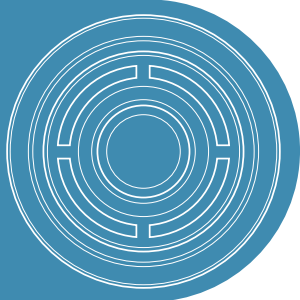




MONITORING OF PROGRESS ON IMPLEMENTATION OF THE YOUTH JUSTICE REVIEW RECOMMENDATIONS

December 2015





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

December 2015





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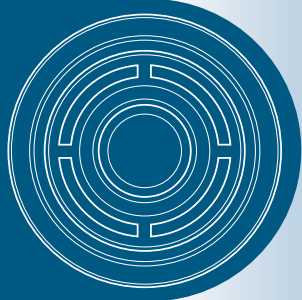
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List of abbreviations

CBRJ	Community-Based Restorative Justice Schemes
CJI	Criminal Justice Inspection Northern Ireland
CYPSP	Children and Young People's Strategic Partnership
DHSSPS	Department of Health, Social Services and Public Safety
DoJ	Department of Justice
DSC	Delivering Social Change
JJC	Woodlands Juvenile Justice Centre
NICCY	Northern Ireland Commissioner for Children and Young People
NICTS	Northern Ireland Courts and Tribunals Service
OFMDFM	Office of the First Minister and Deputy First Minister
OPONI	Office of the Police Ombudsman for Northern Ireland
PACE	Police and Criminal Evidence Order (Northern Ireland) 1989
PBNI	Probation Board for Northern Ireland
PPS	Public Prosecution Service for Northern Ireland
PSNI	Police Service of Northern Ireland
YJA	Youth Justice Agency
YJR	Youth Justice Review
YOC	Hydebank Wood Young Offenders' Centre



Chief Inspector's Foreword

Reducing the number of children entering the criminal justice system and dealing more appropriately and effectively with those that do, were the main goals of the Youth Justice Review. This report, the second of two by Criminal Justice Inspection Northern Ireland, examines whether we are any closer to the youth justice system envisaged when the review team reported in 2011.

As a general observation on recent criminal justice reform programmes, it is very hard to maintain momentum on recommendations, especially those which require the collaboration and support of other Northern Ireland Executive departments. Some of the recommendations within the Youth Justice Review are less relevant now than when they were made, and some were unrealistic in expecting the delivery of both the spirit and letter of what was intended. Legislative changes envisaged by the Review Team have been frustrated by a lack of political consensus and the opportunities for progress within the lifetime of the current Northern Ireland Assembly are limited.

The criminal justice system is changing before our eyes and it is important that in any assessment of progress, we factor in the fiscal challenges and current operating environment.

The Department of Justice's target of 90% achievement of recommendations has not been met however, it is the nature of some that have been achieved which, in my view, deserve special mention. We should acknowledge that no child has been held in an adult prison for the last four years. Fewer children are being committed to youth custody, and the age and offending profile of those who are, means that we are dealing with the most difficult and disturbed young people.



The benefits of the early intervention initiatives will take some time to work through to the criminal justice system. However, when added to the work of the Youth Engagement Clinics, youth diversion, restorative justice and the improved identification and support for children at risk, we are undoubtedly on a journey to reduce the flow of young people into the criminal justice system.

The experiences of young people who come into contact with the criminal justice system must be improved. More can be done to increase young people's trust and confidence that the agencies can help keep them safe from the new and emerging dangers of social media and the internet. There is increasing support for raising the age of criminal responsibility and de-criminalising children who make mistakes, but who successfully rehabilitate and go on to contribute effectively to society. I welcome

the scoping study announced by the Minister of Justice in May 2015, and view it as a timely opportunity to narrow the issues that will support future priorities for our youth justice system.

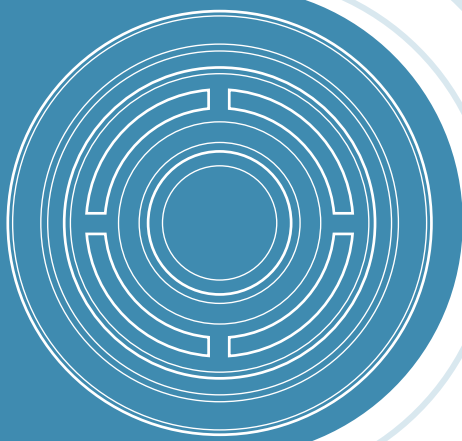
This review was conducted by David MacAnulty and Rachel Lindsay. My sincere thanks to all those who supported their work.

Brendan McGuigan
Chief Inspector of Criminal Justice
in Northern Ireland

December 2015

Criminal Justice Inspection
Northern Ireland
a better justice system for all





Inspection Report



Introduction

- 1.1 In 2010, the Hillsborough Castle Agreement set out key priorities for justice under a local Minister and how these might be achieved. This led to a review of the youth justice system in November 2010 with a report published in September 2011. The Youth Justice Review (YJR) report focused on those areas which would make the greatest difference to the lives of children, victims and communities. The introduction to the YJR terms of reference states that *'Northern Ireland has seen much change for the better over the (past 10) years, following the Criminal Justice Review, and there is much to be proud of in what has been achieved. However, in the complex area of youth crime, challenges remain and there is scope for further improvement.'*
- 1.2 The YJR report contained 31 recommendations for changes to the youth justice system and wider arrangements for children in Northern Ireland. These contained further sub-sections/ recommendations and a more detailed breakdown of the 'headline' recommendations. They also required cross-cutting/inter-departmental implementation. In total there were 49 recommendations/sub-recommendations.

The CJI inspection

- 1.3 It was the Minister of Justice's intention that progress on implementing the YJR would be monitored in a transparent manner. Criminal Justice Inspection Northern Ireland (CJI) was therefore invited by the Minister to provide independent oversight of the YJR. CJI's aims were to:
 - assess progress in implementing the YJR report recommendations by the relevant justice agencies;
 - report on the current level of achievement for each recommendation;
 - report on the reasons for those recommendations not yet achieved and the progress made;
 - report on any recommendations that have not been achieved and potentially are not achievable and the reasons for this; and
 - assess the impact on the criminal justice system of recommendations being progressed by external organisations.

- 1.4 A number of recommendations would not be implemented, for example, raising the minimum age of criminal responsibility (Recommendation 29) for prosecution, has not been met with any political consensus and without that, implementation will not be possible. The Minister of Justice set a target to implement 90% of the agreed YJR recommendations by March 2014. Restructuring within the Department of Justice (DoJ) necessitated the second report be delayed into late 2014, although this allowed a greater period of time to assess the outcomes/impact of recommendations and monitor the long-term commitment to the YJR. Where available, detailed responses provided by the agencies have been summarised along with the YJR aims. Inspectors obtained evidence directly from the DoJ, criminal justice agencies and stakeholders involved with youth justice. The YJR report contained the reference material on which to measure progress of the implementation of the recommendations.
- 1.5 The Minister of Justice announced an Implementation Plan in October 2012 which set out the recommendations which were accepted; the work undertaken to date; and the DoJ's plans for implementation and milestones against which to measure progress. The DoJ had taken the lead in ensuring implementation of the YJR recommendations through the published Implementation Plan. The YJR Board was subsumed within the Reducing Offending Programme Board, in which the YJR was initially a standing item on the agenda for each meeting. The main justice agencies were represented on the Board along with the cross-departmental representative working across the DoJ and the Department of Health, Social Services and Public Safety (DHSSPS). By April 2015, the YJR was no longer a standing agenda item at Board meetings; the DoJ Youth Justice Policy Team was no longer in existence; the role of a Criminal Justice Officer in the DHSSPS (which provided a link between the DoJ and the Office of Social Services) was ended; and the Implementation Plan had not been updated since early 2014. All of this indicated a loss of momentum in implementing the recommendations of the Review Team.



Progress on recommendations

Key theme: Early intervention

Recommendation 1

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

Achieved.

DoJ update January 2014

Accepted in principle. Early intervention was a theme of the Delivering Social Change (DSC) framework and cross-departmental discussions were ongoing. The DSC Children and Young People's Early Action document indicated early intervention programmes were a priority for the Northern Ireland Executive. The Northern Ireland Executive established a DSC Fund with £26m. for a first wave of six Signature Programmes. In total, £118m. had been identified for the DSC fund up to March 2016 to cover three broad areas:

- Delivering Social Change through Social Investment (includes the Signature Programmes);
- Delivering Social Change by Supporting Families; and
- Delivering Social Change through Childcare Signature Programmes.

Inspectors' assessment

The DoJ previously advocated the DSC framework as the mechanism for delivering Recommendations 1-3. The six Signature Programmes were owned by various Northern Ireland Executive departments with delivery through DSC governance structures co-ordinated by the Office of First Minister and Deputy First Minister (OFMDFM). A number of projects/programmes were established, such as:

- Family Support Hubs – targeting families on the fringes of statutory/Health Trust intervention;
- Locality Planning Groups – community/neighbourhood police and local communities identifying local issues – which also fed into Policing and Community Safety Partnerships; and
- Public Health Authority parenting programmes and roll-out of Early Intervention Service pilot to specifically target groups including those involved with anti-social behaviour.

A seventh Signature Programme had been established – the Early Intervention Transformation Programme (the 'Transformation Programme'). This was funded by the DoJ, the DHSSPS, the Department of Social Development and the Department of Employment and Learning, who provided £2m. each in addition to £10m. from the OFMDFM and £10m. from Atlantic Philanthropies. Senior departmental officials sat on a Programme Board making joint decisions on strategy and investment, with the assistance and advice of the Children and Young People's Strategic Partnership (CYPSP).

Inspectors found the Transformation Programme was a significant step – a number of Government departments were working together with a common goal focused on early intervention. There were three workstreams to offer parenting skills, support, and address the impact of adversity on families. The workstreams were in early stages of development, with a number of projects and services initiated. The Transformation Programme also had established outcome-based accountability with the aim to monitor projects. The CYPSP provided a connection between advice at a strategic level and delivery of projects, which included advising on the Children and Young People Offending sub-group.

The YJR recommendation centred on the development of an early intervention approach with CYPSP involvement. The OFMDFM were still working on a new children's strategy, so the Transformation Programme could not be considered part of a 'new' strategy. However, the Transformation Programme was a significant step and whilst there remained some uncertainty over long-term investment, the aims of the YJR were considered achieved.

Recommendation 2

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

Achieved.

DoJ update January 2014

Accepted in principle. See response for Recommendation 1.

Inspectors' assessment

The YJR called for the Northern Ireland Executive to secure the economic as well as multiple social policy benefits from developing a more strategic and better funded programme on early intervention and preventative spending.¹

The OFMDFM announced the £58m. Transformation Programme in September 2014, with funding from various Departments and Atlantic Philanthropies, as outlined in Recommendation 1. This met the criteria of the recommendation.

¹ The Review of the Youth Justice System report, p.37, September 2011, found at: <http://www.northernireland.gov.uk/news-doj-260911-ford-publishes-review>.

Recommendation 3

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

Not achieved.

DoJ update January 2014

Accepted in principle. See response for Recommendation 1.

Inspectors' assessment

The Early Intervention Transformation Programme had been funded and established workstreams to deliver early intervention. This was being delivered through Departments working together. The development of an Early Intervention Unit was not part of this Programme.

The aims of this recommendation were to:

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

There was no intention to deliver an Early Intervention Unit. The principle was left to be fulfilled by the DSC Framework and the Transformation Programme Board. Each of these areas could be considered to have been addressed by the Transformation Programme, however there still remained concerns over the long-term investment in this programme within the DSC framework. In the absence of an Early Intervention Unit, there needed to be clear Ministerial commitment to continue to address early intervention in the longer term. This is particularly relevant after 2016, when the OFMDFM 10-year Strategy for Children and Young People in Northern Ireland 2006-16 ends.

Key Theme: Policing

Recommendation 4

Police should build on the progress made since the Patten Report by:

a) raising the priority of children and young people in their planning processes at strategic and local levels;

Achieved.

Police Service of Northern Ireland (PSNI) update January 2015

Accepted. The Policing Plan now includes a measure under Service to Vulnerable Groups, to improve quality of engagement and Service Delivery to children, in particular males aged 16-24 years and children in care, to increase reporting for victims of crime and those affected by crime and to report on initiatives to reduce fear of crime. Districts are asked to report quarterly on these measures.

Inspectors' assessment

The PSNI previously identified the Youth Champion Forum as the key mechanism for engagement with young people - it was being attended by the Assistant Chief Constable and the Chief Superintendent from the PSNI Service Improvement Department, along with representatives of children's organisations. The Forum meetings occurred quarterly and were well attended. The children's organisations set the agenda with some strategic issues and also practical/tactical issues. There was a consensus that the Forum was important to maintain and promote youth justice issues with evidence of specific issues being targeted. There were no agreed terms of reference for the Forum, which meant that with a wide agenda, there was potential to lose focus.

Inspectors previously commented on the Policing with the Community Strategy on diversion of young people away from the criminal justice system, increased contact between the PSNI and young people, and the involvement of District Service Delivery Superintendents. Broadly positive comments were received for the ongoing commitment shown by the PSNI towards raising the priority of children and young people. Concerns remained that the positive impact in this area was in part due to the involvement of committed individuals and the approach of individual Police Districts, as opposed to an overarching strategic approach. It was felt that the latter would ensure longevity of raising the priority of children and young people in their planning processes at strategic and local levels. The various agencies consulted confirmed that improvements had been made and were being made at the time of this review. In terms of completion of this recommendation, the police have raised the priority of young people. There remained the potential to do more at a strategic level to ensure that there was less pressure on individuals within the police, to prioritise young people.

Recommendation 4

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

Achieved.

PSNI update January 2015

Accepted. The Youth Service provider developed interactive 'workshop' style training, which linked to the National decision-making model, and will:

- examine the emotions invoked for a young person when engaged with police in various situations;
- deal with the concept of police officers as leaders within the community;
- provide an awareness and understanding of the needs of individual young people and how policing can impact on children's rights for example the right to play and leisure; and
- challenge stereotyping of young people.

The model is currently being tested with Student Officers in the Police College. An aide memoir will be produced and a Literature Review will be completed, analysis of which will inform the development of a Children's Strategy for the PSNI. The work will be completed by end of March 2015.

Inspectors' assessment

The previous assessment indicated that use of Youth Independent Advisory Groups were sporadic and disjointed. Inspectors found that Youth Independent Advisory Groups were no longer prioritised by the PSNI, which left only the work of the Youth Service provider to deal with this recommendation.

In February 2013, the PSNI awarded a contract to 'Achieve Enterprises', a youth focused education organisation, to support and train police officers specifically on engagement with young people. The role for Achieve Enterprises, was to provide support to the PSNI to deliver effective communication and engagement strategies with children, by advising on in-house training and reviewing the PSNI literature towards developing a children's strategy. Inspectors found that there had been substantial delays in initiating the training, which was largely put down to communication issues between the PSNI and Achieve Enterprises. Three groups of student police officers received the training package before the contract with the provider came to an end. There was to be no wider roll out of the training programme. An aide memoire had been developed to assist officers when dealing with young people. A model for best practice had been created, although this was limited to student officers at the time of writing.

Recommendation 4

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

Not achieved.

PSNI Update January 2015

Accepted. Update as per Recommendation 4b.

Inspectors' assessment

The previous update indicated that since September 2013, the resource issues had been rectified, however, the Youth Justice PSNI Inspector had left the youth justice role in January 2014 and had not been replaced. The PSNI dealt with Recommendation 4b and 4c as one recommendation and were confident that both these recommendations would be addressed following work with the new external training provider. It was anticipated that the programme would be finalised over the following six to 12 months, with overall delivery and implementation of these recommendations, within two years. Eighteen months later, Inspectors found that the work on the new model was expected to be completed by March 2015, however the roll out of this model to cover all police officers was longer term through District training.

Achieve Enterprises were contracted to provide a skills/training package for the PSNI. There was a breakdown in communication between Achieve Enterprises and the PSNI which resulted in the training programme being limited and not provided to all those officers who may come into contact with young people. Three training events took place for student officers on 8 January, 12 February and 19 March 2015. The previous inspection noted limited training in relation to children's rights from a human rights perspective, which was aimed at the PSNI District Trainers to help them identify how they could feed human/children's rights issues into all aspects of training. An overall children's strategy had not been implemented.

The aim of this recommendation was to develop an appropriate skills package for all police officers engaging with children and young people. Inspectors firmly believe that training those officers who have contact with young people should be seen as a priority and be mandatory, as envisaged by the YJR. Inspectors found that this recommendation had not being appropriately targeted by the PSNI.

Recommendation 4

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

Not achieved.

DoJ update January 2014

Accepted. Final proposals to introduce legislation were not agreed by the Northern Ireland Executive.

In the meantime, the Office of the Police Ombudsman for Northern Ireland (OPONI) has put in place a range of initiatives to better engage with young people and facilitate access, for example by making greater use of social media for example Facebook. The Office has formed and held an initial meeting of a Police Ombudsman Youth Advisory Group, which includes representatives from groups working in the youth sector. It has also held a number of engagement meetings in schools and with youth groups, and OPONI's roles and functions is now part of the GCSE specification for Learning for Life and Work. The OPONI will be launching a joint project in 2014, with the PSNI to inform young people of their rights and responsibilities when stopped by a police officer.

Inspectors' assessment

In October 2014, the Northern Ireland Executive did not agree to legislative reform to allow local based resolution of complaints against police. The YJR commented on the OPONI practice of not routinely encouraging, facilitating, collating or reporting on complaints by young people under the age of 16². As a result, a range of packages and programmes were established by the OPONI to deal with concerns that young people were not aware of the Office, reluctant to lodge a complaint, or did not know how to. The OPONI had responded by completing an action plan for the years 2012-14, which acknowledged the difficulties the Office had faced in raising awareness and confidence amongst young people and that the previous 10-year programme strategy, had made minimal impact. These programmes included social media communication, training programmes, satisfaction surveys, a five-year research project and a survey of 16-17 year olds. The OPONI also planned to publish a policy on recording complaints from young persons under the age of 18 and explore training for staff in skills specifically for interaction with young people. An equality form had been designed for young people, but this did not have any feedback/satisfaction section as was present in the similar form for adults. The OPONI contextualised the ongoing work being undertaken within the financial and resourcing pressures it faced.

2 The Review of the Youth Justice System report, 3.4.5, p.41, September 2011, found at: <http://www.northernireland.gov.uk/news-doj-260911-ford-publishes-review>.

Social networking initiatives were built into working practices. Twitter and Facebook were regularly used with over 1,300 followers on Twitter and more than 60 items posted on Facebook. In 2014, there were quarterly meetings of the Youth Advisory Group and the Police Ombudsman undertook 16 speaking engagements in schools and to youth groups. The OPONI had planned a programme of Facebook promotion aimed at young people and an 'e-package' for those providing advice in the community, which was to include material for those working with young people. Stop and Search leaflets were developed with the PSNI for use when stopping young people.

Police complaints must go to the OPONI. A change of legislation was therefore required to allow the PSNI to move forward into the area of local resolution. On 23 October 2014, the Northern Ireland Executive considered a range of legislative changes for the OPONI, which included measures to address aspects of local resolution. The Northern Ireland Executive were unable to agree to the package of reforms, therefore the legislation was not changed. The Minister of Justice remained committed to the reform needed to implement this recommendation. It was clear that the OPONI had engaged in a considerable amount of work to increase complaints awareness and engage with young people, however without the legislative reform, the aims of the recommendation could not be achieved.

Key Theme: Diversion and Prosecution

Recommendation 5

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

Achieved.

Public Prosecution Service for Northern Ireland (PPS) update January 2015

Accepted. The revised Code for Prosecutors was signed off by the Director of the PPS with specific reference to the best interests of the child and Article 3 of the United Nations Convention on the Rights of the Child. Publication of the new Code was due in 2015, subject to a 12-week consultation period and the approval of the Attorney General for Northern Ireland.

Inspectors' assessment

In the first CJI YJR report, Inspectors were concerned with the length of time from accepting this recommendation to implementation. This recommendation was originally due to be completed by the end of summer 2013. The position in September 2013 was that the re-drafting of the Code for Prosecutors to include reference to Article 3 of the United Nations Convention on the Rights of the Child, was with the Director of the PPS pending approval. Inspectors were informed that this approval was provided in January 2015. This recommendation had been delayed for some three years after it was accepted. The new Code was anticipated, at the time of writing, to be published in late 2015 following approval of the Attorney General for Northern Ireland and a public consultation period for a further 12 weeks. The recommendation had been substantially moved forward and although not achieved within the Ministerial time frame, it could be considered achieved – provided the PPS public consultation did not significantly alter the proposed changes.

Recommendation 5

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

Achieved.

DoJ update January 2014

Accepted. *Until the new aim is confirmed in statute the determination of the content of any training and how it may be delivered cannot be finalised.*

Inspectors' assessment

This recommendation linked with Recommendations 11 and 12 wherein all Judges, Lay Magistrates and lawyers working in the Youth Court should be specially trained and accredited to work within a new, single Youth Court jurisdiction.

The Northern Ireland Courts and Tribunals Service (NICTS) had delivered training to all staff regarding the revised guidelines for Youth Courts. The Judicial Studies Board provided training (initial and ongoing) to the judiciary. CJI previously noted that the PPS had appointed Youth Champions who dealt with Youth Courts and most youth cases. There were continuing Youth Champion meetings within the PPS and amongst the various interested parties at court user meetings. All of these activities indicated an ongoing commitment to the prioritisation of young people.

As noted within Recommendations 11 and 12, there was no consensus from defence lawyers regarding an ongoing training programme on working with young people. Inspectors previously noted arguments both for and against having a specialised panel list for youth work as found in other areas, for example personal injury and family law. The NICTS had been unable to establish ongoing engagement with the Law Society regarding training.

The aim of the YJR was to ensure that all parties involved in youth justice received adequate training. Continuing professional development was generally favoured anecdotally by lawyers, but without the Law Society making continuing professional development in youth work mandatory, and with no consensus of approach amongst lawyers, there could be no changes to the current system. Inspectors appreciate that this recommendation was outside of the control of the DoJ, however, the activities of the DoJ and criminal justice partners meant that this recommendation could be considered achieved.

Recommendation 6

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

a) the introduction of triage (or similar) at the point of arrest;

Achieved.

Agencies update January 2015

Accepted. Youth Engagement Clinics were introduced across Northern Ireland on a phased basis and, as of 1 January 2015, were operating in all but one police District. The target date for completing roll-out is the end of the first quarter of 2015.

PSNI - Refresher training has been delivered in the pilot areas. Non-admissions were eligible for the Youth Engagement Clinic and police and Youth Justice Agency (YJA) staff will not allow the Youth Engagement Clinic to proceed until these young people have taken legal advice. An assessment of needs is made to identify where a child or their family needs support. Youth Diversion Officers will assess the suitability of an Appropriate Adult to act in the child's best interests.

Cases were removed from the Youth Court that did not need to be there and the time that was taken reduced – the average time for Youth Engagement Clinic cases during the pilot was 39 days, which is 14 days faster than other non-clinic diversionary disposals. When compared against processing times for court cases, the process is considerably faster. There will be ongoing monitoring and review of the operation of Youth Engagement Clinics and of the impact on children and young people. Youth experts explain evidence to the young person in a neutral environment, to help them understand their situation and make an informed decision about their case at an earlier stage. Again, this will be open to young people who have not made admissions, and Youth Diversion Officers will insist on legal representation in these cases at the Youth Engagement Clinic.

PPS – Public Prosecutors in each of the four regions have been trained on the Youth Engagement Clinic processes. The PPS Case Management System was altered to cater for the youth engagement process which was operational in the PPS regions.

Inspectors' assessment

Inspectors reported previously that the YJR envisaged the concept of triage at the point of arrest - which involved 'the rapid assessment of a young person arrested for a minor offence for the first time by a multi-agency team. This provides the police [in England and Wales] and the Crown Prosecution Service with better information on which to base their decision on how the young person should be dealt with. The intention was to divert the young person to, for example, family support or restorative interventions or, where the offending is serious or persistent, to fast track them to court.'³ There were concerns raised in

³ The Review of the Youth Justice System report, p.47, September 2011, found at: <http://www.northernireland.gov.uk/news-doj-260911-ford-publishes-review>.

the first CJI YJR report regarding access to legal advice and there was a need to ensure a holistic/multi-agency approach for young people at the Youth Engagement Clinics.

A protocol had been agreed between the PSNI and the PPS for guidance on Youth Engagement Clinic referrals which suggested a 30 day process where:

- officers prepare a file within five days of a young person being informed of a report to the PPS - a streamlined file is sent to the PPS within 15 days;
- the PPS have 14 days from the date the file is received to make a decision;
- the PSNI make an appointment for the Youth Engagement Clinic at least 14 days after the file is submitted to the PPS;
- the Youth Engagement Clinic is to take place within 30 days from when a file is submitted to the PPS; and
- the PPS are to generate a summons, when appropriate, as part of the process.

The PSNI file submission times were deteriorating⁴. Just 9% of files were received by the PPS within the agreed time limits, which is down from 10% in 2014 and 18% in 2013. Meanwhile, the PPS were making around 90% of decisions within agreed timescales at the time of writing.

If the young person denied the offence with their solicitor present and wished to proceed to court, then it was intended that a summons would be served on them at the Youth Engagement Clinic to appear before the Youth Court within 14 days. Inspectors found that this process had changed at the time of inspection. The PPS indicated that it was impractical to prepare summonses for all cases given the very high rates of acceptance (roughly 90%) of the Youth Engagement Clinic/alternative disposals. The PPS had issued internal guidance to prosecutors to issue a summons on cases likely to proceed to court, for example self-defence or denied offence. However, if such defences were being raised, the question remained as to why they were not being sent straight to court to be dealt with as soon as possible.

The concerns previously raised regarding access to legal advice in the first CJI YJR report remained. There was an ambition to ensure independent advice was available in all cases with measures including:

- the provision of new leaflets encouraging legal advice;
- arresting officers accountable to the police Youth Diversion Officer;
- YJA involvement to provide individual assessment of needs and requirements;
- other agencies involved including Education and Social Services; and
- police officers were also expected to encourage the use of legal representation.

Such activities hoped to address the CJI concern that the advice on the police evidence was being provided by the police, who were also part of the resolution of the case. Although Youth Diversion Officers would insist on legal advice being obtained in cases where the offences were denied, there remained a question on how independent the police advice was. As criminal records can be disclosed for employment checks, this area should be closely monitored to ensure young people have access to independent advice at every stage of the Youth Engagement Clinic process.

⁴ Data from the PPS statistics department March 2015.

A high percentage of Youth Engagement Clinic cases resulted in alternative disposals (cautions/informed warnings), which raised potential issues about the value that had been added to those cases as they would likely have resulted in alternative disposal regardless of the intervention of the Youth Engagement Clinic. However, some benefits were noted. The Youth Engagement Clinic process provided the young person and their family with information to make an informed decision in a timely manner, it prevented the young person from entering into a more formal justice system and it had the potential to provide a joined-up/multi-agency approach.

Inspectors assessed this recommendation as 'achieved' as there appeared to be many operational positives for Youth Engagement Clinics.

Recommendation 6

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

Achieved.

DoJ update March 2015

Accepted. *Community Based Restorative Justice (CBRJ) schemes have continued to consolidate and develop throughout 2014-15. Sharing of knowledge, skills and approaches between scheme providers continue to assist the further development and delivery of restorative practice in communities. Work has commenced on the development of an adult restorative practice strategy which will involve and assist the future development of CBRJ. A draft strategy is on target to be developed in the early part of 2015-16.*

Further collaborative working between agencies both North and South continue under the auspices of the Restorative Justice Forum, with a number of workshops being planned for summer 2015.

Inspectors' assessment

Several years had passed without a strategy document for CBRJ schemes, and there was no firm future date for this strategy to be completed. The DoJ had allowed schemes to develop but CBRJ schemes required a greater strategic input to assist with their direction, relationships with other agencies, and innovation.

As highlighted in the previous report, the DoJ was focusing on supporting the schemes to become more joined-up and self-sustaining. This had developed with the schemes being requested to define and monitor performance and outcomes of preventative and diversionary programmes they had developed. The schemes were still maintaining levels of service to their communities, but Inspectors found that relationships with the Department and criminal justice agencies that had a responsibility to refer cases, could be improved.

The schemes had continued to grow but primarily in areas of work outside the justice sector. Inspectors previously considered this recommendation to have been substantially progressed. This was due to the plans to ensure longer term funding was in place, linked with outcomes and accountability. This was qualified by the need to have longer term assessment of impact of the recommendations. During this review, Inspectors found that more could be done to fully integrate the schemes into dealing with young people at the earliest stages of youth justice and to build upon successful practices already established. The Youth Engagement Clinic's success at dealing with young people directly, meant referrals were not routinely being made to the restorative justice schemes. Greater use of schemes could potentially allow for a greater community input into restorative justice – as was anticipated in the YJR. Referrals were being made more regularly by the YJA for youth conferences however, there were concerns that low level offending was being dealt with by the Youth Engagement Clinic route without enough consideration being given to the use of CBRJ schemes.

New CBRJ schemes were also in development with the assistance of established CBRJ providers. This had the potential to increase the reach of the schemes into parts of the community not previously covered.

Overall, the schemes were sufficiently developed and increasing the level of reach into the communities they served. It was difficult to monitor and quantify 'building on successful practices' as per the recommendation. There were successful practices and evidence of ongoing commitment to CBRJ schemes with planned expansion of providers and a focus on delivering better outcomes (albeit financially forced). In this respect, the recommendation could be considered achieved at this point. However, there was potential for greater involvement by the CBRJ schemes at an earlier stage of a young person's involvement in criminal justice.

Recommendation 6

c) the extension of police discretion while ensuring adequate safeguards;

d) greater use of police warnings and cautions for offences that would otherwise have been dealt with through more formal channels.

6c – Not achieved - Discretion extension achieved; adequate safeguards not achieved; and oversight not achieved.

6d – Achieved (with same caveat from 6c).

PSNI update January 2015

Accepted. As per the update at 6(a), Youth Engagement Clinics are currently operating in all but one police District. Prior to roll-out, the Youth Engagement Clinic processes were refined to address issues identified through the evaluation and by the Equality Impact Assessment. This includes a new procedure to allow the PPS to refer cases to Youth Engagement Clinic where it determines that a diversionary disposal should be offered.

Inspectors' assessment

The YJR identified that dealing with minor offences should be outside of the court system where possible, and dealing with offending that causes the most harm and reducing delay, should then become the focus of the courts. Concerns were raised in the first CJI YJR report around the issue of inconsistent approach to using discretion across the PSNI Districts. Such use of discretion may lead to inequalities. The CJI inspection⁵ of discretion and the use of penalty notices found that governance and quality assurance of discretionary disposals was inconsistent, resulting in a number of unsuitable cases being dealt with by means of discretion. Since the CJI report on the use of discretion, the PPS have been involved in dip-sampling of the use of discretionary disposals and were working with the PSNI to develop guidance for police officers on the use of discretionary disposals and enhancing the quality assurance arrangements to provide oversight. At the time of writing, it was too early to assess the outcome of these initiatives.

Cases which were transferred to a Youth Engagement Clinic were referred to the PPS for decision; however, offences dealt with on a discretionary basis were not referred to the PPS. An increased use of discretion raised concerns as to whether there was appropriate oversight of discretion. On this basis, Recommendation 6c was not achieved, as the necessary safeguards were not in place. The safeguards envisaged by the YJR can be addressed with a closer working relationship between the PSNI and the PPS.

⁵ Police use of discretion incorporating penalty notices, CJI, January 2015 – www.cjini.org.

Youth Diversion Officers were specifically trained youth officers tasked with the oversight of youth case disposals. Their role was very important with most front line officers utilising their services. The level of service by Youth Diversion Officers was widely regarded as being excellent, however there were instances where young people were not being referred through them, which caused unnecessary delay and inappropriate entrance into the formal justice system.

The Youth Engagement Clinics had a role in fulfilling Recommendation 6d. However, the YJR intended warnings and cautions to be dealt with on a less formal basis. The Youth Engagement Clinics did refer young people for discretionary disposals and although this was a formal justice process, it was less formal than going through the court system. It also provided a greater opportunity to consider the overall requirements of a young person including education, health and social needs. This recommendation (6d) was therefore considered achieved.

Recommendation 7

To improve efficiency and reduce delay, we also recommend:

a) examining the high proportion of 'No Prosecution' cases with a view to removing them from the formal system at an earlier stage;

b) monitoring the impact of the PPS initiative to process diversionary disposals more speedily;

Achieved.

PPS/PSNI/DoJ update January 2015

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

Inspectors' assessment

There was no change to the status of this recommendation which was previously considered achieved. Streamlined 'no prosecution' files continued to be submitted and, as outlined at Recommendation 6a, the Youth Engagement Clinics had a positive effect in dealing with young people in a more 'holistic' way.

Recommendation 7

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

Achieved.

PPS update February 2015

Accepted. *Youth Engagement Clinics have now rolled out across all four PPS Regions. This means the scope for written communication between the PPS and young people regarding diversionary disposals, has reduced dramatically. Information regarding diversionary disposals is now largely conveyed to a young person orally at a Youth Engagement Clinic by members of staff from the YJA and the PSNI.*

Inspectors' assessment

A CJJ report on the care and treatment of victims and witnesses⁶ recommended the PPS review all its letters to victims and witnesses. The PPS review included updating letters to children (as victims, witnesses and defendants) and their parents. These letters have been revised to ensure their content is clear and their tone appropriate. The PPS consulted with Victim Support Northern Ireland, the National Society for the Prevention of Cruelty to Children, the YJA and CJJ on a representative sample of the draft letters prior to implementation and took on board comments made by those organisations. At the time of writing, the Victim and Witness Care Unit was responsible for most of the written communication with victims.

Since Inspectors' previous assessment of this recommendation, greater use of Youth Engagement Clinics meant that the amount of correspondence had decreased. The YJR found a high proportion of young people did not respond to letters from the PPS and around 40% of cases are withdrawn at court; the bulk of which included cases involving young people who did not respond to the PPS.⁷ The Youth Engagement Clinic process was designed to ensure early disposal of youth matters with information provided up front by the PSNI, engagement with Youth Diversion Officers, youth justice workers and external agencies. Although the PPS letters had improved, the overall communication and the opportunity to communicate with young people within the Youth Engagement Clinic process had a greater impact. On this basis, this recommendation was considered achieved.

⁶ The care and treatment of victims and witnesses in the criminal justice system in Northern Ireland, CJJ, December 2011 – www.cjini.org.

⁷ The Review of the Youth Justice System report, 3.5.8, p.50, September 2011, found at: <http://www.northernireland.gov.uk/news-doj-260911-ford-publishes-review>.

Key Theme: Bail and remand

Recommendation 8

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

Not achieved.

DoJ update January 2015

Accepted. The Departments of Justice and Health, Social Services and Public Safety, along with stakeholders from the YJA, Health and Social Care Board, and Northern Ireland Housing Executive agreed on a model which will provide emergency accommodation at short notice to reduce to an absolute minimum, the use of Woodlands JJC as a place of safety. The operational pathways will be agreed in the coming months with a view to implementation in 2015-16.

Inspectors' assessment

YJA statistics show a substantial increase (39%) in the number of PACE admissions between 2012-13 and 2013-14. Police stations were considered to be unsuitable as a place of safety for young people. Admissions over five years to the designated place of safety at Woodlands JJC (the JJC), had shown remand and PACE transactions accounted for a consistent rate of around 90% of all JJC transactions⁸.

A CJI unannounced inspection of the JJC in May 2015⁹ found that PACE admissions continued mostly at the weekends and there were similar numbers between remand and sentenced young people. The low weekly average intake into the JJC under PACE made the construction of a specialist PACE facility unlikely. There was no progress on this position. Figures provided by the DoJ Criminal Justice Officer in the DHSSPS showed that there continued to be regional disparity in the use of the JJC as a place of safety, and that the rates of use had increased since the last inspection. Police stations a greater distance away from the JJC continued to be less likely to use the JJC as a place of safety, than those stations situated in close proximity.

The multi-agency and cross-departmental PACE/Bail Action Plan was agreed between the DHSSPS and the DoJ. It was indicated that the DoJ were no longer able to offer personnel support for the Bail Action Plan. The recent CJI inspection of the JJC highlighted the ongoing work between the Health and Social Care Board, Health and Social Care Trusts and the Northern Ireland Housing Executive, to address the ongoing issue of providing suitable accommodation for young people at short notice. Due to the lack of progress and the uncertain nature of future proposals, this recommendation was not considered achieved.

⁸ Transactions included PACE admissions and also can refer to the change of status of a young person from PACE to remand, or from remand to sentenced.

⁹ An announced inspection of Woodlands JJC, CJI, May 2015 – www.cjini.org.

Recommendation 9

Strict adherence to the statutory presumption of bail supported by:

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

Achieved.

YJA update January 2015

Accepted. *The Bail Information Scheme had been fully rolled out across all areas with co-operation from the PPS, the PSNI and the NICTS.*

Inspectors' assessment

The bail information model was similar to the existing system for bail support, where bail plans were presented to the court. The initial decision to remand remained with the police, with the YJA presenting the bail information to the court on the first appearance. There were a few occasions that packages would not be available, for example where an offender was very high risk. The YJA had identified the need to link with the Health and Social Care Trusts regarding the issue of accommodation provision, which was seen to be a challenge. There was also an ongoing issue regarding a lack of suitable accommodation for 16-17 year-olds who were not 'Looked-After' children under the care of Social Services, and therefore Social Services would not assume responsibility for them. The YJA suggested that there had been a decrease in inappropriate remands to the JJC, so this scheme may have limited impact in future. Inspectors however, recognised that removal of any young people from custodial remand, was to be welcomed.

Bail support packages from the YJA appeared to be working on a day-to-day basis in the courts. Staff attending from the YJA were also sometimes accompanied by social workers and children's home representatives. The YJA was considered to be pro-active in asserting bail packages, however there were some communication issues reported. Police officers and prosecutors confirmed that bail packages were often provided to the defence but not to the prosecution and police before bail hearings. There were also instances where there was disagreement between the Courts/prosecution/police and the YJA regarding the appropriateness of bail and bail conditions. Despite the often difficult decisions regarding bail, the YJA continued to support young people in making applications for bail. There remained broader issues regarding the appropriateness of bail and the inter-agency element to bail, but Inspectors considered this recommendation complete as the bail information schemes were a regular occurrence.

Recommendation 9

b) the application of relevant, proportionate and realistic bail conditions, but only where necessary; and

c) the participation of young people and their parents in the setting of any bail conditions such that they understand and fully accept their implications;

Not achieved.

DoJ update January 2014

Accepted in principle. *The public consultation has been launched. Work on issues around bail for young people, as highlighted in both the Youth Justice Review and the Northern Ireland Law Commission's report, will be taken forward in parallel to ensure that it is implemented in a consistent, co-ordinated manner. Consultation commenced on 1 July 2013.*

Inspectors' assessment

The first CJI YJR inspection noted the movement towards a Bail Act to deal with this recommendation. There was to be early consultation with the Office of the Lord Chief Justice with input for interim arrangements.

Bail continued to be managed by the judiciary on an ongoing case by case basis. The Bail Act was intended to provide a legislative framework to underpin the current bail practices, but there was no date provided of when and whether the Bail Act would come into force in Northern Ireland. The DoJ were no longer able to provide personnel to develop the interim measures contained within the multi-agency PACE/Bail Action Plan. The momentum noted in the previous inspection, had been lost, and this recommendation could not be considered achieved.

Recommendation 9

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

Not achieved.

YJA update January 2015

Accepted. All relevant stakeholders have agreed on a model which will provide emergency accommodation at short notice to keep to an absolute minimum, the use of Woodlands JJC as a place of safety. The operational pathways will be agreed in the coming months with a view to implementation in 2015-16.

Inspectors' assessment

Inspectors previously noted the Northern Ireland Law Commission findings that provision for a range of accommodation, would contribute significantly to reducing the numbers of children detained pending court appearances and PACE admissions to the JJC. The range of accommodation should include both short-term emergency accommodation, longer term solutions and reflect the range of needs and circumstances of young people. Accommodation provision should be made available across Northern Ireland to minimise disruption to the young person's education, employment, family and other relationships.¹⁰

Inspectors noted in the first CJI YJR report, that discussion between the various agencies and Departments would be important to identify a way forward for this recommendation. The update in January 2015 in furthering this recommendation and Recommendation 8, required bringing the various agencies together to agree a way forward. The YJA were leading on this recommendation. The PACE/Bail Action Plan was no longer viable, with the DoJ unable to commit personnel to assist with any future scheme. There was no concrete future date for implementation of this recommendation. Accordingly, this recommendation cannot be considered achieved.

¹⁰ Bail in criminal proceedings, Northern Ireland Law Commission, Para 6.75, 2012 - http://www.nilawcommission.gov.uk/32432_-_bail_report_nilc14__2012_.pdf.

Key Theme: Youth conferencing

Recommendation 10

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

a) maximising direct victim participation rates;

Achieved.

YJA update January 2014

Accepted. The YJA continued to monitor direct victim participation rates and had redefined their definitions to ensure an accurate representation of 'direct' victims.

Inspectors' assessment

The YJA continued to incorporate this recommendation into its corporate plan and monitored victim attendance rates on a yearly basis. Figures¹¹ provided show direct victim attendance was 49% for 2012-13. Figures for previous years were higher, although they were not comparable. Previous figures related to any victim, whereas the new measurement was specifically 'direct victims' or individuals representing 'direct victims'. There was an upward trend in victim attendance rates. The YJA attempted to survey victim satisfaction for every 'direct victim', and although there was a low response, there was a reported satisfaction rate [with youth conferences] of between 90-100% amongst victims. The stakeholder survey satisfaction rate was at 79%. Youth Conference co-ordinators, also had victim rates built into their Personal Development Plan.

By 2015, the rates¹² were as follows:

- direct victim attendance was 46%;
- victim satisfaction rate was 89%; and
- stakeholder satisfaction rate was 72%.

The change in definition and the low response rates from surveys were potential reasons for the slight reduction in victim and satisfaction rates however, Inspectors were satisfied that direct victim participation remained a key focus within the YJA. The recommendation was considered achieved.

¹¹ Youth Justice Agency statistics, available at: <http://www.youthjusticeagencyni.gov.uk/>.

¹² *ibid*

Recommendation 10

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

Achieved.

YJA update January 2014

Accepted. During April-November 2013, 91% of Diversionary Plans were for six months or less, compared to 18-20% in previous years. The YJA Assistant Directors were continuing to undertake monitoring of [Youth Conference] teams to ensure proportionality and consistency across eight area offices.

Inspectors' assessment

Inspectors previously found the YJA had committed to reducing the numbers of plans over six months. Youth Conference plans over six months were considered to potentially have a negative affect on the rehabilitation of some young people, with often many long-term plans overlapping and therefore losing the impact that was intended. The YJA business plan specifically referred to conference plans of duration longer than six months, with staff needing approval from their manager for such plans. The YJA aimed to ensure a balance between the Youth Conferences and the offending behaviour. By April 2014, the YJA end of year report showed 90% of plans ratified were six months or less. The 2014-15 rates were not finalised at the time of writing.

The recent CJI inspection on youth conferencing¹³ found significant improvements in effectiveness, proportionality and a reduction in delay. The inspection report found there had been more emphasis placed on developing conference plans which were proportionate to the individuals, their needs and offending behaviour. This recommendation can therefore be assessed as achieved.

13 The effectiveness of youth conferencing, CJI, January 2015 – www.cjini.org

Recommendation 10

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

Achieved.

YJA update January 2014

Accepted. Targets will be kept under review to ensure compliance. The time taken to process diversionary Youth Conference referrals is counted from receipt from the PPS to return, rather than by date of internal allocation of the case as was the previous practice. The YJA introduced (internally) a 20 working-day target for return in order to ensure the 30 working-day legislative target was met. In 2012-13, a 95% compliance rate of timely returns was achieved. The YJA acknowledges that the Youth Conference process may not be the best option in every case. The relevant legislation has been highlighted to Youth Conference co-ordinators who are supported by senior management, in stating that a conference may not be appropriate.

Inspectors' assessment

Inspectors previously found the YJA had reduced the target time for return of Youth Conference referrals to the PPS from 30 to 20 days. The earliest measurement of time was taken from when the YJA received a file from the PPS. The PPS indicated that the average time taken from the receipt of file from the PSNI to Youth Conference decision was, at the time of the fieldwork, approximately 10.5 days.

The introduction of Youth Engagement Clinics and Service Level Agreements between the PSNI and the PPS, meant that the time taken between arrest to outcome should be driven down. The latest figures from the PPS¹⁴ for all Youth Engagement Clinics were examined. They revealed:

- it took an average of 23 days after the police informed a young person of a referral to the PPS, for a file to be received. (The PSNI allowed five days for a police officer to prepare a file and a further 10 days to allow for the processing of the file to the PPS);
- it took an average of 4.4 days for the PPS to make a decision, which was well within the agreement of 14 days; and
- overall, the Service Level Agreement set 30 days from a young person being informed that a file was to be prepared for the PPS, to the date of decision. The rate was 43.6 days on average.

The 2013-14 YJA annual report recorded that 96% of Youth Conferences were returned to the PPS and the Courts within (agreed) time limits. The 2014-15 figures were due to be finalised after the time of writing.

¹⁴ PPS statistics department March 2015.

The timing of disposal from arrest to Youth Conference is affected by the issue of whether 'arrest' is a suitable starting point. This remained an area of debate, as did the starting point for statutory time limits. There were perceived differences in practice between the jurisdictions in England and Wales and Northern Ireland with respect to arrest of young people, whereby the arresting of young people is seen as routine in England and Wales, but used less frequently in Northern Ireland. Appropriate charging for those cases that are to proceed to court, or where bail conditions are absolutely required, would allow for a suitable starting point between the initial police contact between the young person and court disposal.

The recommendation called for a reduction in the time taken from arrest to disposal of conferences. The data¹⁵ provided revealed:

- the average time taken for **all** files from point of initial contact with the PSNI to submission of a file to the PPS was approximately 33.5 days;
- the average number of days taken for both charge and summons files to Youth Conference was 149 in 2013-14, and 125 in the first quarter in 2014-15; and
- the average time limits agreed by the PSNI and the PPS for summons cases showed an improvement at all stages – particularly with the PPS, but the PSNI remained outside of the agreed limits (35 days agreed). In 2013-14, the average time the PSNI took to get a summons file to the PPS, was 46 days, which fell to 42 days in the first quarter of 2014-15.

Inspectors found that the time taken had been reduced but overall more work was still required, particularly from the PSNI where there was room for improvement from point of initial contact with a young person.

¹⁵ Ibid.

Recommendation 10

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

Achieved.

YJA update January 2014

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

Inspectors' assessment

In the previous CJI YJR report Inspectors were advised that the YJA had addressed this by issuing internal guidance to Youth Conference co-ordinators and assessed this recommendation as achieved. The YJA continued to monitor compliance with this guidance on a case by case basis, with monthly supervision to discuss case progress. Case management systems also flagged up cases. The YJA continued to focus on addressing this recommendation. The CJI report on Youth Conferencing¹⁶ found consistency in reporting breaches of conference plans. The YJA staff and young people confirmed that the approach was to work alongside young people, the service providers, parents and other stakeholders to prevent breaches happening, rather than to wait for a breach and report it. Communication with the courts was described as good with regard to providing relevant information on breaches. The YJA staff worked closely with the PPS directing officers to fully inform their decision-making however, this could be improved for example in complex cases, where a young person was subject to several plans at the same time.

¹⁶ The effectiveness of youth conferencing, CJI, January 2015 – www.cjini.org

Key Theme: The Youth Court

Recommendation 11

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

Achieved.

NICTS update January 2015

Accepted. The NICTS revised Youth Court Guidelines were published on the NICTS website on 1 May 2013 and links circulated to a targeted list of stakeholders, partners and youth sector organisations. Printed copies of the Guidelines were produced and distributed to Youth Court venues. Awareness training for court staff was completed. The NICTS suggested that the Office of the Lord Chief Justice establish a monitoring system for judicial elements of Youth Courts.

Inspectors' assessment

Inspectors previously found that individual Judges ran their courts in accordance with the guidance, but there were no sanctions available for breaching the Guidelines. There were processes in place within the NICTS to escalate concerns regarding breaches of the Guidelines and concerns could be raised with the Lord Chief Justice and/or Presiding Judge.

These processes were still in place and the training and new protocols had been rolled out to the Youth Courts. Court staff and agencies dealing with Youth Courts all reported that the Youth Courts were running well with no ongoing major issues to report. District Judges were seen to be pro-active in dealing with issues as and when they arose. Good communications were reported between the NICTS, the YJA, the PPS and the PSNI which assisted with compliance with Youth Court guidelines. Court user meetings provided a forum to address ongoing concerns within the Youth Court and Magistrates' Court generally. The NICTS ran a survey in 2014 covering the Youth Court Guidelines and the ambition of the NICTS to improve compliance yearly. Monitoring adherence to the Guidance and rules remained a standing item on court user agendas. The Youth Court Guidelines continued to be monitored by the NICTS at the time of inspection.

Recommendation 12

All Judges, Lay Magistrates and lawyers working in the Youth Court should be specially trained and accredited to work within a new, single Youth Court jurisdiction.

Achieved (with caveat for no agreed accreditation).

DoJ/NICTS update February 2015

Accepted in principle. All Judges and Lay Magistrates are fully trained on Youth Court work, with mentoring for those newly appointed. The Judicial Studies Board provide ongoing training throughout the year. A presentation was delivered to Lay Magistrates on 31 May 2014 and to the judiciary on 5 February 2015. A training package was delivered by the NICTS to court staff on Youth Courts. Single court jurisdiction is provided for in the Justice Bill which was at Committee stage until 27 March 2015. Courthouse rationalisation was ongoing.

Inspectors' assessment

There was positive feedback for the day-to-day running of Youth Courts amongst the various court users. There was a consistency in the personnel who attended the Youth Court regularly. Having the same individuals from the various agencies dealing with cases in the Youth Court, provided consistency in the use of Youth Court procedures and maintained good lines of communication.

The PPS had appointed specific lawyers to deal with Youth Court cases. These 'Youth Champions' met regularly at Youth Champion forums, which provided a degree of specialisation as envisaged by the YJR. There remained an issue with accreditation of defence lawyers for attendance at Youth Courts with no consensus of opinion. The NICTS had opened lines of communication to move this issue forward with the Law Society but, beyond initial contact, there had been no further engagement. Despite isolated incidents, overall the consistent message was that the Youth Courts and Youth Court processes were working well. A single, complete training package for all professionals as outlined within the YJR remained a key objective which still could be achieved, for example through compulsory Continuing Professional Development courses for Youth Court work.

Court utilisation had dropped from 67% in 2012 to 56% in 2015¹⁷. Bangor and Larne courthouses were closed with consultation proposals for eight further court closures based upon business use and other relevant factors. The courthouse rationalisation consultation ended in May 2015, with plans to introduce rationalisation in 2016. Plans for a single jurisdiction were realised when the Justice Bill was granted Royal Assent on 24 July 2015. The Bill allowed for three administration divisions in one jurisdiction, allowing some scope for cases to be dealt with locally.

¹⁷ Northern Ireland Courts and Tribunal Service: Adequacy of the Court Estate Follow-up Review, CJI, July 2015 – www.cjini.org.

Key Theme: Delay

Recommendation 13

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

**Driving down time (a) – Achieved;
Renaming of Diversionary Youth Conferences (b) – Not accepted; and
Monitoring by the Criminal Justice Board (c) – Not achieved.**

PPS/YJA update February 2015

Accepted with caveat for 13b: Diversionary Youth Conferences will not be renamed. Time taken to process Diversionary Youth Conference referrals was counted from receipt from the PPS to return, rather than by date of internal allocation of the case as was the previous practice. The YJA also introduced (internally) a 20-working-day target for return in order to ensure the 30-working-day legislative target was met. The YJA applied a new way to monitor statistics, which now showed average working days. The diversionary figures dropped from 68 days in 2011-12, to 34 days in 2013-14.

Inspectors' assessment

CJI previously accepted there was no benefit in changing the name of Diversionary Youth Conferences. The recent CJI inspection on the effectiveness of youth conferencing¹⁸ revealed the average ratification time for Diversionary Youth Conferences had dropped from 54 to 34 working days. Despite a sharp increase in 2010-11 when the number of conferences reached a peak, over the last five years, there was an overall reduction in time taken of 37%.

At the time of writing, the Youth Engagement Clinic process had become standard practice in all but one police District. The PPS confirmed that the average time for decision on Diversionary Youth Conferences was around 10.5 days.

Time taken to make decisions and referrals continued to remain a priority with the YJA and the PPS. PPS statistics on Youth Engagement Clinics rates showed the PPS averaged 4.4 days to take a decision on all Clinic cases (target 14 days) whereas the PSNI averaged 23 days, which was well outside the overall Service Level Agreement target of 15 days (five days for officers to prepare a file and a further 10 days to process the file to the PPS). The PSNI will need to monitor and address this deficit urgently with the scheme now almost fully rolled out.

The DoJ indicated that appropriate targets, as set out in this recommendation, were not being directly monitored by the Criminal Justice Board, although it was indicated that all information available should go to the Board.

¹⁸ The effectiveness of youth conferencing, CJI, March 2015 – www.cjini.org.

Recommendation 14

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

Achieved.

DoJ update January 2015

Accepted. A wide range of initiatives are underway through the Speeding Up Justice Programme. In response to this Review and other independent reports, work on improving timeliness in the Youth Courts is being prioritised. This recommendation is considered part of Recommendation 15 – introduction of statutory time limits.

Inspectors' assessment

In the first CJI YJR report, statutory time limits were to be introduced by way of the Criminal Justice (Northern Ireland) Order 2003. Inspectors however found this would not cover the process from the point of first contact with the police to the point of disposal, as envisaged by the YJR. At the time of writing, the DoJ no longer considered the Criminal Justice (Northern Ireland) Order 2003 as suitable for this purpose. The introduction of new legislation was being considered for a second time.

There were a number of indicators that young offenders had been prioritised such as:

- the establishment of Youth Engagement Clinics;
- prioritisation given by the PPS to reduce the time taken to make decisions and process youth cases;
- the establishment of Youth Court guidelines by the NICTS to prioritise cases involving young people;
- the introduction of annual targets by the YJA for Youth Conferences; and
- the reduction of delay.

However, there was no evidence provided to the Inspection Team on how lessons learned from tackling delay and prioritising young people, could be applied to the adult criminal justice system. This however, may be considered outside the scope of the YJR.

Inspectors had ongoing concerns regarding the DoJ's long-term ability to continue to prioritise young people, especially given the reduction in personnel within the DoJ Youth Justice Team and continuing lack of legislative reform.

Despite this, in light of the work referred to earlier, Inspectors considered this recommendation to be achieved.

Recommendation 15

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

Not achieved.

DoJ update January 2015

Accepted. Following the public consultation on proposals for a statutory time limit scheme and after further discussion with the Criminal Justice Board and key stakeholders, the Department proposes to:

- implement statutory time limits using the existing provision in the Criminal Justice (Northern Ireland) Order 2003;
- develop proposals to provide for an earlier start point;
- as an interim measure, develop plans for an administrative time limit to cover the earlier stages in criminal proceedings; and
- review performance at fixed points with a view to re-calibrating the duration of the statutory time limit and reducing the list of offences excluded from the scope of the statutory time limit.

Further discussion with stakeholders is planned and the target date for introducing statutory time limits in the Youth Court is autumn 2015.

Inspectors' assessment

The DoJ previously indicated to Inspectors in 2013, that it was their intention to introduce a statutory time limit of 120 days during the mandate of the Northern Ireland Assembly. This was delayed by the consultation process, which saw the target date move to late 2015. The Criminal Justice (Northern Ireland) Order 2003 was to be used along with the introduction of rules and regulations.

The start date entered for time limits with summons cases was to commence with the date of complaint on the summons and for charge cases to commence from the date of charge. The end date for charge and summons cases was to be the first day of a contest in the Youth Court. The starting periods excluded the period of time at the early stage of the proceedings i.e. the period from when a young person was arrested, notification of intention to prepare a report for the PPS; and the time taken by the PPS to make a prosecution decision. In some instances, this could be significant. This did not address the end-to-end process envisaged by the YJR or by CJI in its commentary on the issue of targets in its 2010 report on Avoidable Delay.¹⁹

¹⁹ Avoidable Delay, CJI, June 2010 – www.cjini.org.

Data received through Causeway²⁰ suggested that the police timescales for youth summons cases to be referred to the PPS averaged 46 days (target 35 days) whereas charge files took 17 days (target 15 days) on average in 2013-14. Both these rates were longer than it took for adult charge/summons files to be sent to the PPS.

The performance on charge cases (charge to disposal) continued to fall within 120 days, with 2013-14 rates showing an average of 95 days – with the first quarter of 2014-15 showing an average of 99 days. Those cases that went to court from Youth Engagement Clinics performed as well (in time taken to disposal) as those cases that were charged to court. Cases initiated by report/summons were previously found to be a long way outside of the 120 day (summons to disposal) limit with the rate of 247 days in 2012-13. In 2013-14 there was some improvement, with an average of 182 days. However, despite the efforts of the various agencies to improve this overall rate, it still took an average of over 80 days more for a young person's case to be disposed of when a summons was used, compared to those young people that were charged to attend court²¹.

Serious consideration should be given to adopting postal requisitions as operated in other jurisdictions or revising how to get young people to attend court sooner. The charging system still, on an end-to-end basis from the point of charge to disposal, met the conditions set out by the YJR. A review of charging practices for more serious offences and offending, linked with the use of alternative disposals, would assist in speeding up the time taken for those who need to go to court.

²⁰ All information has been taken from the shared IT system 'Causeway'. Causeway was established to allow for the exchange of information between the various justice agencies, including the PPS, the PSNI and the NICTS.

²¹ Ibid.

Key Theme: Custody

Recommendation 16

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

Achieved.

YJA/NICTS/DHSSPS update February 2015

Accepted. Following co-operative work between the YJA, NIPS and sentencers, no children have been held at the YOC since 1 November 2012. The development of legislative provision to underpin this policy was no longer deemed necessary by the statutory agencies.

Inspectors' assessment

The NICTS indicated that as a result of the Guidelines provided by the Office of the Lord Chief Justice to the Youth Courts, no children had been sent to Hydebank Wood Young Offenders' Centre (YOC) since November 2012.

Children's rights groups continued to monitor admissions to Woodlands JJC and Hydebank Wood YOC. The average age of young people had been increasing in Woodlands JJC with the majority in the age group 15-17 years. This had proved challenging to Woodlands JJC staff. It was reported that the facility had the capacity to deal with all young people under 18, including dangerous individual offenders. The 'interim' provisions being applied by the NIPS, the YJA, the NICTS and the judiciary, with the continued assistance of the various children's organisations, had proved effective in ensuring that no one under aged 18 had entered the YOC. The recent CJJ inspection of Woodlands JJC²², raised concerns about the centre's capacity to cope with significant challenges – staff resilience levels were low, and there was uncertainty about the implications of recent alignment with the NIPS, the staffing review and budget cuts. Inspectors identified that strong leadership will be required to meet the needs of a growing population, of whom around one third are aged 17 with complex needs, while taking account of human rights guidance.

The consultation process for custodial arrangements revealed a legislative way forward. The Minister of Justice²³ indicated that, although the policy and administrative arrangements require underpinning in legislation, the changes required were complex. A review of the whole sentencing structure, including custody, was required.

²² An Announced Inspection of Woodlands Juvenile Justice Centre, CJJ, May 2015 – www.cjini.org.

²³ Minister of Justice, DOJ press release 17 November 2014 found at: <http://www.northernireland.gov.uk/news-doj-171114-sentencing-arrangements-for>.

Recommendation 17

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

Achieved.

YJA update February 2015

Accepted. *A protocol is in place to support arrangements between the two centres.*

Inspectors' assessment

Inspectors noted previously that the YJA continued to assess the circumstances of each individual child during their stay within the JJC. A joint protocol had been established between the JJC and YOC. At the time of inspection, the JJC continued to evaluate each young person on an individual basis. Inspectors found that this process formed an integral part of the YJA/JJC process and those reaching 18 years were well prepared for transferring to the YOC. This recommendation remained achieved.

Recommendation 18

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

Not achieved.

YJA update February 2015

Accepted. *The numbers entering the JJC under PACE have seen a significant increase, and it is an area of work we will continue to monitor and seek to make changes as and where necessary. Engagement is ongoing with key decision makers in the PACE process to ensure unnecessary detentions are kept to an absolute minimum. The recently agreed model to provide emergency accommodation will be aimed at reducing PACE young people where appropriate.*

Inspectors' assessment

The first CJI YJR report indicated that the DoJ was working with the DHSSPS directly to keep to a minimum the numbers of young people being placed in the JJC as a place of safety. Funding for the role of the Criminal Justice Officer in the DHSSPS, who provided this direct interface in relation to Looked-After Children in particular, had been withdrawn as of April 2015. As stated previously, the action plan for Police Bail agreed between the DoJ and the DHSSPS was no longer viable, with the DoJ no longer allocating resources to this project. There was no update from the PSNI regarding this recommendation.

The application process for taking any child to the JJC, at the time of fieldwork, required the PSNI to complete a form before admission was allowed. Each application was monitored and scrutinised by the Criminal Justice Officer. Some oversight of this process was established whereby the Office of Social Services/Heath and Social Care Board were notified whenever a young person from a care background was detained for more than four hours. This oversight was no longer being funded by the DoJ.

At the time of inspection, there were some inconsistencies found by the JJC staff relating to the completion of police forms. Those officers, who had more regular contact with the JJC, were reported as having better communication, which assisted the JJC staff greatly when making decisions regarding the young person's admission and safety.

Table 1 shows the most recent statistics available up to 2014 which demonstrated a rise in PACE detentions to the JJC up to 2013. Although there had been a reduction by 2014, 245 admissions represented the second highest rate over the four year period.

Table 1: PACE admissions to the JJC.²⁴

Year	PACE Admissions
2011	227
2012	229
2013	315
2014	245 (plus 42 JJC refusals)

Breach of bail conditions remained the foremost means by which young people experience custody, often repeatedly, whilst awaiting court disposal. Less than 10% of these cases received a custodial sentence. Furthermore, statistics²⁵ showed that from 2012 to 2014, around 50% of young people were released from custody at court the next day²⁶ - the previous CJI YJR report, gave a rate of over 60%. Almost all of these young people were returned to their previous address, which raised concerns that any deterrent or rehabilitative value in JJC admissions was lost. The variance amongst different PSNI Districts approach to PACE and whether to remand a young person to the JJC in 2011, was repeated in 2012-14.

JJC staff continued to robustly challenge PSNI officers requesting use of the facility as a place of safety, with places limited to one or two. The previous CJI YJR report referenced evidence that numbers of PACE admissions were being minimised. However, Inspectors noted that recent figures showed the number of PACE admissions had increased since the last inspection was published. The 'Reducing Offending in Partnership' approach may have contributed in some part to the increase in numbers of PACE entrants to the JJC, with police officers focusing on those offenders who were committing both repeat and serious offences.

The combination of an increase in the number of remands to the JJC and concerns around differing approaches to bail and remand applied by the police linked to the proximity of a police District to the JJC, meant that this recommendation was not achieved.

Furthermore without a Bail Act, there were issues around an inconsistency between the approach to bail applied at a police station, when compared to how a young person was dealt with at court. This meant it was difficult to see how the entire system was ensuring PACE admissions were kept to an absolute minimum. This issue will be explored further in CJI's forthcoming report on Police Custody.

²⁴ Data compiled between 2012-14: DoJ/DHSSPS Criminal Justice Officer, provided to CJI April 2015.

²⁵ Ibid.

²⁶ Ibid.

Recommendation 19

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

Not achieved – long term monitoring required.

YJA/DHSSPS/DoJ update February 2015

Accepted. *The DoJ work with the DHSSPS and the Office of Social Services to track all admissions to the JJC from children's homes and ensure their custody is proportionate and justified. There has been an episodic increase of Looked-After Children entering custody in recent months, in spite of the procedures in place to review each admission. It is an issue which will require constant attention. Work is ongoing with the JJC, the PSNI, the DHSSPS and the Judiciary to continue to improve and inform practices around the use of custody for PACE and remand. Longer-term, the outworkings of the consultation on the Bail Bill will also have an impact on these admissions to custody.*

Inspectors' assessment

As outlined in Recommendation 18, the Criminal Justice Officer in the Office of Social Services, DHSSPS was closely monitoring all admissions to Woodlands JJC under PACE. Funding for this post was ended by the DoJ in April 2015. The previous CJI YJR report commented that there was a demonstrable commitment from the Office of Social Care to ensure that admissions of Looked-After Children at the JJC were kept to a minimum.

Between 2011 and 2013, the total admissions to the JJC had remained relatively static for non Looked-After Children at 376, 387 and 383 respectively. Over the same period, the numbers of Looked-After Children being admitted had increased from 146 (2011) and 170 (2012), to 313 (2013).

The recommendation stated that the reasons for remand should not simply be on the grounds that the child is Looked-After. Inspectors found there was no specific recording of such reasons (i.e. remanded/sentenced because of their Looked-After status) – this was the same finding from the previous CJI YJR report. Whilst there was no direct evidence to verify Looked-After Children were not being treated differently, the statistics suggested otherwise. The variation in the approach by police Districts to the use of the JJC also added weight to the possibility and potential for Looked-After Children to be treated differently. Accordingly, Inspectors cannot consider this recommendation achieved.

This recommendation was difficult to measure, as there was no data capturing the relevant information on Looked-After Children. All agencies which come into contact with Looked-After Children should implement a review into this area to formalise a unified approach.

Key Theme: Reintegration and rehabilitation

Recommendation 20

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

Achieved.

YJA/PBNI update February 2015

Accepted. The YJA continued to explore options and opportunities for young people through the use of vocational training, and is currently in the process of expanding vocational training options through Belfast Met. and a private IT company. This is the subject of ongoing discussion with officials at the Department of Education.

There were plans to link YJA young people and their families with developing programmes aimed at delivering against the Not in Education, Employment or Training (NEETs) Strategy which will assist with reintegration and improve employability and learning. In February 2015, this was no longer being pursued.

The PBNI and the YJA have introduced a pilot for supervision of Juvenile Justice Centre Orders which commenced on 1 October 2014, whereby the YJA have responsibility for supervision of these Orders, with input and support from PBNI staff or where enforcement action is required. This will ensure greater clarity of role and focus. A joint training event was held in September 2014 to introduce the model, and communication disseminated to sentencers.

Inspectors' assessment

As noted in the previous CJI YJR report, education was still being reviewed to reflect the needs of the changing age range of young people at the JJC. The idea was to move towards a more vocational approach. This was similar to the approach taken by the Northern Ireland Prison Service when opening the new college in the YOC. The JJC remained constrained by legislation which focused on the education of younger people. Furthermore, plans to link the YJA, young people and their families with developing programmes to assist with reintegration and employability, were no longer being pursued. The JJC reported that multi-agency reviews have been completed for the last nine years which supported a multi-agency approach to education, training and employment.

The YJA and the PBNi had come to an agreement for the YJA to take over the workload of dealing with young people post-release. This was a logical step to ensure consistency with young people and their rehabilitation and reintegration into society. Rehabilitation and reintegration remained a core priority for the JJC and was being addressed by staff and through the wider YJA.

The CJI announced inspection of the JJC,²⁷ found evidence of the JJC preparing young people for release either back into the community or moving on to the YOC. A view was developing within the JJC and the YJA, that it was no longer feasible for the JJC to deliver education to the children detained there. There was a lack of access to professional development for teachers in the facility, unavailability of supply teachers, and inadequate IT support. Inspectors recommended that the JJC should explore options for alternative mechanisms to deliver education.

This recommendation was considered achieved, with the caveat that the proposed workings with the Department of Education should be prioritised.

27 An announced inspection of Woodland Juvenile Justice Centre, CJI, May 2015 – www.cjini.org.

Recommendation 21

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

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

Not accepted.

DoJ update January 2014

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

Inspectors' assessment

The previous CJI YJR report discussed the Sunita Mason review on criminal records²⁸ which addressed the areas of proportionality, transparency and fairness outlined in Recommendation 21. In 2013, subsequent to the Mason reports, a decision was issued by the European Court of Human Rights in relation to the case *MM v UK*²⁹. This case centred on the disclosure of police caution data and the infringement of Article 8 rights³⁰.

The DoJ decided not to fully implement all the recommendations of the Mason Review and instead adopted a system specific to Northern Ireland. The DoJ has implemented Recommendations 9 and 10 of the Mason review and introduced relevant legislation to this effect. This means that some diversionary disposals were eligible for disclosure on standard and enhanced AccessNI checks, although they were subject to a system that filters or removes from the certificate, any such disposals that are regarded as old or minor. 'Filtering' is enhanced where the offending occurred at a time when the applicant was aged under 18.

In terms of the YJR, diversionary disposals may still be disclosed and a clean slate is not available at aged 18. This does not accord with the views of the YJR. Inspectors acknowledge this recommendation was not accepted by DoJ.

28 Criminal records regime: review, Home Office, 2011 - <https://www.gov.uk/government/publications/criminal-records-regime-review>.

29 *MM v UK*, 13 November 2012 - <http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-114517>

30 Human Rights Act, Article 8 – Right to respect for private and family life.

Key Theme: Special groups

Recommendation 22

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

Not achieved.

YJA update February 2015

Accepted. DHSSPS work: Many initiatives were identified in the previous inspection report.

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

YJA work: The YJA's work with the Royal College of Speech and Language was no longer being pursued. By February 2015, all agency staff had completed an e-learning package to raise awareness and promote best practice in the area of communication difficulties. The YJA continue to update training and learning in this area.

The YJA, the Health and Social Care Board and the DHSSPS have continued to develop a forensic adolescent consultation and treatment service for children in Northern Ireland. This included teaching, training and the promotion of allied service development where there are identified gaps in provision, such as specialist services for the assessment and management of sexually harmful behaviour. By February 2015, this team was in operation and continuing to develop.

Inspectors' assessment

In the previous CJI YJR report, Inspectors found that the DHSSPS Office of Social Services Criminal Justice Officer provided a good connection between the DoJ and the DHSSPS - particularly in respect of providing information for the progress of recommendations that affected both Departments. There was continued evidence of regular communication between JJC staff, children's homes and the DHSSPS, along with information sharing when a young person was taken into custody under PACE.

The previous YJA update provided numerous initiatives that were ongoing in the area of special needs. Some of these initiatives had stalled, most notably the joint training between Social Services and the PSNI and the withdrawal by the DHSSPS from monitoring 'Untoward Event' reports from Health and Social Care Trusts. A number of other initiatives were still ongoing such as Autism Strategy NI, priorities for drugs and alcohol services and there was some investment in infrastructure for secure accommodation. It remained difficult to assess this recommendation. At the time of inspection, Inspectors had concerns over the direction and ownership of this recommendation, especially as the DoJ was no longer funding the Office of Social Services/DoJ single point of contact to co-ordinate approaches.

A number of CJI inspections have commented on the continued referral of Looked-After Children to the PSNI/courts for minor matters and breaches of bail. The findings outlined in Recommendation 19 of this report, indicated that Looked-After Children were being treated differently because of a number of factors including their Looked-After status. Communications that had been developed were not effective in this area, and without a single agency assuming responsibility, the position was not likely to improve.

In the previous CJI YJR report, Inspectors called for structured written guidance, outlining the requirements of all the agencies involved, to ensure that there cannot be any derogation of agencies' responsibilities when a young person with special needs enters the youth justice system. This proposal was not dealt with at the time of this inspection.

This recommendation did not lend itself easily to practical measurement, as it called for an *improvement* of understanding, however, the initiatives undertaken could be considered to have improved agencies' understanding and awareness of special needs, although there was no point of reference. The removal of the focal communication role between the DoJ/DHSSPS meant that:

- ongoing assessment of the approach of multiple agencies to the area of special needs, would be problematic; and
- the second part of this recommendation was no longer assessable.

Any progress that was identified in the first CJI YJR in increasing the understanding of special needs, may be lost without the continued presence of the Office of Social Services role or similar to ensure the continued exchange of information across Departments.

Key Theme: Strategic and practical arrangements

Recommendation 23

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

Achieved.

DHSSPS update March 2015

Accepted in principle. Ministers committed and moved to establish better arrangements through the DSC framework. The Framework reports to the Northern Ireland Executive through the Ministerial Sub-Committee for Children and Young People and the Ministerial Sub-Committee for Poverty and Social Inclusion, each of which include the Ministers of Education, Health, Social Services and Public Safety, Social Development and Justice.

Inspectors' assessment

Inspectors found significant momentum with the introduction of the Early Intervention Transformation Programme outlined at Recommendation 1. The Ministerial Sub-Committees, into which the DSC framework reported, continued to be well attended by Ministers and this was a critical factor in ensuring the appropriate level of commitment by the OFMDFM and the various agencies, to children and young people.

This continued commitment was vital to ensure that youth matters remained at the forefront of the Ministerial minds. This recommendation could be considered an ongoing process however, for inspection purposes, it was considered achieved.

Recommendation 24

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

Achieved.

DoJ update January 2014

Accepted in principle. *The Children and Young People's Strategic Partnership is now the multi-agency mechanism through which children's services are planned and commissioned at a strategic level. The specific work of outcomes groups and regional sub-groups address needs at a local level. The YJA, the PBNI and the PSNI are represented at the Strategic Partnership and the YJA Chief Executive chairs the Regional sub-group for children, young people and offending. Three key strategic priorities have been identified: education; mental health; and early intervention for the prevention of offending. The Partnership is committed to integrated commissioning and funding of services for these priorities.*

Inspectors' assessment

The CYPSP continued to play a key role in agreeing regional and local priorities for young people. The CYPSP maintained a database on the six high level outcomes for young people³¹ and was responsible for the co-ordination of programmes, developing plans between agencies and pressing Outcomes Groups³². The Strategic Partnership established regional sub-groups and aimed to direct efforts on shared objectives. The outcomes were to be changed, with a focus on measuring task completions and outcomes. In the previous CJI YJR report, Inspectors raised a concern for potential disconnect between the policies and strategies developed by the Strategic Partnership and the work of the DSC Programme Board. The Strategic Partnership had maintained a direct line of communication with the DSC Programme Board to ensure uniformity of approach.

There was an extension of the DSC programme with the establishment of a seventh programme; the Early Intervention Transformation Programme. The DHSSPS was to roll out this programme overseen by the Outcomes Group. Although this had taken quite some time to establish, it was evidence that the DHSSPS, DoJ, Department of Education, Department of Social Development, and Department of Education and Learning, had come together to deliver a transformation programme backed by a £2m. contribution from each Department and £10m. each from the OFMDFM and Atlantic Philanthropies.

The various Departments and agencies covered a wide range of areas for young people from education to mental health. There was no formal agreement that the CYPSP would be the only mechanism for the delivery of this recommendation. The position since 2011, was that the CYPSP was the only forum through which local and regional priorities were being agreed at a multi-agency level.

31 Healthy; Economic And Environmental Well-Being; Enjoying Learning And Achieving; Contributing Positively To Community And Society; Living In Safety And With Stability; Living In A Society Which Respects Their Rights.

32 Organisations and bodies tasked with delivering outcomes including: the PSNI; the YJA; the CYPSP; and Voluntary Groups.

Recommendation 25

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

Not achieved.

DoJ update January 2014

***Accepted.** Our position remains that a considerable amount of work has been undertaken with regard to this recommendation, which is now considered complete. The Head of Reducing Offending Division with overall responsibility for the implementation of the YJR now sits as a full member of the Criminal Justice Board to help increase the strategic focus on youth justice issues. In addition, both the Criminal Justice Board and the Criminal Justice Delivery Group receive updates on the YJR and its implementation. They are fully engaged in issues around the delivery of a number of specific recommendations, including the Youth Engagement Clinic and statutory time limits. However, in response to the CJI progress report, we are reviewing the governance mechanisms for the implementation of the Review.*

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

Inspectors' assessment

The Criminal Justice Delivery Group accepted the DoJ Implementation Plan however, Inspectors previously found that there was no overall responsibility for the Delivery Group or Criminal Justice Board to implement the YJR as envisaged in the report. The DoJ Youth Policy Team was no longer in existence, following extensive departmental restructuring, and youth justice had been subsumed into the Reducing Offending Division.³³ There was no evidence presented to Inspectors to demonstrate how youth justice would strategically feature in the future. The Criminal Justice Delivery Group had an ongoing interest in youth matters including Youth Engagement Clinics and statutory time limits, but did not bear responsibility for implementation of the YJR and overall performance of youth justice. The DoJ confirmed in its update in January 2014 that, in response to the CJI progress report, they were reviewing the governance mechanisms for the implementation of the YJR. In these circumstances, this recommendation was not achieved. Inspectors noted that progress had been made in relation to the paucity of statistical data, with the creation of a new unit for strategy, innovation and research. This unit will require longer-term assessment to ascertain whether it meets the expectations of this recommendation.

³³ The Reducing Offending Division includes the Northern Ireland Prison Service and the Youth Justice Agency.

Recommendation 26

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

Not achieved.

DoJ update January 2014

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

Inspectors' assessment

The CYPSP continued to demonstrate a commitment to promoting their three key strategies of education, early intervention and mental health, as found in the previous CJI YJR inspection. The newly established Early Intervention Transformation Programme (discussed at Recommendation 1), was significant in signposting the potential for the development of this recommendation. Early intervention did include the area of children in need but was not exclusively set up to deal with this recommendation. It was originally intended that the DSC strategy would be expanded over time to include this area.

There was no evidence of the development of a specific model to deal with children in need as envisaged by the YJR. A review was to take place in 2015 into how successful the family support hubs were, but there was no indication that legislation would be agreed, or considered, to establish any current or future arrangements under the DSC framework.

Recommendation 27

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

Not achieved.

DoJ update January 2014

Accepted in principle. *The DoJ and the YJA in particular, recognise the importance of youth and community workers in engaging hard to reach young people who are at risk of entering, or becoming further embedded in, the youth justice system. Not only do they employ such workers themselves as part of their professional staff skills mix, but a number of projects funded and supported by the Department also employ youth and community workers. We believe we have provided additional resources in light of this recommendation. Our response to a Justice Committee enquiry on funding highlights how the DoJ provided approx £7.6m. p.a. of funding for early intervention and prevention projects, some of this being brand new money recouped and distributed as part of the Assets Recovery Community Scheme.*

Inspectors' assessment

Inspectors previously found that there were no proposals on how to best resource, in the long-term, the work of the voluntary and community sector. The first CJI YJR report welcomed the idea of the Department of Education agreeing funding sector for an outreach worker, but there was a concern that there was no evidence of additional resources to expand youth and community work in Northern Ireland.

The DoJ update cited DoJ funding for early intervention and prevention projects as evidence of additional funding. Funding in 2014-15 from the Assets Recovery Scheme amounting to £335,331 was distributed predominantly to Policing and Community Safety Partnership projects. There could be no long-term planning from this fund as it was dependent on the recovery of money from criminal cases. A CJI inspection³⁴ on Policing and Community Safety Partnerships showed that while volunteers are involved by the Policing and Community Safety Partnerships to directly or indirectly deliver their work, the Partnerships did not have a stated aim or objective to target and attract a specific level (or cost equivalent) of volunteers' involvement. There was also no evidence of a concerted effort to use any of the established volunteering organisations.

The YJR team was concerned that the non-statutory status of community and voluntary groups made them vulnerable to funding cuts. During this inspection, budget cuts continued to challenge justice agencies which meant there was less potential to increase investment of time, resources and personnel in community work. The position of this recommendation was difficult to monitor. Funding had been given to projects and groups, but there was no evidence provided to Inspectors that there will be an expansion and greater use of community groups.

34 Policing and Community Safety Partnerships, CJI, December 2014 – <http://www.cjini.org/CJINI/files/aa/aacda6ac-11fa-4d0a-944a-4ba2cd4eed28.pdf>

Key Theme: Children's rights and international standards

Recommendation 28

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

Achieved.

DoJ update January 2014

Accepted. Legislation has been drafted and we are awaiting the introduction of the Faster, Fairer Justice Bill to the Assembly. In the meantime, Criminal Justice Board members have been tasked with identifying the impact of the change in the Aims of the Youth Justice System for their organisations to enable planning to begin and identify potential training needs in advance of commencement of the new legislation.

Inspectors' assessment

Inspectors acknowledged the Justice Act 2015 was implemented on 24 July 2015. This amended the aims of the youth justice system as follow:

98. In section 53 of the Justice (Northern Ireland) Act 2002 (Aims of youth justice system) for subsection (3) substitute—

"(3) But all such persons and bodies must also—

(a) have the best interests of children as a primary consideration; and

(b) have regard to the welfare of children affected by the exercise of their functions (and to the general principle that any delay in dealing with children is likely to prejudice their welfare), with a view (in particular) to furthering their personal, social and educational development."

Although not achieved within the Minister's timescale, the implementation of the Justice Act 2015, indicated the recommendation could be considered achieved.

Recommendation 29

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

Not achieved.

DoJ update January 2014

Accepted in principle. *No progress has been made to date and there remains no political consensus on taking this recommendation forward. However, the issue of how the system responds to young people who offend will remain on the agenda for further discussion.*

Inspectors' assessment

The minimum age of criminal responsibility was a matter of sensitivity amongst members of the public and with Assembly Members, with a range of views existing on this issue. There had been no change in this position. The lack of consensus meant the recommendation was unlikely to be progressed.

The minimum age of criminal responsibility in the Republic of Ireland and Scotland at the time of this review was 12 years old. In the Republic of Ireland, exceptions are made for the most serious of crimes. The JJC was predominantly occupied by young people aged 14 and over. The YJR discussed children's 'misdemeanours' being a normal part of growing up and that parental responsibility with regard to discipline and atonement, was to be encouraged with support provided in cases where there were difficulties or where this was absent.

Recommendation 30

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

Not achieved.

DoJ update January 2014

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

Inspectors' assessment

Inspectors previously found that the DSC framework was not developed as an interim measure to deal with this recommendation. The DSC framework purpose was to 'co-ordinate key actions across Government Departments to take forward work on priority social policy areas. It aims to deliver a sustained reduction in poverty and associated issues across all ages, but it is also seeking to secure an improvement in children and young people's health, well being and life opportunities, thereby breaking the long-term cycle of multi-generational problems.'³⁵

The expansion of Youth Engagement Clinics, the funding for the Early Intervention Transformation Programme and the use of discretion offered some examples of ensuring that young people do not enter the justice system unnecessarily. These initiatives were not set up to deal with this recommendation directly, but may go some way to explaining why the number of young people under 14 in the JJC remained low. It should be noted that the number of young people aged under 14 in the JJC, had remained at a consistent rate of around 4% of the total number of young people in custody, over the last five years³⁶. The reliance on the statutory raising of the age of criminal responsibility meant this recommendation could not be considered fully achieved; however the interim arrangements did appear to have limited the numbers of young people under 14 entering the JJC.

³⁵ Delivering Social Change, OFMDFM, found at: <http://www.ofmdfmi.gov.uk/index/equality/delivering-social-change.htm>.

³⁶ Data from the Office of Social Services, DHSSPS and DoJ monitoring, up to 2014.

Recommendation 31

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

Not achieved.

DoJ update January 2014

Accepted. This issue is being addressed on behalf of the Northern Ireland Executive through the recently-launched OFMDFM consultation document on *Delivering Social Change for Children and Young People* that encompasses: the *Child Poverty Strategy*; 'Our Children and Young People Our Pledge (10 Year Strategy for Children 2006-2016)'; and implementation of the UN Convention on the Rights of the Child. DSC for Children and Young People will provide an integrated policy framework and is an opportunity to consider how the Northern Ireland Executive addresses children's rights, issues and aspirations. Comments are invited on the application of Section 75 in relation to children or any other contributions relating to children and young people.

Following consultation, consideration will be given to how best to address any issues raised through, for example, refreshing guidance and training to ensure the application of Section 75 in relation to children and young people is fully understood and full account is taken of this positive duty at all stages of the policy/programme development, implementation and review process.

In Departmental terms, the DoJ Equality Scheme, approved by the Equality Commission Northern Ireland, makes specific reference to the need for communication and engagement with children and young people and highlights best practice. The Department is also a signatory to the Participation Policy Statement developed by the Northern Ireland Commissioner for Children and Young People. The statement, signed by the Minister[of Justice], outlines our commitment to involve children and young people in the work of the Department. It reflects current local, national and international legislation/conventions and provides the foundation for the Department to be an example of good practice when involving children and young people in its decision making processes. Finally, the Department has also developed 'A user guide to stakeholder consultation' for its criminal justice agencies and partner bodies, which includes examples of good practice in consulting children and young people.

Inspectors' assessment

Inspectors found there had been no progress to identify a consensus approach to deal with this recommendation. There were examples of good practice within the DoJ, however the recommendation called for the Northern Ireland Executive to make it clear to all public authorities, that the 'age' category in Section 75 of the Northern Ireland Act 1998 required them to consider how their policies and practices impact on children and young people.



Conclusion

This is the second and final report linked the Ministerial request to monitor the progress of the YJR recommendations. Of the 45 accepted recommendations and sub-recommendations assessed, 26.5 have been achieved (59%) and 18.5 not achieved (41%). This fell short of the Ministerial target to achieve 90% of the YJR recommendations by 2014³⁷.

The significant amount of work that had been undertaken since the acceptance of the recommendations in 2012, had stalled by 2014. The last DoJ update on recommendations was made in January 2014, and the DoJ Youth Policy Team that co-ordinated agency responses, was no longer in place. The role of Criminal Justice Officer in the DHSSPS was no longer funded from April 2015. There was a lack of strategic oversight by the DoJ and the implementation of the recommendations was no longer a feature of the Criminal Justice Board agenda. The onus was therefore on the individual agencies to ensure the YJR aims were achieved.

Progress had been found in a number of areas. There were very few young people under the age of 14 years entering the JJC, and there had been no individuals under 18 held in the YOC at Hydebank Wood since November 2012. The Youth Engagement Clinics were viewed positively and generally considered a success at this stage. The Early Intervention Transformation Programme was a significant step, demonstrating that different Government Departments could come together for the common purpose of improving the outlook for young people. With 41% of the YJR recommendations assessed as not achieved, set against the ministerial target for 90% to be achieved, more work was required in the area of youth justice. The Minister of Justice launched a scoping study in May 2015, into how children who may be impacted by the justice system are dealt with³⁸.

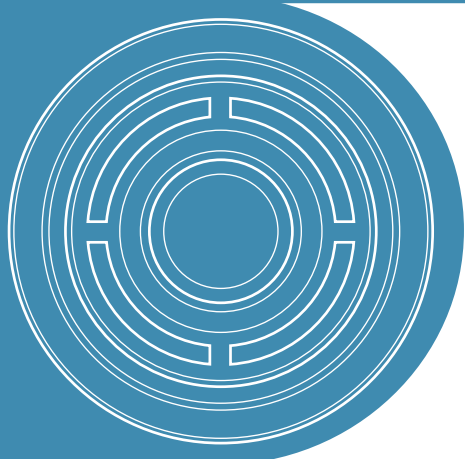
37 Programme for Government 2011-15, found at: <http://www.northernireland.gov.uk/pfg-2011-2015-final-report.pdf>.

38 Minister of Justice announcement, May 2015, found at: <http://www.northernireland.gov.uk/index/media-centre/news-departments/news-doj/news-doj-may-2015/news-doj-190515-ford-announces-major.htm>.

Table 2: Summary of progress against recommendations and sub-recommendations.

Assessment of recommendation progress	Achieved	Not Achieved	Not Accepted
Recommendations	1	3	13b*
	2	4c	21a
	4a	4d	21b
	4b	6c	21c
	5i	8	
	5ii	9b	
	6a	9c	
	6b	9d	
	6d	13c*	
	7a	15	
	7b	18	
	7c	19	
	9a	22	
	10a	25	
	10b	26	
	10c	27	
	10d	29	
	11	30	
	12	31	
	13a*		
	14		
	16		
	17		
	20		
	23		
	24		
	28		
Total number	26.5	18.5	
Percentage	59%	41%	

* Although in the original YJR report Recommendation 13 was one single recommendation, Inspectors split this recommendation into three parts (a, b and c) when considering progress. 13a has been assessed as achieved, 13b was not accepted and 13c has been assessed as not achieved. Each of the accepted recommendations has been awarded a ½ point.



Appendices



Appendix 1: Methodology

The methodology for this inspection comprised three strands as follows:

- Literature review;
- Agency self-assessments; and
- Stakeholder interviews.

Agency Self-Assessments

Each of the core/lead agencies provided updates to the CJI when requested to do so by the DoJ. Inspectors then considered these assessments within the Implementation Plan in conjunction with stakeholder interviews and, where appropriate, using the material to develop checks and areas for validation.

Stakeholder Interviews

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

- DoJ Reducing Offending Unit;
- YJA;
- PPS, Senior Prosecutors, Policy Branch;
- PSNI, Head of Equality and Diversion;
- PSNI, Head of Custody;
- PSNI, Youth Diversion Officers;
- NICTS;
- Northern Ireland Commissioner for Children and Young People, Chief Executive;
- Include Youth;
- Children's Law Centre; and
- Health and Social Care Board, Children's Services Planning Professional Advisor (Children and Young People's Strategic Partnership).



Appendix 2: Terms of reference

Introduction

Criminal Justice Inspection will monitor the progress that is being made in implementing the Youth Justice Review Recommendations.

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

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

Context

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

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

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

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

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

- areas of strengths;
- policing/early intervention/diversion and prosecution;
- bail/remand/custody;
- Youth Court;



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

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

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

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

Aims of the Monitoring Process

The broad aims of the process are to:

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

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

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

Methodology

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

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

- Strategy and governance;
- Delivery; and
- Outcomes.

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

The methods of gathering evidence will include:

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

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

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

Research and review

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

Fieldwork

Fieldwork is scheduled to commence in January 2013.



Delivery

Stakeholder consultation

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

- the DoJ;
- the YJA;
- the PSNI; and
- the PPS.

Interviews will be conducted with stakeholder management, staff, and relevant agencies to give insight into progress of the implementation of the recommendations.

Timelines and milestones will be examined and monitored with a view to benchmarking progress and completion of recommendations.

Assessment will take account of current strategies in place to implement recommendations.

Inspectors will identify, where possible and/or relevant, best practice within and outside Northern Ireland to provide some basis for standard setting and benchmarking.

Feedback and writing

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

Publication and closure

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

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


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

All reports will be published on the CJI website.



Appendix 3: Delivering Social Change Six Signature Programmes

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



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