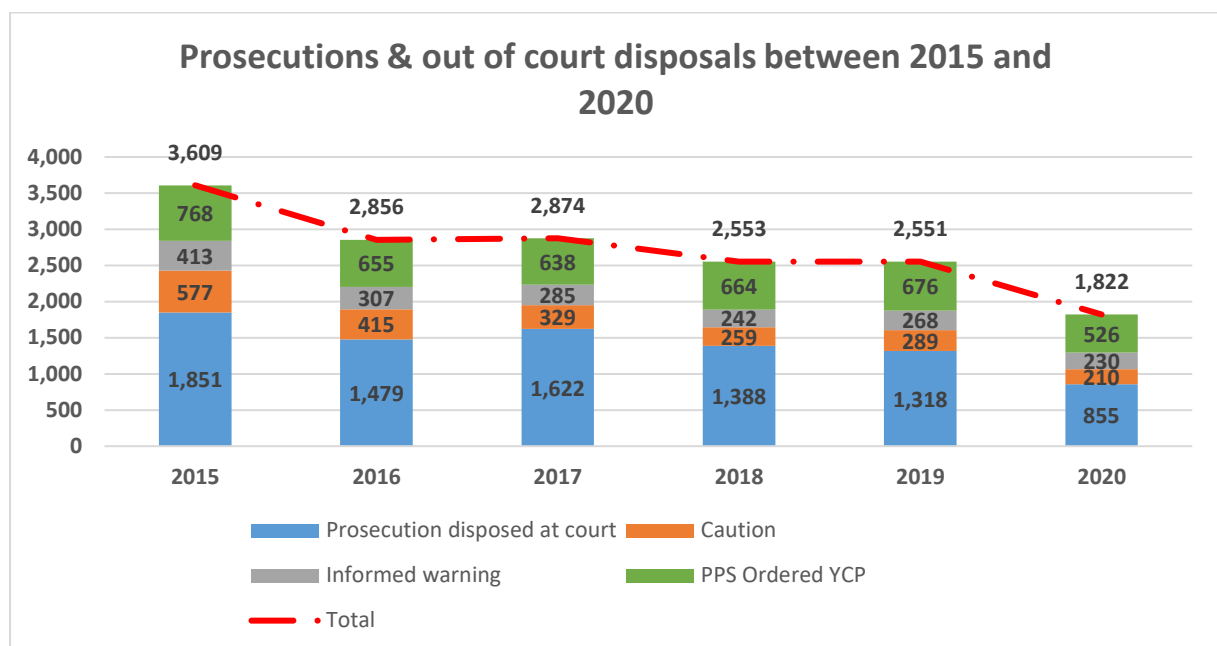


Figure 4 - Prosecutions at court and out of court disposals decrease for children between 2015 and 2020

Source: NISRA

The decrease in the number of first time entrants to the formal system (Figure 5) may be less dramatic in terms of overall numbers, nevertheless it has fallen by more than a quarter over the same period, and by over 54% since 2011 when the Youth Justice Review was published.

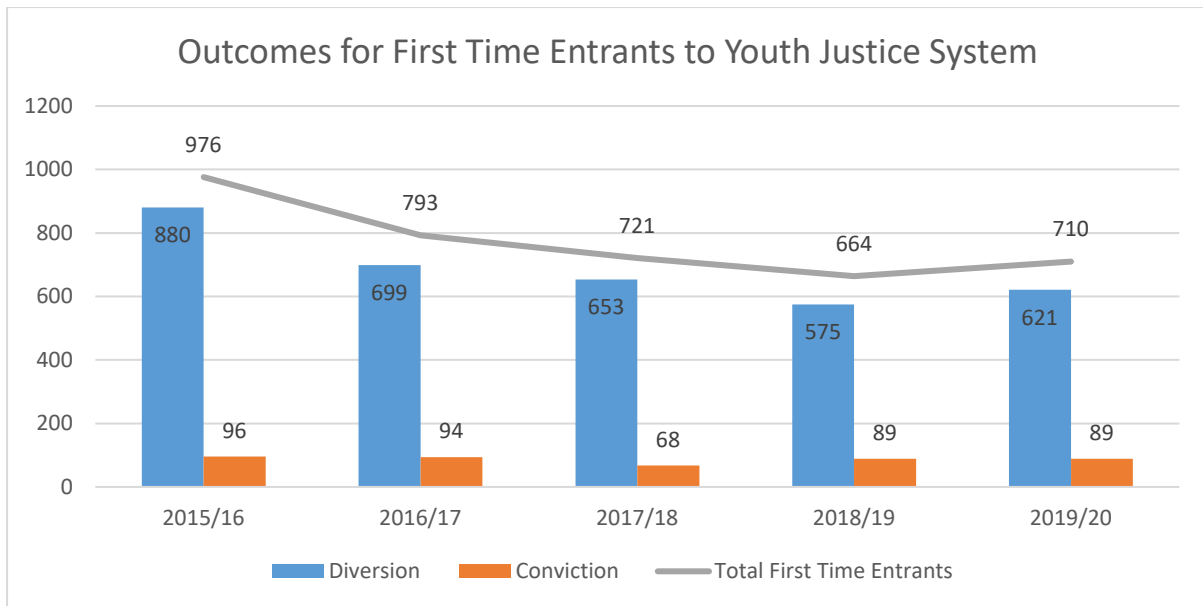


Figure 5 – A decrease in the number of First Time Entrants to Justice System aged under 18 between 2015/16 and 2019/20¹²

Source: NISRA

This substantial reduction in children entering the system cannot be attributed solely to the work of the Youth Justice Agency, but is reflective of the increased focus on early intervention work taken forward by the statutory and voluntary sectors, alongside changes in attitude, as discussed in Chapter 1.

It is also important to recognise that, through these initiatives, young people are not merely being diverted from the formal justice system, but they are also receiving professional help and support which may deliver better life outcomes on a number of levels. Evidence suggests that this work has been extremely effective – from an initial analysis of referrals from PSNI via community resolution notices, fewer than 10% of those children who completed a programme with YJA went on to offend within a year¹³.

¹² [First Time Entrants to the Criminal Justice System in Northern Ireland 2019/20](#)

¹³ [YJA Annual Workload Statistics 2020/21](#)

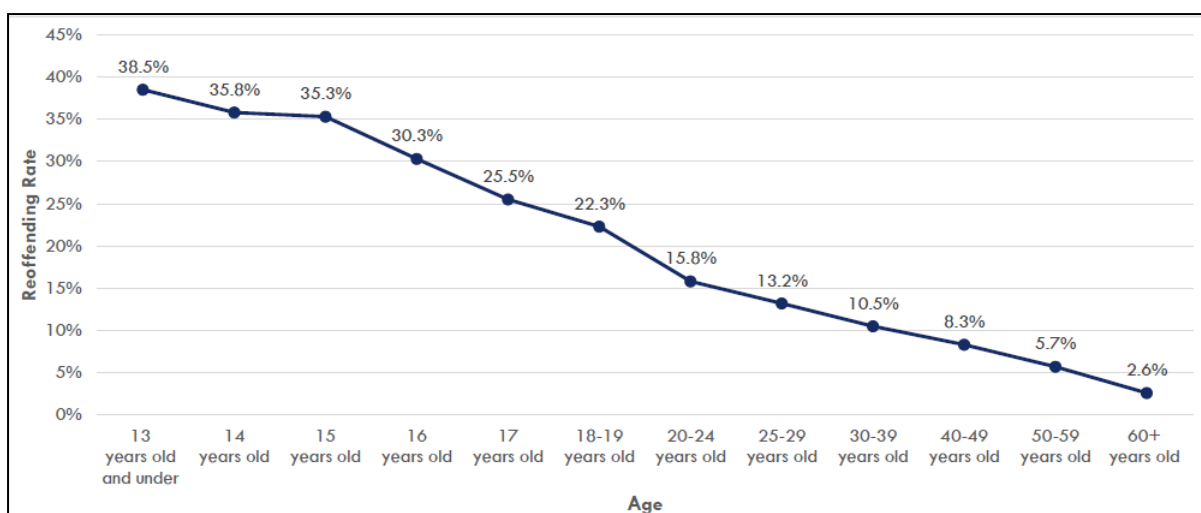


Figure 6 – Reoffending rate decreases as the age of first recorded offence increases¹⁴

Source: NISRA

The younger a child is when they enter the justice system, the more likely they are to reoffend, as highlighted in Figure 6 above. This data strengthens the argument for upstream interventions aimed at keeping children out of the formal system.

Table 1 sets out the youth reoffending rates in Northern Ireland for children who have received a pre-court diversionary disposal or court order (including custody) since 2010/11.

Table 1 – Reoffending Rates (Youth)¹⁵

Year	No. of people in cohort	No. who reoffended within one year	Reoffending rate (%)
2010/11	3,248	772	23.77%
2011/12	2,592	753	29.05%
2012/13	2,297	692	30.13%
2013/14	1,905	537	28.19%
2014/15	1,563	503	32.18%
2015/16	1,543	458	29.68%
2016/17	1,226	352	28.71%
2017/18	1,115	328	29.42%

¹⁴ [Adult and Youth Reoffending in Northern Ireland – 2017/18 Cohort - NISRA](#)

¹⁵ [Adult and Youth Reoffending in Northern Ireland – 2017/18 Cohort - NISRA](#)

These figures, while again demonstrating a steady decline in the number of children in the justice system, do not show any significant improvement in the proportion of this cohort who reoffend. A possible explanation for this could be that those individuals who are easier to engage with, and willing to take the opportunity to change, have been diverted from the formal system at an earlier stage, leaving a much smaller, but more complex cohort of children with multiple needs that are harder to engage. This is not just true in Northern Ireland but has also been found to be the case in England and Wales¹⁶.

Commitment to Action

Outcome 1: Children are exited from the criminal justice system at the earliest point, with appropriate support

While recognising that significant progress has been made in terms of delivering on this outcome, we are aware that for a significant number of children, including those who are amongst the most vulnerable in our society, further support is required.

In order to achieve better outcomes for all children in contact with the criminal justice system, we will deliver the following actions:

ACTIONS

We will continue to develop and deliver targeted Earlier Stage Diversion initiatives, in partnership with statutory and voluntary sector organisations, aimed at exiting children from the criminal justice system at the earliest possible stage, with appropriate support.

We will evaluate the rollout of Children's Diversion Forums to ensure that children throughout Northern Ireland have equitable access to multi-agency support aimed at preventing them from moving further into the formal justice system.

¹⁶ House of Commons Justice Committee Report "*Children and Young People in Custody (Part 1): Entry into the youth justice system*", Nov 2020

We will explore proposals for the development of a new diversionary disposal which does not attract a criminal record, in partnership with PSNI and PPS.

Measuring the Impact

We will consider that we have made a positive impact in terms of delivering upon outcome 1, if the following measures are achieved:

- A reduction in the number of first-time entrants into the formal youth justice system; and
- A reduction in the number of children subject to court proceedings.

We will also continue to monitor the following data sources in order to measure the wider impact on children of our proposed actions:

- First Time Entrants to the justice system for the 10-17-year-old cohort.
- Referrals to the YJA for ESD.
- Re-referrals/reoffending data following ESD engagement.
- Published statistics on prosecutions and out of court disposals.
- Published Youth Engagement Bulletins.
- Data from Children's Diversion Forums.
- Qualitative data provided by the YJA in respect of user engagement and satisfaction surveys.

7. Outcome 2 - Positive outcomes for children, families, victims, and communities affected by offending

Background

The capacity to deliver effective disposals that can both maintain, and reintegrate children involved in offending behaviour into their community whilst addressing underlying issues, lies at the heart of the youth justice system. Without appropriate interventions, many children will find themselves excluded from mainstream services, including education, extra-curricular activities, and in more extreme cases, their own families and communities. In order to mitigate against this, an effective sentencing and delivery framework is required – one that is founded on a youth justice system which is not only responsive and proportionate, but is also flexible and understandable.

In reviewing the current arrangements for youth justice disposals and developing proposals for improvements, we agree with those organisations representing the interests of children who have highlighted the following as key components of success:

- the best interests of the child must be at the core of any process;
- voluntary engagement by children delivers better results in terms of compliance with an order or programme;
- timing is important, having staff available to engage with the child at a time when they need support. Failure to react quickly can lead to multiple offences or court orders; and
- using mainstream or universal interventions where possible will help to avoid labelling children as offenders.

Current Arrangements/Progress to Date

Over the past two years, the YJA has invested significant time and resources examining how it engages with the children referred to it by the justice system (police, PPS and courts) for supervision and support, with the aim of developing more effective interventions and delivering improved outcomes. This investment has resulted in the development of a new [Model of Practice \(MOP\)](#) for work within the Agency. Launched in April 2021, the MOP delivers a shared understanding of the principles, theories and models which inform how YJA delivers services and support to children, families and

victims both in the community and in custody. It is a framework which has an overarching Children First philosophy and incorporates different theories and models in a coherent manner, providing a guide to best practice and ensuring all interventions are underpinned by shared professional judgements, ethos and values.

Through work on the MOP, YJA is also developing service improvements. One of these is outlined in the example shown below.

In March 2019, a pilot between Child and Adolescent Mental Health Services (CAMHS) and YJA was launched in the Southern Trust area. This involved the appointment of a co-located, co-funded senior mental health practitioner whose role has been to: deliver services directly to children; help link children to other CAMHS services; provide consultation to YJA staff; and help YJA staff to develop their knowledge, skills and confidence in dealing with the mental health needs of children.

Early indications show that this pilot is improving outcomes for children by considerably increasing the engagement of children involved with YJA CAMHS and improving the standard of support provided by YJA. The YJA is working to extend the initiative to other Trust areas in Northern Ireland, as resources permit.

A number of workstreams have been established to ensure that the MOP is central to the continuum of service delivery across a range of areas including: service user participation; assessment; and ensuring that children are engaged at all stages of the criminal justice journey. Other workstreams are thematic in nature and include restorative practices; family work; mental health and trauma informed practices; education/training/employment; and interventions with young women. This model is designed to allow for the addition of further thematic issues across the next number of years.

The embedding of the new MOP will be an ongoing process, and will be adaptable to any potential changes in youth justice legislation, including those being considered for court-ordered community sentences. The current legislative landscape for youth court community disposals is complex, comprising seven orders which are supervised either by PBNI or YJA. PBNI is responsible for supervising Probation Orders, Community Service Orders and Combination Orders, with YJA holding responsibility for the remaining four: Youth Conference Orders, Community Responsibility Orders,

Attendance Centre Orders and Reparation Orders. Each of these community disposals attracts a criminal record.

Each order has different characteristics, with specified components and requirements. While a number of components are specific to individual orders, others may be common to more than one. The orders are facilitated via different legislation and children can be subject to multiple and differing orders at any one time. A number of these orders are infrequently imposed by the Court.¹⁷

In recent years, the most frequently used disposal has been the Youth Conference Order, which typically represents over 90% of all court ordered community sentences supervised by the YJA during the 2016/17 to 2020/21 period. These were introduced by the Justice (NI) Act 2002 and are based on restorative principles and offer the opportunity for victim engagement. Despite growing evidence which highlights the value of restorative approaches in both preventing and addressing offending behaviour, not all community disposals currently allow for victim involvement.

Whilst the introduction of Youth Conferencing has been widely regarded as successful¹⁸, it can create problems when children receive multiple Youth Conference Orders at one time, for different offences. On occasion, children who find themselves on the receiving end of multiple Youth Conference Orders can experience confusion and difficulties in complying with all the requirements of the various orders. This results in them being drawn further into the youth justice system and, potentially, into custody for non-compliance. One child having numerous orders can also undermine confidence in the justice system amongst victims.

A similar complication is the potential for children to be under the supervision of both the PBNI and the YJA for a number of different orders at the same time. Where this is the case, a breach of supervision conditions can often result from a simple lack of understanding rather than a wilful refusal to comply.

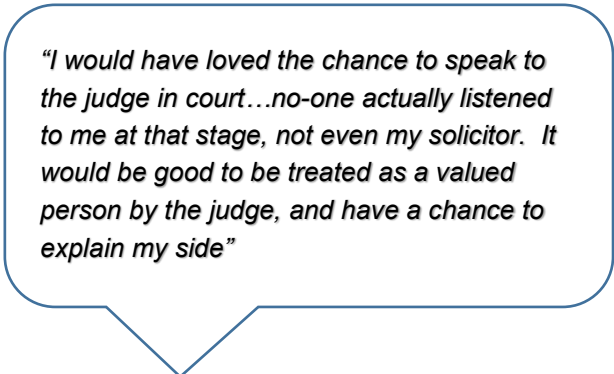
¹⁷ Total number of children serving Attendance Centre Orders, Community Responsibility Orders and Reparation Orders (25 Orders in total) made up less than 3% of the YJA's community workload statistics for each of the past 5 years.

¹⁸As highlighted in the [CJINI inspection report 2015](#) and the [Youth Justice Review 2011](#)

The current legislation regarding disposals can contribute to delay in court processes where there are multiple offences to be dealt with for one individual, or where a child elects for a youth conference late in the proceedings, having taken up weeks of court time. The tightly-drafted legislation also provides little flexibility for the judiciary. A review of the existing community disposals would therefore provide an opportunity to allow courts more discretion with regards to the imposition of disposals.

In order to address the issues which arise from the current complex system of multiple community orders, the Scoping Study recommended the creation of a single, tiered, flexible order. This recommendation is supported by children's NGOs who commented on it as part of their feedback on TYJ, used to shape this Framework. They agreed that a single order which could be tailored to an individual child's circumstances was a positive step, particularly if certain interventions could be delivered by mainstream or universal service providers to avoid the labelling of children as offenders.

Within the current system, it is apparent that a child's appearance in court is not always necessary or appropriate, and a formal court setting may not be conducive to producing the best outcomes for either victims or offenders. In developing this Strategic Framework, the feedback we received from children with lived experience indicated that they felt disengaged from the court process. Furthermore, they reported not having a clear understanding of the proceedings and believing that their views were not being heard or taken into account.



"I would have loved the chance to speak to the judge in court...no-one actually listened to me at that stage, not even my solicitor. It would be good to be treated as a valued person by the judge, and have a chance to explain my side"

The introduction of less formal, child-friendly court hearing process, based on Problem Solving Justice models and similar good practice currently in use in Northern Ireland and elsewhere, could provide a better option for a number of cases involving children.

Such a hearing would involve a judge meeting privately with the child, their parents/guardian and relevant professionals in a less formal setting, to discuss the child's actions and the circumstances which had led to them offending. The envisaged outcome would be a voluntary engagement plan for the child which would be

monitored by the YJA, with intermittent review periods with the judge. This model would ensure the child is provided with the support required to make positive changes whilst still being held to account by the court. If successfully completed, prosecution could be withdrawn and the child could exit the criminal justice system with no criminal record.

"We have a young person who has been through [court] but she still doesn't know what order she got...it was all technical and wordy"

Include Youth feedback

This proposed model was seen as very positive by many of the children whose views were sought; they were supportive of any attempt to make the process simpler and more understandable.

For children engaged in serious or persistent offending behaviour, who present significant risks to themselves or others or those who present challenges in terms of engagement, it is recognised that a less formal court hearing may not be appropriate. In order to improve outcomes for these children once they are under the supervision of the Youth Justice Agency, a new internal Enhanced Case Management (ECM) approach is being developed. This approach will use multi-agency case formulation to understand a child's history, while at the same time considering their developmental needs, strengths and protective factors. ECM will inform the way YJA practitioners work with and support children to achieve better outcomes and to develop their strengths and potential. One such example is shown in case study 3 below.

Case Study 3

L is 16 years old. Previously subject to a Diversionary Youth Conference for a number of offences including Criminal Damage, he was also on bail for a number of additional charges and under investigation for others. He has been remanded to the JJC twice in relation to breaches of his bail conditions. L has suffered a number of Adverse Childhood Experiences, including witnessing severe domestic violence. He became involved in substance use and in extreme risk-taking behaviour whilst under the influence of drugs. At the time of his referral to YJA, L was not involved in any positive social activities, education, training or employment. A range of support has been provided to L by YJA staff including:

- Regular individual and family sessions, which have supported him in adhering to bail conditions.

- The development of tools to enable him to adopt positive coping strategies and make better decisions.
- Work undertaken to help him to make the links between drug use and poor mental health, offending behaviour and family relationship difficulties.
- A Forensic CAMHS consultation was arranged through the partnership established between YJA and CAMHS.
- The completion of a Genogram which helped him to make sense of his wider families back history, and given him the opportunity to begin to talk about his bereavement and loss.

With the support of YJA, L enrolled in the BRAKE charity's 'Too Young to Die' Road Safety Programme. This has led to further discussions regarding potential harm caused to others and raised the concept of 'victim awareness' work. A vocational training course has also been secured for L, as well as a weekly work experience opportunity. Over a 4-month period, L's offending behaviour has decreased significantly and no new offences have been reported. Both L and his mother report a significant reduction in substance use. He has been able to maintain a stable and settled placement, has adhered to his bail conditions and engaged well with YJA to begin to explore underlying causes of his offending and risk-taking behaviours.

Supporting Evidence

Figure 7 below shows the total number of court-ordered community sentences, other than Youth Conference Orders, which have been supervised by the YJA and PBNI over the past five years. It can clearly be seen that the overall number of these orders has been decreasing year-on-year, from 91 in 2016/17 to 46 in 2020/21. Some types of order have not been used at all in recent years.

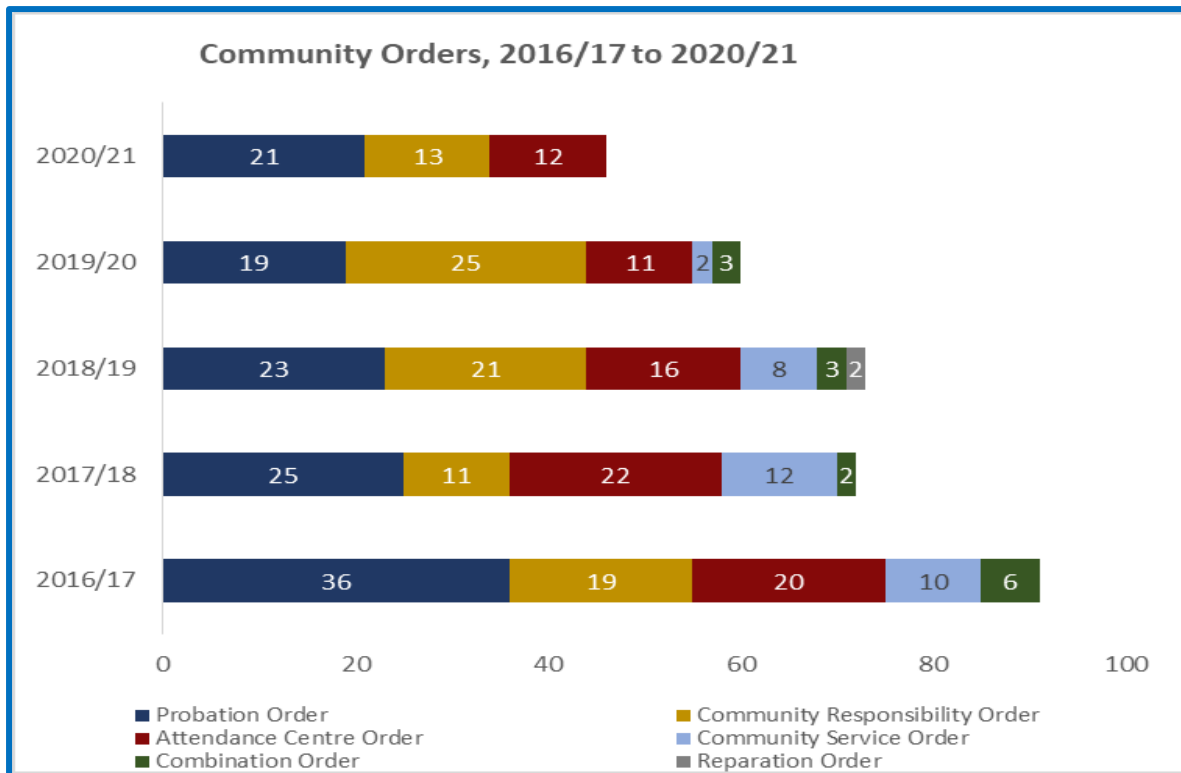


Figure 7: The frequency of the various community orders issued in Northern Ireland between 2016/17 and 2020/21 (other than Youth Conference Orders)

Source: YJA & PBNI

It is intended that a new single, order, if introduced, will provide sufficient flexibility to incorporate elements of many of these existing orders to ensure that no best practice is lost, but that the simplification of the system will deliver improved outcomes for those subject to its conditions.

Table 2 provides information on the number of community sentences, including Youth Conference Orders, supervised by the YJA over the past 5 years. These figures are evidence that significant numbers of children have been subject to multiple orders over that timeframe, often at the same time. Each of these orders would come with particular requirements which must be met by the child if they are to fulfil the conditions of the order without breaching.

Table 2: YJA Community Orders 2016/17 – 2020/21

Number of Orders	Number of Individuals	Total Orders
1	345	345
2	115	230
3	63	189
4	44	176
5	32	160
6-9	102	732
10-14	30	345
15-19	10	170
20+	7	156
Total	748	2503

In order to simplify the requirements spanning a number of orders as far as possible, YJA staff aim to co-ordinate all existing orders within a single work plan for each child. The introduction and enforcement of a single flexible order, with the capacity to add requirements if found guilty of further offending, would remove the issue of multiple concurrent orders and simplify arrangements for staff and, more importantly, for children and their families.

Commitment to Action

Outcome 2: Positive outcomes for children, families, victims and communities affected by offending.

By progressing the actions to deliver upon outcome 1, we anticipate the number of children coming before the courts will continue to decrease. This should allow for a more individualised response to be taken in relation to those children who remain in the youth justice system. With our goal of achieving positive outcomes for children, families, victims, and communities affected by offending, the following actions are proposed:

ACTION

We will replace the seven current orders with a single, flexible, tiered order, capable of being tailored to address the specific needs of each child appearing before the court.

The new order will incorporate the best elements of, and learning from, the delivery of the current disposals – including the restorative Youth Conferencing model – and the new Model of Practice recently developed by the YJA. Streamlined arrangements for the supervision of children who offend within the community will also be needed to support this. The delivery of this action will require significant legislative changes, the scope of which will be consulted upon before being introduced to the NI Assembly.

ACTION

We will develop a pilot for child-friendly youth court hearings, informed by Problem Solving Justice approaches already tested, here and in other jurisdictions.

Successful implementation of a new, child-friendly court hearing process could provide a child with an exit point from the criminal justice system at the youth court stage, potentially without a criminal record. As part of the development of the pilot stage, consideration will be given to where this less formal hearing sits within the overall youth justice disposal framework and any consequential issues which arise as a result, particularly in relation to criminal records and disclosure issues associated with diversionary disposals.

ACTION

We will develop and deliver an Enhanced Case Management framework for children who pose a high risk of significant harm and/or who have complex needs.

The development of YJA's Enhanced Case Management framework will help to address the needs of young people who present with high levels of complexity that challenge whole systems of support across different sectors including mental health, social care, criminal justice and education. Work on the development of the framework is well underway and its delivery will contribute to the achievement of ensuring more positive outcomes for children, families and communities.

ACTION

In implementing the YJA Model of Practice, we will develop a rolling programme of service developments that improve the support to children who have offended and helps reduce re-offending. In the short-term, this will focus on:

- Rolling out the YJA-HSC joint CAMHS service across NI to provide effective access to mental health support services for children in the justice system, subject to budget availability;
- Improving employability among 16 and 17 year-olds in the justice system by developing a wider set of partnerships and improving connections for young people to existing services;
- Improving support for the families of children in the justice system both through direct delivery by YJA and improving referral pathways to services already funded by Health, Education and others.

Measuring the Impact

Achievement of the following measures will demonstrate that actions in relation to Outcome 2 will have had a positive impact upon children, families, victims and communities affected by offending:

- A reduction in scores achieved by children assessed under a new YJA assessment tool. The tool, which will assess the needs, related to offending, of children referred to the Agency, uses 5 domains which are scored and can therefore measure change. These are:
 - Improvement in family relationships
 - Addressing presenting substance misuse issues
 - Improvement in health and well-being including mental health
 - Increasing/improving education/training/employment opportunities
 - Being connected with community
- An evaluation of the child-friendly court hearing pilot which demonstrates the impact of the pilot and outcomes for children engaged with it.

We will also take account of information from the following data sources when evaluating the wider impact of actions under Outcome 2:

- YJA victim engagement and satisfaction rates for restorative processes.
- Published reoffending statistics for community sentences.
- Qualitative data provided by the YJA in respect of user engagement and satisfaction surveys.

8. Outcome 3 - Children will only ever be placed in custody as a last resort

Background

Restricting the liberty of a child is one of the most serious interventions that we, as a society, can impose. For this reason, and in compliance with international standards, it is a measure which should only ever be introduced when strictly necessary and for the shortest time possible.

There is currently one custodial facility for children in Northern Ireland - Woodlands Juvenile Justice Centre - which is situated in Bangor and, at full capacity, can accommodate up to 48 children at any one time. Admission for children aged between 10 and 17 years is through one of the following three routes:

- receipt of a court-ordered custodial order;
- on remand; or
- as an overnight place of safety under the Police and Criminal Evidence (NI) Order 1989 (PACE) pending a court appearance.

Children are also, on occasion, held in police custody until alternative arrangements can be made or until a first court appearance. In line with PACE, if police are not able to release a child on bail, they are required to take them to a place of safety if they are to be held overnight. However, for a number of reasons, this may not always be possible.

If we are to deliver on Outcome 3 and become a youth justice system which only places children in custody as a last resort, it will take collective action by a range of partners both within and beyond the justice system to provide alternative pathways and services.

Current Arrangements/Progress to date

The highest number of admissions to Woodlands are as a result of PACE. Where a child has been arrested and charged but cannot be brought before a court until the next working day, Article 39 of the Police and Criminal Evidence (NI) Order 1989

(PACE) states they should be held in a Place of Safety (PoS) overnight if they cannot be released on bail. Whilst other PoS options are listed in this legislation, by far the most commonly used facility is Woodlands.

The second most common route of admission is through the remand process. The existing legislation, Article 12 of the Criminal Justice (Children) (NI) Order 1998, provides that where a child is charged with an offence, they should be released on bail in all but very specific circumstances, including:

- where it is necessary to protect the public and either the offence is violent, sexual or very serious (attracting 14+ years or more imprisonment for adults); or
- if the child was on bail or already found guilty of a serious offence within the past two years.

The automatic presumption of bail is enshrined both in international convention and in law in Northern Ireland. However, in practice, bail for children, when granted, frequently has a series of conditions attached, which may be unrelated to the offence for which the child is charged, but which have been imposed after due consideration and which are, in the opinion of the court, in the interests of the child. Where remand to custody is deemed necessary, a child can be held for up to 28 days at a time before the case is reviewed. There is no time limit on the remand period, although any remand period extending beyond 3 months requires reasons to be provided in open court.

The least common route of admission to Woodlands is through a custodial sentence. Where a child is found guilty of an offence which is serious enough to attract such a sentence, the court can apply one of five custodial orders. Regardless of the length of sentence, or the order which is given, all custodial orders are served at Woodlands until the child turns 18.

In December 2018, following the publication of the Department of Health's Review of Regional Facilities for Children and Young People report, the Departments of Justice and Health appointed a joint programme team tasked with considering the potential for developing a Regional Care and Justice Campus for children in Northern Ireland.

A [public consultation](#) was undertaken on a range of draft proposals for a new service model. This consultation closed in January 2021 and a [post-consultation report](#) was published in June 2021 which signalled the development of a regional care and justice campus which would comprise a secure care centre alongside multi-agency satellite provision, including a step-down facility and community-based provision. The secure facility will involve the repurposing of the existing Lakewood and Woodlands sites. This work will have a positive impact on the delivery of Outcome 3.

Supporting evidence

Improvements in youth justice policy and practice over the past decade have resulted in fewer children entering custody. However, one area which requires further improvement concerns children remanded to custody who are subsequently released without a custodial disposal following the conclusion of their court case.

An analysis of remand admissions in recent years provides evidence that:

- Whilst remand admissions have regularly totalled over 200 per annum over the past 10 years, the number of custodial sentences served has been in the low-to-mid double figures. In 2020/21, there were 162 occasions where a young person was placed on remand but only 12 custodial sentences served.

“It’s not fair when you are in jail for ages and then end up getting community service or youth conference or they drop the charges”

- Some children can spend a significant length of time on remand in custody – over a year in extreme cases – but ultimately receive a community, rather than a custodial, sentence.
- Care experienced children make up a significant proportion of admissions to custody, representing between one third and one half of total admissions per annum. In 2020/21, 43% of remand admissions to custody were care experienced children. Many of these children have also spent time in the Regional Secure Care Centre at Lakewood, run on behalf of

“The police always bring you to custody for breach of bail, but then you just get out anyway”

all Trusts by the South Eastern Health and Social Care Trust.

- In many cases where admission to custody is for breach of bail, the child is often released on bail once more, either with or without amended conditions. In 2020/21, there were 147 admissions (both on remand and under PACE provisions) to Woodlands where breach of bail was a feature, and 90 admissions were re-released on bail.

The high numbers of children admitted to custody each year on remand for offending or breaching their bail, and the low numbers who subsequently go on to serve a custodial sentence, would therefore suggest that the legislative presumption in favour of bail for children is not operating as well as we would like in practice. The issue has been highlighted in a range of reports, including the independent Youth Justice Review, the Law Commission’s Report on Bail in Criminal Proceedings and inspection reports from Criminal Justice Inspection NI (CJINI), which have concluded children should not be held in custody for any period if they are unlikely to receive a custodial sentence as a result of their offending.

Table 3 shows the number of admissions to JJC custody since 2010/11. Although total admissions have reduced over time, the number of PACE admissions have remained relatively high.

Table 3: Admissions to JJC by Status, 2008/09 to 2020/21¹⁹

Financial Year	PACE	Remand	Sentence	Total Admissions
2010/11	256	138	17	411
2011/12	233	141	24	398
2012/13	235	141	32	408
2013/14	326	169	33	528
2014/15	233	220	20	473
2015/16	204	126	21	351
2016/17	194	110	9	313
2017/18	269	139	16	424
2018/19	228	102	7	337
2019/20	197	95	6	298
2020/21	207	60	2	269

¹⁹ [YJA Annual Workload Statistics 2020/21](#)

As these PACE admissions often represent only an overnight, or possibly a weekend, stay in custody prior to a court appearance, they have little impact on the average daily population of Woodlands. However in a typical year, around half of all PACE admissions do not return from court on remand²⁰, meaning that children are released following their court appearance, either with or without bail. Whilst the use of

“Youth Prosecutors have reported a number of cases in which a child would have been granted bail, but for the inability to secure a suitable bail address. Such situations invariably result in a child being remanded in custody.”

PPS comments

Woodlands as a place of safety is understandable, particularly in the absence of a viable alternative, many reports have criticised its use as unnecessarily admitting children to custody when the severity (or otherwise) of their offending does not require it.

Discussions with key stakeholders, including police, judiciary and children who have experienced custody tell us that for both PACE and remand admissions, the lack of appropriate alternative accommodation can be a major factor in the use of custody.

On occasion, a parent’s refusal to provide a bail address can lead to an admission to Woodlands. In such cases, having other forms of accommodation might have prevented the use of custody.

A considerable proportion of children admitted to Woodlands have significant or complex underlying needs, often as a result of Adverse Childhood Experiences. This is borne out by evidence gathered through a Health Needs Assessment (HNA) which was conducted on a cohort of 134 children held in Woodlands between January and December 2019.

The HNA found that almost 7 in 10 children held in the facility were involved with the In-Reach Forensic Child and Adolescent Mental Health Service (FCAMHS) and had a mental health diagnosis for treatment purposes. This cohort represented a complex

²⁰ For example, of the 207 PACE admissions in 2020/21, only 102 were subsequently remanded

group characterised by neurodevelopmental, emotional and behavioural difficulties, including Autism Spectrum Disorder (ASD), Attention Deficit Hyperactivity Disorder (ADHD), complex Post Traumatic Stress, anxiety and depression, psychosis and substance use.

Children in custody are also more likely to have disengaged from the education system than children in the general population for a number of reasons. This was highlighted in the review of educational data available for the 2019 cohort, which reported:

- 36% had a Special Educational Needs Assessment completed;
- More than 64%, at the point of admission, were not in any form of education or training placement and had not been attending school regularly during the previous 24-month period;
- More than 70% had been referred to an alternate form of education or Education Other Than At School (EOTAS);
- Almost 50% of the cohort had moderate learning difficulties; and
- 10% had displayed severe learning difficulties including ADHD, ASD, anxiety, speech and language difficulties as well as conduct disorders.

The Regional Care and Justice Campus programme includes the implementation of a new model of education and training. Through collaborative working between education staff and the wider health and therapeutic care team, children will receive holistic support to meet their assessed needs, enabling them to progress along their learning journey within the Campus and to better engage with education, training or employment when they leave.

Previous consultations with children have highlighted that the level of support and interventions received whilst in custody are often no longer available to them on release, including mental health provision. Evidence and best practice also suggest that reoffending is reduced where effective support mechanisms are in place following a release from custody, in particular: suitable, settled accommodation; pre-arranged education, employment or training; and reconnected family ties²¹. Most recently,

²¹ For example Prison Reform Trust Report "[Out for Good](#)", 2012

concerns about investment in, and the accessibility of, community-based services were expressed in the responses to the consultation on the Regional Care and Justice Campus. Some respondents indicated that the focus of community-based provision should be on ensuring sustained and adequate investment to secure the necessary staffing, and enabling more integrated ways of working across existing services, rather than seeking to create new provision.

Children and their parents have also indicated that they would benefit from a step-down facility which would provide structure and support whilst the child readjusts to life back in the community. This was particularly relevant for 16 and 17 year olds who were not returning to the family home. This too is a proposal which will form part of the deliberations around the new Campus and its service provision.

Case Study 4

J was sentenced to a Juvenile Justice Centre Order (JJCO) comprising of 8 months in custody and 8 months' community supervision for a number of serious offences, including burglary, theft and multiple road traffic offences. While in custody, both a JJC keyworker and Youth Justice Practitioner (YJP) were assigned to his case. They worked together to deliver interventions designed to assist J to learn from his behaviour. The YJP also worked closely with J's parents, transporting them to the JJC when they were visiting him. J's parents stated how much they valued this assistance as they lived a considerable distance away and did not have the means to get there. The YJP and Keyworker planned for J's release from the moment he was sent to custody. This enabled a smooth transition to the community when J was released. This was challenging work as J, although designated as a priority case due to his offending causing a risk of serious harm to others, also had issues around substance use and mental ill-health. Tailored interventions supported him to address these issues whilst developing both his employability and independent living skills. At the end of the JJCO, J had desisted from reoffending throughout the duration of his order and relationships within the family had improved considerably. J reported that the main thing that helped him was the YJP's 'stickability' in maintaining the working relationship throughout his time in the JJC and also in the community.

Commitment to Action

Outcome 3: children will only ever be placed in custody as a last resort

In order to deliver on this outcome and ensure that custody is a measure of last resort, a number of changes to the current system are required. Our first action is to look to the legislation which enables children to be placed in custody:

ACTION

We will improve existing arrangements for bail and remand for children through amendments to primary legislation.

By way of updated legislation, a number of considerations will be required to be taken into account before a decision is taken as to whether or not to release a child on bail, or to impose or vary a condition of bail. These considerations will include the child's best interests, their age, maturity and understanding as well as the nature and seriousness of the current offence and any previous offending history.

In summary, the new legislative provisions will:

- strengthen the existing presumption of bail for children, through the introduction of a statutory right to bail;
- introduce unconditional bail as standard and a requirement that any conditions applied should be proportionate and necessary; and
- introduce specific conditions which must be met before a child can be remanded into custody, and for how long.

Whilst these changes to legislation are intended to drive new practices, this will need to be supported by statutory partners if we are to effectively deliver on the intended outcome. We recognise that these new processes, and the availability of alternative arrangements, will need to be in place before implementing a statutory change to ensure courts are not left without viable options.

This work has already begun, with the Department of Health developing [updated guidance](#) for Social Services and Health Trusts on how to best support 'looked after children' who become involved in the criminal justice system. This includes the specific direction that *"HSC staff working in Children's Homes are required to act in the best interests of a looked after child at all times, and to do everything that they can to avoid involving the child in the Criminal Justice system... Making contact with the Police is not an appropriate response to a child's challenging behaviour and should only be considered as a last resort when all other options have been tried and failed to work"*.

ACTIONS:

We will work in partnership with the Department of Health to implement a new Regional Care and Justice Campus. As part of this joint work, we will:

- consider alternative arrangements for “place of safety” admissions to the secure care centre;
- implement the NI Framework for Integrated Therapeutic Care for all care experienced children; and
- develop and implement a new model of education, training, health and therapeutic care for children within the secure care centre.

The community-based satellite provision and step-down aspects of the regional care and justice campus will be an important element in delivering on Outcome 3 by providing improved, better co-ordinated ways of working to respond more effectively to the needs of children. This will support transition from secure care back to local communities as well as potentially preventing entry in the first place and, where possible, reducing the need for readmission. There will also be specific protocols developed to ensure that, where needed, links with community mental health services are established before a child leaves the centre, whether this is for the first time or to ensure the continuation of support received while in secure care.

The implementation of a Framework for Integrated Therapeutic Care (FITC), another of the recommendations from the Regional Facilities Review, has been designed to provide guidance on the service structures, processes and resourcing required to deliver trauma-informed and rights-based therapeutic care, through a multi-disciplinary team including mental health professionals, for all care experienced children.

Proposals being considered by the Programme Team delivering on the Campus include those relating to alternative arrangements for ‘place of safety’ admissions, with a range of options being considered. Alternative options will also be considered for suitable bail accommodation to prevent the need for admission to custody on remand.

Measuring the Impact

We will consider that we have made a positive impact on ensuring that custody is only used as a last resort if we achieve a reduction in the annual admissions to the Juvenile Justice Centre by those admitted on PACE or remand.

The following data sources will be considered when measuring the wider impact in relation to Outcome 3:

- YJA annual workload statistics bulletin.
- Published reoffending statistics for custodial sentences.
- Qualitative data provided by the YJA in respect of user engagement and satisfaction surveys.

9. Outcome 4 – Working in partnership to deliver wider, systemic change to improve the lives of children

Background

For many children who find themselves in contact with the criminal justice system, the consequences of their offending behaviour will have a significant and lasting impact on their lives and future prospects. It has been argued that, in a significant number of cases, this impact is disproportionate to the nature and extent of their offending behaviour. That is why our work to divert children is vital to improve their life chances, given that any contact with the formal justice system can result in a criminal record. The further a child moves into the system, the worse their long-term outcomes can be.

In Northern Ireland, for a number of children their first formal engagement with the justice system will take place whilst they are still at primary school. This is a consequence of having one of the lowest Minimum Age of Criminal Responsibility (MACR) in Europe at 10 years. Below this age, a child cannot be prosecuted or held liable for any criminal acts; above this age, they can face the full force of the law.

Children from certain backgrounds may be more affected than others. In recent years, it has become clear that there is a disparity in the religious demographic of children in the justice system, particularly amongst those in custody, with male Catholic children being significantly over-represented. A second cohort which is also over-represented when compared with the general population is care experienced children.

For children who are prosecuted at court, one of the commonly expressed frustrations with the current system is the delay between an offence being committed and the action or consequence. For many children, parents and wider stakeholders, delay is one of the major issues within the system. Often the process takes so long, the child has several offences which need to be addressed by the time they reach the hearing, leading to adjournments and long case times.

The systemic issues of MACR, delay and criminal records were all the subject of specific recommendations in the 2011 Youth Justice Review. Whilst there has been some progress over the intervening years, most notably in addressing the impact of

"10 is much too young, you really don't understand these things while still at primary school"

"14 years old is a reasonable age – you should have a bit of sense then"

"[court] gives a conviction on a young person's record which affects employment so they feel they have nothing to lose by continuing to offend."

Feedback from children

criminal records for children, they still represent a significant challenge. They were also identified as significant issues by some of the children with whom we consulted in developing this Strategic Framework.

A further issue, which was highlighted in the 2016 Scoping Study, concerns the current legislative provision for the youth justice system in Northern Ireland. Whilst the Criminal Justice (Children)(NI) Order

1998 is the main Statutory Instrument governing proceedings, it is far from being the sole driver of a system which has been in a state of evolution for more than two decades. There is now a need, and a clear opportunity, to consolidate and revise Northern Ireland's youth justice legislation as we work to deliver a streamlined statutory framework that is simpler and more easily understood. A revision of the existing legislation would also provide an opportunity to underpin the current administrative arrangements, in place since November 2012, to ensure that no child should ever be held in adult prison custody at Hydebank Young Offenders Centre (now Hydebank College). This would strengthen the Department's adherence to Article 37c of the UNCRC and the separation of children from adults in custody.

Current Arrangements/Progress to Date

In 2007, the UN Committee on the Rights of the Child issued a statement that a MACR below the age of 12 years is not internationally acceptable, and that Member States with a MACR below this should increase it to at least 12, but preferably higher. However, a lack of consensus has meant that 14 years on, Northern Ireland remains non-compliant with the UNCRC in respect of this issue. When taken in the context of other statutory age limits, the MACR here is considerably lower than the age at which children can legally assume responsibilities such as voting, driving and sexual consent.

While the numbers of children under 12 years who are processed through the formal justice system are relatively small in number (35 during 2020), we know from research²² that if children are criminalised at a young age, they are more likely to be drawn further and deeper into the criminal justice system. So not only is such a young age of criminal responsibility counter-productive, it appears at odds with modern norms. While accepting that children need to be held accountable for their actions, this should be achieved through the adoption of a children first approach which supports them to change.

The wider issues in the system, such as extended delays in the progression of cases, and the long-term impact of criminal records on future prospects, are significant considerations for adults to deal with. How, then, can we expect children as young as 10 years old be considered mature enough, not only to have a full comprehension of, but also the ability to deal with, the consequences of their offending behaviour. The youth justice system needs not only to meet the multiple and complex needs of children who offend, but crucially and for the benefit of society, to provide an opportunity for them to repair the harm they have caused and assist them in repairing relationships within their families and communities.

Families and communities within certain cohorts in society may also face greater adversity if they are found to be more susceptible of being drawn further into the youth justice system. In order to examine the reasons behind the over-representation of certain cohorts of children within the criminal justice system, such as Catholic males and care experienced children, Queen's University Belfast has been funded by the Youth Justice Agency to carry out detailed quantitative and qualitative research. The outcome of this research is expected to be published by mid-2022.

Regardless of the means or the extent to which children find themselves caught up in the youth justice system, the wider systemic issues described above can lead to prolonged adversity and poorer outcomes if timely, appropriate support is not provided. Feedback from the children's sector has highlighted specific issues faced by older children, particularly those who are care-experienced, when facing transitions

²² McAra, L. and McVie, S (2007a) "Youth Justice? The Impact of Agency Contact on Desistance from Offending", *European Journal of Criminology*, Vol. 4, No. 3 pp 315- 345

within the system. Whether the change relates to the move from children's to adults' services, or from care or custody back into the community, there is a need for improved support for these young people, particularly around discharge planning, housing and financial support. The consequences of not providing this support could include longer-term interaction with the justice system.

Supporting Evidence

When a child is arrested and formally enters the system, the delivery of justice, particularly when the case is referred to be prosecuted at court, is rarely expedient, as shown by Tables 4 and 5 below.

Table 4 - Time taken for charge cases dealt with at youth magistrates' courts from date incident reported to disposal at court, 2016/17 – 2020/21²³

Offence Reported date to Court Disposal date	2016/17	2017/18	2018/19	2019/20	2020/21 ²⁴
Number of cases	352	381	346	319	294
Median number of days taken	117	110	114	117	187
Number of days by which 80% of cases completed	201	219	204	236	332
Number of days by which 90% of cases completed	249	270	278	341	452

Table 5 - Time taken for summons cases dealt with at youth magistrates' courts from date incident reported to disposal at court, 2016/17 – 2020/21

Offence Reported date to Court Disposal date	2016/17	2017/18	2018/19	2019/20	2020/21
Number of cases	775	695	650	671	437
Median number of days taken	237	248	265	242	326
Number of days by which 80% of cases completed	385	383	427	433	513
Number of days by which 90% of cases completed	544	525	593	588	673

²³ Case Processing Time for Criminal Cases dealt with at Courts in Northern Ireland 2020-21 - NISRA

²⁴ The completion of cases during the 20/21 was affected by lockdowns and other restrictions which were introduced in response to the Covid-19 pandemic.

The impact of delays can be significant for both victims and offenders. For a number of years, available statistics have shown that delays are longer for those cases being prosecuted through the youth court system than for adult courts, in spite of the fact that there are far fewer cases moving through youth courts than adult magistrates' courts.

Figure 8 shows the latest case processing times for both youth and adult magistrates' courts for 2020/21.

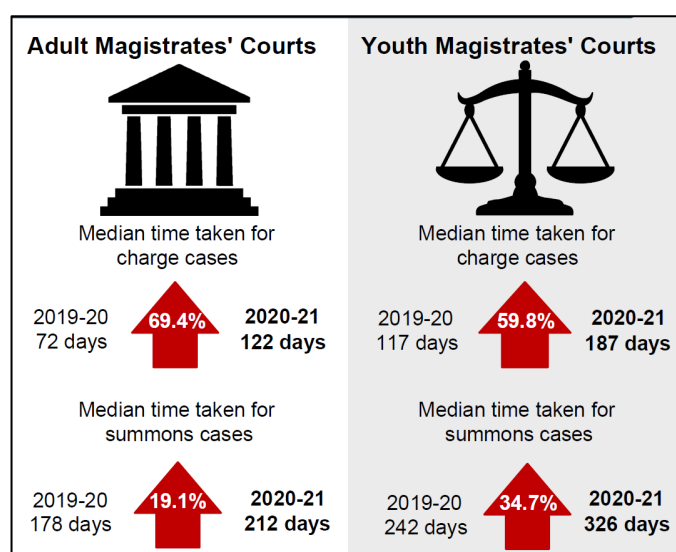


Figure 8: Case Processing Time for Criminal Cases dealt with at Courts in Northern Ireland 2020-21 – NISRA

Delays in progressing cases to their conclusion in court can be the result of a myriad of reasons and each case can involve numerous adjournments. Over the last 5 years, the number of cases disposed of at youth magistrates' court has steadily decreased as shown in Figure 9 below. This reduction has not, however, resulted in a more efficient progression through the system.

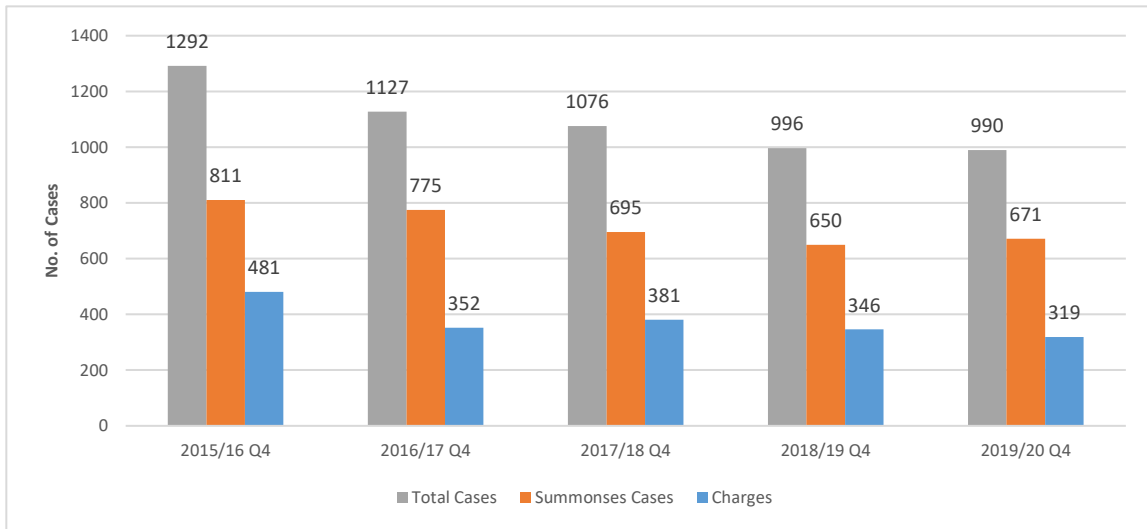


Figure 9: Reduction in cases disposed of at youth magistrates' courts in NI between 2015/16 – 2019/20

Source: NISRA

This is due in part to the success of diverting the less complex cases away from prosecution, meaning that those that get to court are likely to be the more serious or complicated cases, which would be expected to take longer. Nevertheless, and in spite of a range of reforms introduced in recent years such as case management and committal reforms, delay in the youth justice system remains stubbornly high.

Delays impact negatively on children in a number of ways, including: longer periods where they are either subject to restrictive bail conditions or on remand; in certain cases, the time spent on remand can result in release due to time served by the time a custodial sentence is received; the potential for unreliability concerning the questioning of witnesses given the lapse in time and memory; and for those children who are nearing adulthood, potentially the difference between a custodial sentence in a juvenile justice centre and one spent in a young offender institution. It is for these reasons that, in 2011, the Youth Justice Review Team recommended that *“work to tackle the problem of delay should prioritise [children]. The lessons learnt should then be applied to the adult criminal justice system”*.

“[I] had to relive the trauma over and over again while waiting...it was always hanging over [me]”

Following the resolution of any formal proceedings concerning a criminal case, unless the defendant is acquitted, the outcome will be either a conviction or a diversionary disposal. Any contact with the justice system can result in a criminal record, and the further a child moves into the system, the worse their long-term outcomes can be. An individual's criminal record will include any conviction and/or diversionary disposal that person will have received, regardless of whether they were a child at the time. While a diversionary disposal is not a conviction, it can be disclosed as part of a standard or enhanced criminal records check, or to a court by the police. Many employers, particularly those whose business involves working with vulnerable adults or children, require applicants to forward a standard or enhanced disclosure certificate before a job offer will be forthcoming.

The current system in Northern Ireland has developed and improved over recent years, with the appointment of an Independent Reviewer whose role is to automatically review certificates where all the information disclosed relates to a time when the applicant was under 18 (auto-referrals) and to filter out information that is no longer relevant in terms of seriousness, age or in relation to the specific role for which the application was made. The only exception to this is where the offence is not spent. This filtering process does not mean that the offences are removed from an individual's record, but that they are not subject to disclosure. A right of review is available to any applicant who does not have their offence filtered. The most recent figures (2020/21) show that the Independent Reviewer removed information in 94% of these auto-referral cases.

In addition, following a Supreme Court ruling, the Minister gave approval for the Independent Reviewer to consider all cases where it is proposed to disclose information about diversionary disposals, even where the applicant had offended after the age of 18 and therefore would not meet the auto-referral criteria. The 2020/21 figures show there were 137 cases which fell into this category and offences were removed in 126 of them.

While these are relatively recent and welcome developments, they do not satisfy the call by many organisations representing children's rights for a "clean slate" approach to offences committed by children, as recommended by the Youth Justice Review. The situation is compounded by the fact that the system is subject to a list of specified offences, which cannot be filtered as they are regarded as serious and therefore should

always be disclosed. Many believe that some offences on this specified list are in fact relatively minor and should be allowed to be filtered out.

Commitment to Action

Outcome 4 – Working in partnership to deliver wider, systemic change to improve the lives of children

(i) MACR

ACTION

We will consult on increasing the Minimum Age of Criminal Responsibility (MACR) to 14 in Northern Ireland.

Increasing MACR to 14 years is a key priority for the Department and for many organisations in Northern Ireland representing children's rights. The Justice Minister has repeatedly indicated her support for such an increase and has sought to gain the support of the Executive in doing so. However, the lack of political consensus has been an issue to date.

Raising the age of criminal responsibility in law, whilst it may only impact on a small number of children directly, would set a clear direction of travel on how children who offend in Northern Ireland will, and should, be treated. It would also bring Northern Ireland into line with international standards and best practice, thereby increasing our compliance with the UNCRC, as well as delivering on the recommendations from the Youth Justice Review and other reports.

Recognising that it remains a significant – and controversial – issue, we intend to press for continued discussion and debate with the aim of achieving an increase in MACR before the end of the next mandate. In order to support this, we will garner the views of the public through a consultation to inform consideration of this issue by the Northern Ireland Executive.

(ii) Delay/Speeding up justice

ACTION

We will conduct research to determine the key obstacles contributing to delay within the youth justice system. The findings will inform the development of solutions which will be taken forward to address the causal factors identified.

One suggested approach to dealing with delays in the youth court system is to introduce Statutory Time Limits (STLs) for cases, requiring them to be completed from arrest to sentence/disposal, within a set timeframe. Informed by three independent reports into the criminal justice system, including the Youth Justice Review, in 2012 the former Justice Minister David Ford agreed to the introduction of STLs for youth cases.

To deliver on this, the Department consulted on how a meaningful STL scheme might be introduced in 2013 and again in 2015. The consultation responses highlighted a need to bring forward changes to primary legislation, namely changes to the Criminal Justice (Northern Ireland) Order 2003, to enable a more flexible scheme to be developed and allowing for a meaningful starting point for an STL to be introduced. However, as no legislative programme was possible given the absence of a functioning Assembly for some considerable time, the Department sought other ways to progress the issue. In particular, a Speeding Up Justice team was created to take forward a wider programme of work on addressing delays in the justice system and increasing its effectiveness.

This work programme includes 4 strands – performance reporting; working in partnership; legislation; and research and analysis. End-to-end performance data²⁵ is now collected to provide fresh insight into the issue of delay, to identify and address problem areas within the system, and to allow criminal justice partners to monitor improvements in performance. The work is co-ordinated by the Speeding Up Justice Programme Board, which brings together key justice partners, and is overseen by the Criminal Justice Board.

²⁵ <https://www.justice-ni.gov.uk/topics/statistics-and-research/prosecution-and-conviction-statistics>

Given the time that has now elapsed since the consultations were held, along with the work that has been undertaken in the interim, there is now more information available to inform the debate. For example, it is our understanding that statutory time limits, whilst piloted in England and Wales have not been rolled out due to the added bureaucracy they create and the necessity for extensions rendering the time limits redundant. In their 2018 “Speeding Up Justice” Report, the Northern Ireland Audit Office did not include STLs within their list of recommendations, and in his report into how serious sexual offences are handled within the criminal justice system, Sir John Gillen commented on STLs, but found that evidence suggests they have ‘little or no impact’ with requests for extensions common place and additional work required.

Therefore, while STLs may hold the agencies involved to account to a certain extent, their introduction will not necessarily resolve the issues within the system which create the delays. Further work is required to identify where the key lagging points are and to develop options to address these.

(iii) Criminal Records

Given that the Department has a duty to protect the public by preventing offending, it needs to strike a balance between this duty and the desire to help children move on from offending behaviour in their formative years. It was for this reason that the recommendation for a blanket removal of children’s criminal records, leading to a clean slate at 18, was rejected. The current system represents a proportionate approach based on offending history and risk to vulnerable individuals, but we recognise that more can be done to improve outcomes for children affected by criminal records.

ACTION

We will carry out a review of specified offences which may be disclosed as part of criminal records checks.

Particular consideration will be given to the need for offences such as simple possession of drugs, criminal damage and obstructing, resisting and assaulting police to remain on the list.

ACTION

We will introduce primary legislation to underpin current filtering arrangements introduced following a Supreme Court ruling in 2019, making changes to the Independent Reviewer's role in relation to all youth diversionary disposals.

(iv) Legislative changes

ACTION

We will develop a new Children's Justice Bill which will consolidate and simplify criminal justice legislation relating to children and modernise the delivery of youth justice in Northern Ireland.

Within the proposed new Children's Bill, we will consider the inclusion of a provision which will underpin the current administrative arrangements in respect of children being held in adult custodial settings.

(v) Over-representation of certain groups

ACTION

We will develop further our understanding of the factors contributing to the over-representation of certain groups of children in the justice system, and work with partners to develop actions to address the issues identified.

The QUB research commissioned by the Youth Justice Agency is due to be published by mid-2022. It is envisaged that this research will identify some of the causal factors which have led to certain cohorts of children being over-represented in the justice system, particularly amongst those in custody. The Department will use this report as a basis to drive change in addressing this issue.

(vi) Transitions and youth homelessness

ACTION

We will further develop partnerships with DfC and HSC Trusts to find additional ways to prevent homelessness among young people (aged 16-18) * who offend.

* The age range is specific to 16 to 18 year olds, given that a statutory obligation already exists to ensure suitable accommodation is provided for all children below this age.

The work of the Regional Facilities Programme in delivering improved pathways and more effectively co-ordinated services will be a key driver in terms of providing improved support for those young people facing transitions, particularly back into the community following a period in secure care or custody.

Alongside this work, the Youth Justice Agency is engaging with the Department for Communities (DfC) to examine how the issue of youth homelessness can be better addressed, principally for those exiting the justice system. As part of the Inter-Departmental Homelessness Action Plan, data provided by the Youth Justice Agency on its work to help children remain safely in their communities is being gathered and analysed. DfC plans to report its findings on the interventions used and highlight any lessons learned that could be used to prevent youth homelessness.

Measuring the Impact

Through our work in support of wider systemic change, we hope to achieve a simpler youth justice system which protects and supports children in its care and which aims to minimise the negative impact on their future outcomes.

We will measure the impact of our actions through:

- The outcome of a public consultation on MACR which will be used to inform debate on the issue.
- Continued development of a progressive criminal records regime.
- Identification and addressing the causal factors of over-representation and delay.

- Improvements in transition arrangements for children, in particular how their accommodation needs are met.

In doing so, we will use the following data sources:

- Youth Justice Agency Annual Workload Statistics: Section 75 information and other relevant demographics for over-representation issues.
- Published case processing times for charge and summons cases at youth magistrates' courts.
- Information available through the annual report of the Independent Reviewer of Criminal records.
- Data on children (16-18) using YJA services who are homeless, and engagement with DfC (data source to be established).

10. Monitoring arrangements

The Strategic Framework is supported by a high level 5-year Action Plan which sets out actions to be delivered against the four key outcomes and includes an associated timeframe for achievement. Each of the four outcomes will continue to link to objectives set out within both the Department of Justice and Youth Justice Agency's business plans.

In order to ensure full transparency, the Department will publish an annual progress update report, which will be accessible by all stakeholders.

A range of information is currently collected by the Department and the Youth Justice Agency which can assist in monitoring the impact of this Strategic Framework. Ongoing engagement with the Department's Analytical Statistics Group will provide opportunities to continue to assess the suitability of the data being collected and to consider whether there are further data collection requirements. The Department will also take into account the following relevant PfG indicators when measuring the impact of the framework:

- Reduced crime – measured by the % of the population in NI each year, who report they have been the victim of a crime.
- Reduced reoffending – measured by the reoffending rate.

Furthermore, it is intended that the Strategic Framework will be subject to a mid-term review. This will provide the opportunity to assess whether the document remains fit for purpose, taking into account new developments, including the current legislative and political landscape. It will also allow for the actions to be revisited and updated for the remaining lifespan of the Framework. We will continue to engage with all relevant stakeholders throughout this process and provide them with an opportunity to input.

The views of children in relation to the key outputs of the framework have been sought and are reflected in this document. Going forward, we are committed to ensuring that all significant future youth justice policies or programmes being developed or implemented throughout the lifespan of the Strategic Framework, will be undertaken with the engagement and participation of children and young people.

Annex A: Strategic Framework – High Level Summary

Our Context:

Since the devolution of Justice in 2010, much has been achieved to improve the youth justice system in Northern Ireland. Developments in policy and practice, including a focus on diverting young people away from further offending at the earliest possible point in time, have contributed to a significant reduction in the number of children committing crimes and entering the formal youth justice system. This is good for everyone and is helping to deliver on the principal statutory aim of the youth justice system which is “to protect the public by preventing offending by children.” Children who do offend often have difficult backgrounds and may have lived through a number of adverse childhood experiences (ACEs). Not all children with ACEs will enter the youth justice system but for those who do, we are determined to support them in turning their lives around and avoiding a negative cycle of further offending which would have a detrimental effect on them, their families and society as a whole. Excellent progress has already been delivered in this area, led by the Youth Justice Agency.

While much has been achieved, there is still more to do. Our Strategic Framework will continue to build on progress made, taking a children first approach to youth justice. The legislative framework for youth justice requires updating; too many children are entering custody simply because they have no suitable bail address; more could be done to simplify key elements of the youth court process, particularly around the number and structure of court-ordered community sentences. These issues need to be addressed. While our Strategic Framework focuses on the youth justice system, it also explicitly recognises the value of working with a wider set of partners who share our aims of improving the well-being and life chances of vulnerable children. By doing all this, we believe that outcomes will be better for children, families and victims.



Making the Change

This Strategic Framework for youth justice will focus on:

Earlier Stage & Pre-Court Diversion: Working collaboratively with statutory and third sector partners to:

- Exit children from the criminal justice system, with appropriate support, through delivery of Earlier Stage Diversion;
- Evaluate the rollout of Children’s Diversion Forums as a regional service;
- Explore proposals for the development of a diversionary disposal which does not attract a criminal record.

Improving Outcomes for those affected by offending: Reviewing current youth justice disposals and improving effectiveness by:

- Designing and introducing a single, flexible order to replace current community disposals;
- Developing a pilot for child-friendly youth court hearings, informed by problem solving approaches;
- Developing and delivering an Enhanced Case Management framework for high risk and vulnerable children;
- Continuous service developments through implementation of YJA’s new Model of Practice.

Custody as a last resort: Delivering on our UN and international commitments to use custody as a last resort by:

- Implementation of a new Regional Care and Justice Campus, in partnership with the Department of Health;
- A range of associated work including alternative place of safety arrangements and new models of education, health and therapeutic care;
- Amending legislation to improve arrangements for bail and remand for children.

Systemic issues: To explore the potential for reform of wider systemic issues affecting children in the justice system, including:

- Engagement with stakeholders on the issue of increasing the Minimum Age of Criminal Responsibility;
- Consideration of issues creating delays in progressing youth court cases and addressing causal factors;
- Reviewing scheduled offences which may be disclosed as part of a criminal records check and underpinning filtering arrangements in legislation;
- Simplifying and streamlining the youth justice statutory framework through a consolidated Children’s Justice Bill;
- Working with partners to understand and address factors contributing to an over-representation of certain groups in the youth justice system;
- Developing partnerships to find additional ways of preventing youth homelessness.



Measuring the impact:

How will we know what success looks? We will use a range of published data and management information to measure the impact our changes are having. These will include:

- ❖ Published YJA Annual Workload statistics
- ❖ Published First Time Entrants reports
- ❖ Published statistics on prosecutions and diversion
- ❖ Published Reoffending Rates
- ❖ Published Case Processing Times
- ❖ Published Youth Engagement Bulletins
- ❖ YJA ESD data on referrals and reoffending rates
- ❖ Published inspection and annual reports
- ❖ Data from Children’s Diversion Forums
- ❖ YJA engagement and satisfaction rates from children/parents/victims
- ❖ Relevant evaluations of pilots and programmes
- ❖ Case Studies and personal testimonies

Our Vision:

A progressive youth justice system – delivering better outcomes for children and communities.

Desired Outcomes:

Children are exited from the criminal justice system at the earliest point, with appropriate support.

Positive outcomes for children, families, victims and communities affected by offending.

Children will only ever be placed in custody as a last resort.

Working in partnership to deliver wider systemic change to improve the lives of children.



Our Principles:

Children involved in the criminal justice system should always be treated as children.

The criminal justice system should act in the **best interests** of children in all of their interactions.

The criminal justice system should ensure **children’s rights** are respected at all times, and should align with international standards.

The criminal justice system will take a **trauma-informed** approach at all stages, recognising the impact of their lived experiences.

The **views of children** will be heard, respected and taken account of.

Children should be **diverted** from the criminal justice system at the earliest possible stage, with appropriate support.

A child should only ever be placed in custody as a last resort.

Annex B: Glossary of Terms

Abbrev.	Full Terminology
ACE	Adverse Childhood Experience
ADHD	Attention Deficit Hyperactivity Disorder
ASD	Autism Spectrum Disorder
CAMHS	Child and Adolescent Mental Health Services
CDF	Children's Diversion Forum
CJINI	Criminal Justice Inspection Northern Ireland
CSCA	Children's Services Co-Operation Act (Northern Ireland) 2015
CRN	Community Resolution Notice
CYPSP	Children and Young People's Strategic Partnership
DOH	Department of Health
DOJ	Department of Justice
ECM	Enhanced Case Management
EITP	Early Intervention Transformation Programme
ESD	Earlier Stage Diversion
FITC	Framework for Integrated Therapeutic Care
HNA	Health Needs Assessment
HSC	Health and Social Care
JJC	Juvenile Justice Centre
MACR	Minimum Age of Criminal Responsibility
MOP	Model of Practice
NICTS	Northern Ireland Courts and Tribunals Service
NGO	Non-Governmental Organisation
NISRA	Northern Ireland Statistics and Research Agency
PACE	Police and Criminal Evidence (NI) Order 1989
PBNI	Probation Board Northern Ireland
PfG	Programme for Government
PoS	Place of Safety
PPS	Public Prosecution Service
PSNI	Police Service of Northern Ireland
QUB	Queen's University Belfast
ROP	Reducing Offending in Partnership

Annex B: Glossary of Terms

Abbrev.	Full Terminology
STL	Statutory Time Limits
TYJ	Transitioning Youth Justice
UNCRC	United Nations Convention on the Rights of the Child
YE	Youth Engagement
YJA	Youth Justice Agency

Annex C: Relevant Executive & Departmental Strategies

Document	Lead Department	Hyperlink
Children and Young People's Strategy	Department of Education	https://www.education-ni.gov.uk/publications/children-and-young-peoples-strategy-2020-2030
Children and Young People's Emotional Health and Wellbeing in Education Framework	Department of Education & Department of Health	https://www.education-ni.gov.uk/publications/children-young-peoples-emotional-health-and-wellbeing-education-framework-final-version
A Life Deserved: "Caring" for Children and Young People in Northern Ireland Strategy	Department of Education & Department of Health	Children looked after Department of Education (education-ni.gov.uk)
The Child Poverty Strategy	Department for Communities	The Child Poverty Strategy Department for Communities (communities-ni.gov.uk)
Improving Health within Criminal Justice Strategy and Action Plan	Department of Justice and Department of Health	Improving Health Within Criminal Justice - Strategy and Action Plan Department of Health (health-ni.gov.uk)
Strategic Framework for Reducing Offending	Department of Justice	https://www.justice-ni.gov.uk/publications/strategic-framework-reducing-offending-2013
Mental Health Strategy 2021-2031	Department of Health	https://www.health-ni.gov.uk/publications/mental-health-strategy-2021-2031
Preventing Harm, Empowering Recovery - Substance Use Strategy	Department of Health	Preventing Harm, Empowering Recovery - Substance Use Strategy Department of Health (health-ni.gov.uk)

Annex D: Information on YJA Earlier Stage Diversion

The Youth Justice Agency (YJA) is committed to developing and embedding Earlier Stage Diversion (ESD) to meet the strategic outcome that “Children are exited from the criminal justice system at the earliest point, with appropriate support.” Over the last number of years YJA has developed and implemented a range of ways of delivering ESD services to children, including: ESD referrals, ESD funding, the CRN Referral Scheme and the Sexting Referral Scheme. A brief outline of the different types of YJA ESD and how they have developed to date is set out below.

Earlier Stage Diversion Referrals: As part of the Early Intervention Transformation Programme (EITP) funded YJA Community Diversion Project, the Agency re-established the direct referral of individual children at an earlier stage of offending in 2016/17. Most children entering the criminal justice system exit it again relatively quickly, but some need additional support to do so. A small proportion of children who enter the system have complex needs and may need longer term intervention from YJA and others. YJA has developed ways of identifying these different categories of children, through initial assessment and multiagency forums, and to responding to them accordingly.

The aim of Earlier Stage Diversion (ESD) Referrals is to provide bespoke services/supports to individual children at an early stage of their offending to help them to avoid reoffending and reduce the number of children entering the court system. Referrals are generally from Youth Engagement Clinics (Informed Warnings and Restorative Cautions), Children’s Diversion Forums, the CRN Referral Scheme and the Sexting Referral Scheme. All referrals should be discussed and ratified by Children’s Diversion Forums.

YJA involvement is on a voluntary basis, so the informed consent of children and their parents/carers must be sought from the outset. The duration, intensity and content of intervention is guided by assessment, and the wishes of the child and his/her parents/carers, but the duration of intervention should not normally exceed 3 months. Intervention involves the direct delivery of YJA services and/or referral or signposting to other statutory, voluntary or community sector universal or specialist services and supports.

Annex D: Information on YJA Earlier Stage Diversion

Earlier Stage Diversion Funding: ESD Individual Support and Community Support Funding were both initially developed as part of the EITP funded YJA Community Diversion Project. Community Support Funding was introduced in 2015/16 and Individual Support Funding in 2016/17.

The aim of **Individual Support Funding** is to provide additional services/supports for children and families to help children to desist from offending. This funding is targeted at children who are involved with the YJA and who are subject to a discretionary disposal, diversionary disposal or a Diversionary Youth Conference. This funding has helped children to access a wide range of services/supports which would not have been otherwise available to them, including attendance at vocational training courses, purchasing of work equipment to sustain employability, paying for extra education tuition to improve exam results, and support to develop and sustain positive diversionary activities.

The aim of **Community Support Funding** is to responsively fund community-based initiatives for groups of children on the cusp of the criminal justice system to divert them from it. Children are eligible for this funding if they are already involved with the formal criminal justice system at an early stage; are involved in low level offending or anti-social behaviour which has brought them to the attention of the police, other partner organisations or local community groups; have or have had family members involved with YJA, PBNI or NIPS; or who are involved with or at serious risk of involvement with paramilitary or organised crime groups.

Concerns about groups of children are usually identified by partner organisations or local community groups, often through interagency forums such as Policing and Community Safety Partnership forums. YJA, along with these partners, identify organisations best placed to deliver effective interventions to deal with these concerns, and these organisations then formally apply to YJA for up to £5k in order to do so.

YJA has funded a wide range of projects/programmes across Northern Ireland since 2015/16. These funded initiatives included projects aimed at developing personal and

Annex D: Information on YJA Earlier Stage Diversion

social skills; improving mental health, emotional wellbeing and resilience; building community relations; increasing awareness of risk e.g. car crime, drugs and social media; and developing social responsibility. They were delivered through a wide range of mediums, including boxing, outdoor activities, circus skills, gardening, bicycle repair, drama and digital story telling.

Community Resolution Notice Referral Scheme: A Community Resolution Notice (CRN) is an alternative way of dealing with less serious crimes, allowing PSNI officers to use their professional judgement when dealing with offences such as low level Public Disorder, Criminal Damage, Theft, minor Assaults and minor Drug Related Offences. CRNs allow victims a quick resolution to the harm caused to them; whilst giving those who commit the offence support to avoid further offending and the opportunity to repair the harm caused by their behaviour, without attracting a criminal record.

The YJA commenced a scheme at the beginning of March 2018 whereby drug and alcohol awareness sessions were delivered by YJA staff to children and their parents, as part of a CRN, where police deemed this appropriate to help prevent further offending. This pilot scheme in the YJA Belfast and Southern Areas was extended in November 2018 to include all offence types dealt via through CRNs, and subsequently roll-out across Northern Ireland from November 2019.

Sexting Referral Scheme: The Sexting Referral Scheme is a partnership initiative between PSNI and YJA. Referrals are made by PSNI for children who have been involved in relatively minor “sexting” type offence behaviour, and who would benefit from education rather than a formal justice disposal. YJA staff provide one-off sessions for children and their parents/carers about the risks associated with this type of behaviour which are undertaken within 30 days of referral. If deemed necessary, children can also be offered further YJA involvement on a voluntary basis.

A Sexting Referral Scheme pilot began in November 2019 in PSNI A District/YJA Belfast Area and PSNI D&E Districts/YJA Southern Area. Given the COVID-19 pandemic, and the associated social isolation measures, it was thought likely that the risk of “sexting” type offending behaviour would increase, therefore, PSNI and YJA

Annex D: Information on YJA Earlier Stage Diversion

agreed to roll out this scheme to all areas from the beginning of June 2020 in order to help deal with this.

Children's Diversion Forums: Prevent & Deter was established as one strand of Reducing Offending in Partnership (ROP), with the aim of reducing low level offending and anti-social behaviour by children through early identification and effective intervention strategies. Following a review of the ROP terms of reference, the decision was taken to remove Prevent & Deter from ROP but, nonetheless, the consensus was that there was still a need for a multi-agency forum for children who are on the cusp of entering the formal justice system. In June 2019 PSNI and YJA agreed to re-structure Prevent & Deter Forums and rename them as "Children's Diversion Forums".

The overall aim of Children's Diversion Forums is to help divert children from the formal justice system through more coordinated identification, information sharing, assessment, intervention and review of children involved in low level offending and/or antisocial behaviour. Panels are chaired and administered by YJA, and also include representatives from PSNI (normally YDOs), Social Services (normally Gateway Team staff) and Education (normally Education Welfare Service staff). All the partner organisations can make referrals. Partner organisations can take appropriate referrals from the panel, or provide the conduit between the children and his/her family and other services provided by the statutory, voluntary and/or community sectors.

The Children's Diversion Forum pilot started in the YJA Belfast, Southern and Western (Foyle) areas at the beginning of February 2020 and was rolled out to all areas in January 2021.