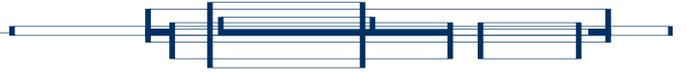


# Northern Ireland Alternatives

**Report of an inspection  
with a view to accreditation  
under the Government's  
Protocol for Community  
Based Restorative Justice**

April 2007





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Presented to the Houses of Parliament by the Secretary  
of State for Northern Ireland under Section 49(2) of the  
Justice (Northern Ireland) Act 2002

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







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## List of abbreviations

<b>CBRJ</b>	Community Based Restorative Justice
<b>CJI</b>	Criminal Justice Inspection Northern Ireland
<b>DSD</b>	Department for Social Development
<b>EBA</b>	East Belfast Alternatives
<b>GSA</b>	Greater Shankill Alternatives
<b>KCRA</b>	Kilcooley Central Residents' Association
<b>NIA</b>	Northern Ireland Alternatives
<b>NBA</b>	North Belfast Alternatives
<b>NDI</b>	North Down Impact
<b>PBNI</b>	Probation Board for Northern Ireland
<b>PPS</b>	Public Prosecution Service
<b>PSNI</b>	Police Service of Northern Ireland
<b>RHC</b>	Red Hand Commando
<b>UDA</b>	Ulster Defence Association
<b>UVF</b>	Ulster Volunteer Force
<b>YJA</b>	Youth Justice Agency



## Chief Inspector's Foreword

This is a report on Northern Ireland Alternatives (NIA) and its four schemes, East Belfast Alternatives (EBA), Greater Shankill Alternatives (GSA), North Belfast Alternatives (NBA) and North Down Impact (NDI). It was commissioned in March 2007 by the Minister for Criminal Justice, David Hanson MP, with a view to possible accreditation of the schemes under the Government's Protocol for Community Based Restorative Justice.

Although the five entities are constitutionally separate and will need to be accredited individually, as this report shows they operate as a family and it would make no sense to accredit the schemes in isolation from NIA. They share a common set of policies and methods of working, and NIA not only payrolls the staff of three of them (NDI is funded separately) but provides training, active supervision and quality assurance for all four.

If accreditation were to be granted, therefore, it would be desirable that NIA and the schemes should be accredited as a family, and accreditation of each individual scheme should be conditional upon the continuance of that close relationship for at least the next couple of years.

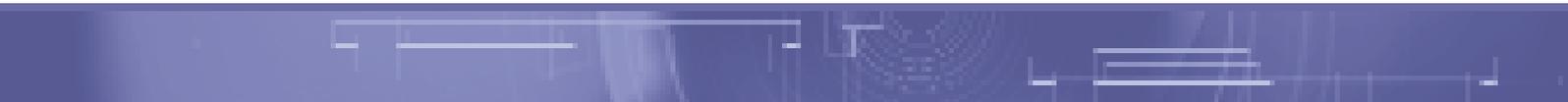
This was a quick initial inspection designed to provide an overview of their activities and an assessment of whether they met, or had the potential to meet, the standards that would be expected of an accredited scheme operating in accordance with the Protocol. It was not an evaluation of the work of the schemes. If accreditation is agreed, CJI will inspect them more fully in a year's time to see how they have adjusted to Protocol working and whether there are any modifications needed to the Protocol.

Finally, it should be noted that this inspection relates only to the NIA group of schemes, and its findings should not be read across to other schemes which have yet to be inspected.

**Kit Chivers**

Chief Inspector of Criminal Justice in Northern Ireland.

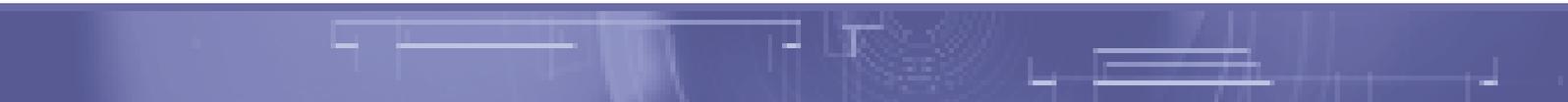




PART



# Inspection Report



# The nature of the schemes



- 1.1 The schemes operate in working class Loyalist areas which have traditionally been dominated by the paramilitaries. Each of the small schemes covers a considerable population: they started locally, but have extended their services to adjacent estates and areas in response to demand. Their roots have been in the UVF community, but they have established working relationships with the other factions as necessary.
- 1.2 The schemes set out to reduce paramilitary 'beatings' by offering alternative means of dealing with low-level offending. In these areas the community has looked to the paramilitaries to maintain order and protect them from petty crime and anti-social behaviour by young people. There was, and still is, a reluctance to call in the police and a widespread feeling that the police and the courts were not effective in dealing with problems of this sort. The paramilitaries provided a 'public order' service to their communities as a means of maintaining their influence and control.
- 1.3 However, the paramilitaries are moving towards winding down their operations (apart from those of them who are engaged in serious criminality) and they have in recent years become increasingly reluctant to administer punishments to children. Alternatives has been able to provide a channel for them to offload the requests for such action they receive from the community, and has thereby contributed to the marked decrease in punishments that has been observed.
- 1.4 Initially most referrals to the schemes came from the paramilitaries. Now the majority would come from other sources. The highest proportion of paramilitary referrals would be found in North Belfast, but even there the pattern is changing. Statutory and voluntary agencies (including the PSNI and social services), community activists and families themselves are all now sources of referrals. In addition, schemes may proactively contact children or groups of children who are known to be causing trouble and may offer to work with them, with the approval of their parents.
- 1.5 The work of the schemes is varied, and 'criminal justice' as such forms hardly any part of it. As paramilitary activity has declined Alternatives has diversified into other areas of work where its restorative techniques can usefully be applied. Most of the work



now relates to community development, support for victims and preventive or diversionary work with young people. A large part is therapeutic in nature, helping young people to come to terms with their delinquent behaviour, bringing them back into a relationship with the older generation and setting them off in new directions towards education, training and eventual employment.

- 1.6 In North Belfast some important interface work is done by volunteers operating under the aegis of Alternatives. In Kilcooley they have facilitated agreement among the four Loyalist paramilitary factions on the flying of flags and the management of bonfires (the Kilcooley Intra-Community Cohesion Project). In Greater Shankill they have helped re-build relations with the police following the 2005 Whiterock riots and GSA has been instrumental in setting up, and now chairs, the Greater Shankill Community Safety Network. They have also become involved in training children to assist in resolving disputes within a local school, in a project funded by the City Council. The skills of restorative practice have been shown to be applicable to a very wide range of activities.

### ***Not an alternative justice system***

- 1.7 There is no evidence of Alternatives providing an alternative policing or judicial system. No-one is frog-marched to the schemes, and there are no kangaroo courts. The permission of parents is sought before children are invited to take part. Children are told that they have

other options, including reporting to the police or simply doing nothing. Participation in programmes is voluntary, and nothing happens to those who opt out (though of course they go back to the same unsatisfactory situation with nothing resolved). In fact, however, the majority of young people positively welcome the individual attention the schemes offer them, and although the intensive phase of intervention is time-limited Inspectors met many who had remained in touch with the schemes, even graduating to becoming volunteers in them themselves. Success is not guaranteed and there are those who drop out, but the rate of re-offending after six and 12 months compares favourably with the formal criminal justice system.

- 1.8 There is no evidence of the schemes being driven by the paramilitaries, and every indication to the contrary. It is true that some of those working in the schemes have a history of paramilitary membership, and that their history to some extent contributes to their status in their communities and gives them extra influence in dealing with the paramilitaries. But it would be an error to confuse people with a history with active paramilitaries. The ethos of the schemes owes nothing to paramilitarism.
- 1.9 Inspectors spoke to a large number of people, including young people who had been through the Alternatives system, who would have been able to tell them if there had been anything amiss in the way the schemes operated. Local politicians also spoke to us. There was no hint of



criticism or complaint. However, Inspectors will be continuing to monitor the work of the schemes over the coming year, and if anyone has evidence that would cast doubt on these findings Inspectors would be grateful to receive it.

- 1.10 Some people may find it distasteful that any legitimate organisation should have to have contact with illegal paramilitary organisations. For the present, however, while Northern Ireland is going through a transitional stage the practical reality is that it is necessary that such contacts should be made. Other organisations are funded to liaise with paramilitaries. Such work needs to be approached with great care to avoid any appearance of giving support or approbation to the paramilitaries, but it may nevertheless be valuable in safeguarding young people. Although the paramilitaries are not now in general recruiting children, Inspectors heard an example of a 15-year-old being recruited (perhaps in error) by the UDA, where NBA were able to arrange his quick release.
- 1.11 The schemes are supported by many distinguished individuals and work closely with all the statutory and voluntary/community sector agencies in their areas, representatives of which often sit on their Management Boards. The police, in particular, are in all four areas highly supportive of the schemes and are already arranging meetings to work out with them the detailed arrangements which will underpin the new Protocol. Probation officers were closely associated with the work until they recently felt obliged to distance

themselves because of the Probation Board's proposed role as an independent complaints authority for the schemes.

### ***The nature of the communities the schemes serve***

- 1.12 The inspection provided an insight into the working class Loyalist communities which the schemes serve. The sense of community in these areas does not depend on the paramilitaries. During the Troubles the paramilitaries were a natural focus of leadership. But now that paramilitary power is in decline the communities are still strong, and a wide range of 'community activists', who may or may not have paramilitary associations, help to maintain social control.
- 1.13 People who are suffering from anti-social behaviour may still turn to the paramilitaries for help, and the paramilitaries will sometimes still take action in response, but at other times vigilantism takes place without paramilitary direction. Young people and their families can feel under threat without any paramilitary involvement. They can be ostracised, picketed and have their windows put in. This sort of pressure may lead the young person (or their parents) to apply to Alternatives in the absence of an explicit paramilitary threat.
- 1.14 These areas all score highly on the indices of deprivation, but they also have real strengths, as is shown by the large number of voluntary and community organisations which are active within them. They are often regarded by the statutory agencies as



‘hard to reach’, but the work of Alternatives shows that it is possible to reach them if an agency organises itself appropriately for the purpose.

1.15 It became evident to Inspectors that the schemes were not primarily filling a gap in the justice system but gaps in the provision of social services, youth work, community health and housing advice. All of these services, like the justice system, are felt to serve these communities poorly because they have distanced themselves from them. The feeling is that they have professionalised and bureaucratised themselves to such an extent that they are physically absent, inaccessible and unresponsive. The strength of Alternatives and its volunteers is that they are physically present, can empathise with the clients, and can act promptly.

1.16 It is understandable that during the Troubles the focus of policing was on security, not on community policing. These working class communities are still alienated from the police, and it will require a sustained effort at ‘policing with the community’ to change traditional attitudes. Not only is there a low expectation of the police being able or willing to take any effective action against anti-social behaviour, but people in these communities would not want to be known by their neighbours as the kind of people who would call the police in. There would be risks to them in doing so. This being so, the police, like other statutory agencies, value the ability of Alternatives to provide a line in to the communities. Officers realise that if ‘policing with the community’ is to succeed in these areas Alternatives can provide considerable help in facilitating it.

### Table of personnel and expenditure

	Staff in post	Of whom, on monthly contract	Volunteers trained	Volunteers active	Expenditure 2006# (£000)
Northern Ireland Alternatives	3	1	-	-	133
East Belfast Alternatives	3.5	1	30	10	69
Greater Shankill Alternatives	4	3	100	43	98
North Belfast Alternatives	3.5	2	95	58	64
North Down Impact	2	0	45	16	28

# Figures are for the latest available year. In the case of the schemes, the figures include the expenditure incurred on their behalf by NIA, and the figures for NIA exclude those amounts.

# Assessment against the five criteria



2.1 This inspection was conducted in March 2007. Inspectors visited NIA and each of the schemes in turn, read the extensive documentation provided by them (including case files, policy documents, training materials, management committee minutes and annual reports and accounts) and interviewed staff and volunteers, clients of the schemes (both young offenders and victims), parents of children participating in the schemes and a wide range of other interested parties, including several local politicians. In addition they separately interviewed PSNI officers, Probation officers and school teachers with experience of working with the schemes.

2.2 CJI used as the basis of this preliminary inspection its standard 'common core' inspection framework, which involves examining:

- a. Openness and accountability
- b. Partnership with other government agencies
- c. Equality and human rights
- d. Learning, improvement and management of change, and
- e. Results, including value for money.

## A Openness and accountability

### **Structure and governance: NIA**

A.1 NIA is a limited company with no share capital, limited by guarantee. It was incorporated in 2001 (though it had its origin four years earlier) with four Directors. It is currently reviewing the membership of the Board with a view to expanding it to about 10 - 12 members in total. This would bring it into line with the *de facto* position, which is that a number of additional members have been co-opted on to the effective Management Board<sup>1</sup>. The Board has a diverse range of members who act as patrons for its work. PSNI is represented on it at a senior level and other members represent voluntary and community organisations with an interest in NIA's work.

A.2 It has charitable status by virtue of its objects set out in the Articles of Association. It publishes annual reports and accounts, which are submitted to Companies House as well as provided to its charitable sponsors. The reports and accounts are freely available to all interested

<sup>1</sup> Some members of the re-constituted Board would continue to be co-opted members and would not be Directors of the company, because they would be there representing other organisations.



parties. The financial year has been July to June, but is about to be changed to align with the Government's financial year. Annual General Meetings are advertised around the community through partner organisations and are open to the public. The accounts are drawn up by professional accountants and duly audited. The accountability of NIA represents good practice for a small charitable organisation.

- A.3 The role of the Board is strategic development, policy development, public relations, advice and support to the schemes and fundraising. The manager of NIA reports to the Board and also sits on the Management Committee of each local site. The Training Co-ordinator of NIA also attends Board meetings.

### ***The schemes***

- A.4 Each scheme has a local management committee that is involved in the planning, management and support of their local Alternatives programme. These management committees comprise local representatives of PSNI, Social Services, the Housing Executive, churches, Education and Library Boards and voluntary and community organisations.
- A.5 EBA, GSA and NBA are constituted as unincorporated voluntary associations. All are well managed, with regular meetings properly minuted, and prepare satisfactory reports and accounts. Although these three schemes are independent all

their paid staff<sup>2</sup>, and the rent on their premises, where applicable<sup>3</sup>, are provided by NIA. NIA receives funding from the various charitable sources and, rather than routeing funds through the schemes, pays the staff direct. The staff of the schemes are employees of the schemes, each recruited by a panel which is chaired by the local scheme Manager, with NIA represented on it; but they are payrolled by NIA, and NIA maintains a high degree of management oversight.

- A.6 There was, at the time of the inspection, a vacancy for the Manager of EBA, and a member of the NIA staff was standing in as locum manager three days a week. In addition to local supervision of staff in the schemes, the support workers come together for two-monthly general meetings under NIA's auspices. There is also a monthly practitioners' forum attended by staff and volunteers. NIA insists on high standards and provides quality assurance as well as disseminating good practice. The schemes use standard record-keeping documentation provided by NIA, though there is some unevenness in the use made of the materials. These arrangements work well, but they depend on relations between NIA and the schemes remaining extremely close.
- A.7 NIA and the three schemes (but not NDI) have till this year been funded mainly by two related American charities: Atlantic Philanthropies and

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2 With the exception of one member of the staff of GSA, whose post is funded by a grant from the Volunteer Development Agency, through DSD, which goes direct to the scheme.

3 NBA and NDI occupy premises provided to them on a peppercorn rent by the Housing Executive.



the Oak Foundation. Some interim funding is currently being received from the Joseph Rowntree Foundation and from Peace 2 and other posts are being sustained by private donations. NIA receives the money and in return collects statistics from all the schemes and reports them to the donors. The great majority of the funding is tied to specific posts, leaving NIA with a very small amount of 'core funding' over which it has any discretion. The budgets of the local schemes are small, because their main costs are met by NIA. Recent uncertainty about funding has led to the loss of some staff, and a number of the remaining staff are currently on month-by-month contracts. NIA needs stable funding, if possible three years ahead, and it needs a higher proportion of core funding to allow it some flexibility in managing its payroll.

### **North Down Impact (NDI)**

A.8 NDI is differently constituted. It is formally part of the Kilcooley Central Residents' Association (KCRA), which makes applications for funding and controls finance for it. Funding is from the Big Lottery and the Esmee Fairbairn Foundation. The management committee of NDI is called an 'Advisory Board' to indicate that it does not have formal responsibility for the project. The relationship to KCRA has been beneficial, and it will be valuable for KCRA to retain seats on the board of

NDI. However, NDI has outgrown KCRA, in the sense that KCRA's remit is limited to the Kilcooley estate while NDI operates over a wider area, and it will be right at some point (though not as a pre-condition of accreditation) for NDI to be established independently. Whenever that happens it may be helpful for NDI to come more closely into the NIA family alongside the other Alternatives schemes and to be funded and managed in a consistent way. NDI would benefit from more consistency with the practices of the other schemes as regards record-keeping, which has, as they acknowledged, fallen off a little as staff have been laid off<sup>4</sup>.

### **Complaints**

A.9 NIA has a sound complaints policy, providing for complaints to be escalated to Board level and on to independent conciliation or arbitration<sup>5</sup>. This policy is adopted by each of the schemes. The Protocol provides that additionally there will be an independent complaints service provided by the PBNI. There is no record of any complaints having been registered against NIA or any of the schemes.

### **B Partnership with other agencies**

B.1 Since its inception in 1997 NIA has had close links with the police and with the Probation Board. The police have provided an observer on the Board since 1999. A form of

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<sup>4</sup> The standard of case notes and records of contacts in most of the schemes was very good, and would compare favourably with many statutory organisations.

<sup>5</sup> Mediation Northern Ireland has agreed to facilitate this process if it is ever needed.



protocol for collaboration with the official agencies was drawn up in 1999 but was never ratified by the NIO. Subsequently a set of interim guidelines was agreed between the PSNI and NIA at working level in 2001, but never received official ratification.

- B.2** Relations with PSNI and representatives of the Probation Board continue to be good. The police in all four areas told Inspectors that they respected and valued the work of the schemes and looked forward to putting the relationship on an official basis, though they do not expect that the Protocol will greatly change the way of working in practice. Probation staff have recently resigned from their positions as observers on the Boards of NIA and of the schemes because it was thought to be incompatible with the role of independent complaints investigator which is now proposed for PBNi under the Protocol<sup>6</sup>.
- B.3** The Protocol will change the rules concerning the exchange of information between PSNI and the schemes. At present clients are normally invited<sup>7</sup> to agree to their information being shared with the statutory agencies, but schemes sometimes accept cases without an agreement to share with the police. Some cases handled by the schemes in the past (though a small minority) have involved significant offences, of a scale which one would expect to see

reported to the police in future. The schemes are clear that serious offences must be notified, but there has been a grey area where some of the judgments made have not been entirely comfortable. This will need to be addressed in the discussions which are now planned about the implementation of the Protocol.

- B.4** The Protocol makes it clear that in future all criminal cases must be notified to the PSNI, with or without the consent of the client<sup>8</sup>. It is interesting, however, that where Inspectors came across occasional more serious offences which had been handled by the schemes those clients had been assisted just as successfully as petty offenders. This suggests that when, under the Protocol, such cases are in future referred to the Public Prosecution Service, there is no reason in principle why they should not be passed back to the schemes to deal with, if the PPS considers that that would be appropriate.

### ***The exercise of discretion***

- B.5** As the Protocol recognises, it is not necessary that every minor incident should be notified. Some cases of unacceptable behaviour falling below the level of a criminal offence can be handled informally. If anti-social behaviour can be addressed, restitution can be agreed and children can be kept from gaining a criminal record, that will often be better than

<sup>6</sup> There is a feeling among some Probation staff that the schemes are becoming slightly less relevant to PBNi as the emphasis shifts away from 'criminal' work towards preventive diversionary work with young people.

<sup>7</sup> The practice on this is not consistent between the schemes.

<sup>8</sup> The offences with which the schemes currently deal are listed as: car theft; general theft; breaking and entering without violence; damage to property; bullying and intimidation; noise; graffiti and vandalism.



having recourse to the criminal justice system.

- B.6 Police officers have always exercised discretion of this kind. That has happened in relation to the schemes, just as it happens in other contexts: there are reports of police officers suggesting unofficially that people take their cases to Alternatives instead of asking them to pursue them. Such exercise of discretion is part of intelligent neighbourhood policing<sup>9</sup>, and it would be retrograde if the effect of the Protocol, which is designed to legitimise the schemes, was to make the system more rigid and less intelligent.
- B.7 The schemes value their perceived independence from the establishment. They are concerned that if they became too close to the criminal justice agencies it would affect the way they were viewed by the community, and therefore affect referrals. They are keen to have a good relationship with the police, but they are conscious that the communities they serve are still to some degree alienated. The schemes believe they can have a beneficial influence in bringing the police and the community together, but in order to do that they have to be careful not to appear to be getting too far ahead of their constituents.

### **Other agencies**

- B.8 There is evidence of excellent co-operation with the Housing Executive (which sends representatives to

management meetings of the schemes), Social Services (who refer hard cases), the Education and Library Board and local schools. The Housing Executive is drawing up a proposal, if the way is cleared at the political level, for NIA to partner it by offering a restorative approach to neighbour disputes in its areas 4, 5 and 6 (covering Greater Shankill and North Belfast). Similarly a local school has obtained a grant from the City Council two years running for NIA to train senior pupils to offer a restorative solution to problems within the school which might otherwise have led to suspensions. This is work of great potential value, not limited to the school setting. In North Belfast several schools have agreed to allow Alternatives to hold sessions with pupils on their premises and in school time.

- B.9 In addition NIA and the schemes have links with local churches (Ministers of religion serve on several of the Management Boards) and with a wide range of local voluntary and community organisations. The networks of local contacts in the fields of youth work and community development are formidable. One scheme (NBA) showed Inspectors that its staff sat on thirteen local committees. GSA has recently been instrumental in setting up, and has taken the chair of, the Greater Shankill Community Safety Network, which brings together PSNI, Housing, Education, the City Council and community organisations to pool relevant knowledge.

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<sup>9</sup> There are those who advocate more 'chaotic' policing, meaning not that it is disorganised, but that it is highly responsive and no more rule-bound than it absolutely has to be.



B.10 The schemes all have good relations with the Fire and Rescue Service, and EBA in particular makes extensive use of their help in relation to young people who have been responsible for fire-setting.

## **C Equality and human rights**

C.1 There are sound policies on equality and human rights, and policies are in place on all the other matters one would regularly expect<sup>10</sup>. The policies are promulgated by NIA and adopted by each of the four schemes. They are supported by training provided by NIA.

### **Equality**

C.2 There is an Equal Opportunities policy in place and there was no evidence of discrimination on any grounds. For understandable reasons the majority of staff and volunteers would tend to be Protestant, but not all, and there are Catholics on the Board of NIA and on the management boards of the schemes. There is a tendency for referrals to come from the UVF and RHC side of the Loyalist community, but no scheme would refuse to take a client from any faction or offer them any different service<sup>11</sup>. NDI is active in cross-community work through the 'Access all Areas' project.

### **Human rights**

C.3 Human rights are crucial to a sound approach to restorative justice. It is essential that no client should feel under pressure to admit an offence or to take part in a programme if they are not guilty. The schemes place no pressure on clients to admit to an offence. The interventions offered by the schemes would be ineffective if the client were not acknowledging their responsibility and engaging voluntarily. Clients are given time to think about whether they want to participate and are given other options, such as referral to Base 2<sup>12</sup>; and for children parental approval is always obtained.

C.4 There is no evidence of coercion by the schemes, though there were signs on the files that the young person him or herself might feel under pressure from the paramilitaries or (more often) from their community at large and decide that engaging with Alternatives was a prudent thing to do.

C.5 Because of the sorts of restorative activities the schemes would offer, which do not amount to punishments, it is hard to see that there could be any miscarriage of justice or risk of double jeopardy through the operation of the schemes. Inspectors do not believe

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10 Inspectors reviewed policies on Equal Opportunities, Staff Development and Training, Health and Safety, Child Protection, Data Protection, Complaints, Publicity, Document Retention and Exit Strategy. In addition there are practice guidance notes on Principles of Good Practice, Good Mediation Practice and Staff Recruitment and Selection.

11 The UDA tried to run a scheme in the lower Shankill soon after Alternatives was established, but it did not succeed. Recently the UDA has expressed interest in joining NDI, but there are still obstacles in the way of that.

12 Base 2 provides a relocation service for young people who are under threat in their communities.



that there is any risk to human rights from the schemes as they operate, or, therefore, any need for legal advice to be made available routinely to clients before they agree to engage in a programme so long as staff are properly trained (as they are) and follow the practices that are laid down for them.

- C.6 Staff and volunteers are briefed in their induction training on the main human rights issues that arise in relation to their work. The human rights section of the training manual, however, was not as clear as it could be, and Inspectors have suggested certain improvements, which are set out in an Appendix.

## **D Learning and improvement**

- D.1 NIA scores highly as a learning organisation. It participates in, and presents to, many conferences on restorative justice and has published a number of papers on its work<sup>13</sup>. The understanding of the subject held within NIA and the schemes is impressive. A range of analytical and cognitive techniques are in regular use, including the Rickter analysis and Edward de Bono's approaches to problem solving. A number of the practitioners, as well as those on the management committees, have an intellectual as well as a practical interest in the work. International commentators such as Braithwaite and Mika have confirmed that it is at the forefront of acknowledged good practice.

- D.2 Moreover, the schemes show themselves willing to adapt to changing circumstances. As the original task of providing diversion from punishment beatings becomes a lesser part of its work the schemes are diversifying into other fields, such as inter-generational work, victim support and school and neighbour disputes, where their restorative approach can also be beneficial.

### **Training**

- D.3 There is a heavy investment in training staff and volunteers. Total training might typically be 40 hours, but NBA had recently run a course of 3 hours a night for volunteers for 20 weeks. Training would cover human rights and perceived conflicting rights; due process; self-awareness; the needs and experiences of offenders and victims; community needs; and techniques of restorative justice and mediation. The training materials examined by Inspectors were extremely well set out. Not all volunteers might need the full range of training initially: they could start with a few modules which could help them to work in a particular field and take further training later.
- D.4 Inspectors heard from the University of Ulster, which devised the training for the YJA's Youth Conferencing Service, that it is planning (in addition to its post-graduate programme in restorative justice) to offer a certificate at first-year university level, which will also provide credits

13 According to the 2006 Annual Report in the past year NIA had been involved in delivering 25 training sessions; 120 presentations or awareness sessions; participated in 20 conferences; attended or facilitated 43 workshops and given approximately 60 radio, television or student interviews. These are extraordinary figures for such a small organisation.



if a candidate wishes to proceed to a degree. This could be helpful to Alternatives, but to maximise its value it would need to be integrated with NIA's own training.

## E Results and value for money

E.1 Prof. Harry Mika's evaluation of the schemes<sup>14</sup> showed the progress that has been made in reducing the incidence of punishment beatings over the life of the schemes. Not all the credit for this can be claimed by the schemes: some of it is a reflection of a changing political and social environment, in which the Loyalist paramilitaries are increasingly looking towards the cessation of their activities. They are generally not recruiting any more, and we were told not *intentionally* recruiting children (though some children will pretend they have been recruited). Leaving aside cases of internal discipline, their problem is that members of their communities often have more of an appetite for violent retribution than they have, and continue to press for summary justice to be meted out to persistent young offenders who seem to be immune from the formal justice system.

E.2 The more effective the CJS can show itself to be against persistent young offenders, and the more quickly it can be seen to take action against them, the less pressure there will be for alternative remedies; but it has to be

said that there would need to be a radical improvement in the speed of summary justice to make much of a difference. It is crucially important that the schemes should be able to operate quickly: a week or ten days at most, which will place significant challenges to the police and the PPS under the Protocol. Often it will be sensible for the schemes to engage with the young person immediately on a conditional basis pending approval by the authorities, and the Protocol need not exclude that option.

E.3 Prof. Mika's evaluation concentrated on the punishment beatings, since that was the original focus of Atlantic Philanthropies' financial support. But as we have noted in this report, the work of the schemes has become more diverse, making an overall value for money calculation difficult. There are now three main lines of work:

- Intensive youth support
- Preventative youth work, and
- Victim support work

each of which would need to be evaluated separately. Figures for the caseload under different categories are contained in the NIA Annual Report<sup>15</sup>.

E.4 The criteria used for measuring cost-effectiveness in the CJS may not be applicable to these schemes, and organisations funding them will need

14 Published by Queen's University Belfast, January 2007.

15 CJI has not audited the figures, and any organisation thinking of offering funding would need to conduct its own checks to ensure that the business case for support was well-founded, but the figures reported for 2006 are, in summary:

Intensive youth support:	55 young people
Youth prevention programmes:	980 young people
Victim support programmes:	1267 victims



to decide on their own criteria, which will necessarily be 'softer', or more qualitative, than those of the CJS. The three headings mentioned above do not by any means cover the entire scope of the schemes' work. For that reason Inspectors would suggest that, if Ministers wish to support the schemes, lead funding should be provided by DSD, which could take a holistic view of their value to the development of their communities, rather than a narrow 'cost per reduction in the rate of re-offending' measure. If there were core funding to cover the cost of the majority of the schemes' low-level non-criminal work, there could then be specific payments, perhaps from the Youth Justice Agency, in relation to offenders referred to the schemes by the Public Prosecution Service or by the Courts, against which the success in preventing re-offending could be measured.

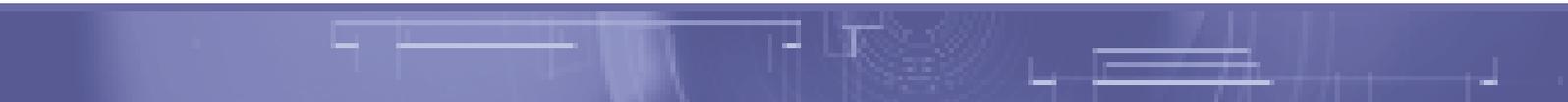
E.5 Those who work with very difficult young people know that success cannot be guaranteed. Some children will have such histories and such dysfunctional families that it is almost impossible to turn them round. Improvements in behaviour may be temporary: problems of these sorts are rarely 'solved'. Nevertheless Inspectors found in the files remarkable evidence of small triumphs: letters of apology written obviously with enormous labour and difficulty; statements showing that they now had more of an understanding of the consequences of their unacceptable behaviour for

other people; statements showing a will to try to do better in future<sup>16</sup>. They met some impressive young people who testified that they had been offenders but that their lives had been turned around by Alternatives.

E.6 As shown in the Table on page 6, the cost of the schemes is extremely modest, and Inspectors have no doubt that value for money is being delivered, though it is value in relation to a wide range of different objectives.

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16 The evidence written in the children's own hands is the most compelling, because it shows so clearly the sort of children that are being dealt with, i.e. in some cases 14 or 15 year olds with 7 or 8 year old levels of literacy.



# Conclusions and recommendations



3.1 Concerns have been expressed about the community-based restorative justice schemes that:

- They are a front for paramilitary organisations, which they help to maintain control over their communities;
- They rely on coercion by the paramilitaries to force clients to take part in restorative justice;
- They infringe the rights of the client by denying him or her due process;
- They expose the client to double jeopardy.

Inspectors found no evidence that there was any such problem in relation to NIA or its schemes.

3.2 The Protocol will provide for a fuller exchange of information between the schemes and the agencies. That will have implications for the way the schemes operate, and there will be issues about how to manage the new relationships without detracting from the advantages the schemes derive

from their perceived independence; removing their ability to do what they see as the best thing for the child, the victim and the community; or reducing their ability, above all, to act quickly.

3.3 We found that the schemes worked to a high standard with difficult young people in their communities. It is worth emphasising that the great majority of the work is with children, and often quite young children. Other valuable work addressed community safety, interface and inter-factional issues. Evaluating the work was beyond the scope of this inspection, but Inspectors were impressed by the professionalism and dedication they observed. Staff and volunteers are well-trained; good records are kept, though there is scope for more consistency; the schemes have very widespread support in their communities<sup>17</sup>; and the governance and financial arrangements are fully satisfactory. The schemes score well against each of the five criteria used in this assessment.

17 There is more widespread political support for the schemes than is generally appreciated, though it tends not to be publicised.



**3.4 We recommend that NIA and the schemes be accredited, subject to their agreement to the following points and conditions:**

- **The schemes must operate in accordance with the Protocol and meet all the criteria specified in it;**
- **In particular there needs to be clarity about the limits beyond which delinquent or anti-social behaviour needs to be treated as criminal and reported to the police;**
- **The individual schemes must remain within the NIA family, at least for the next two years;**
- **NDI should in due course detach itself from its parent Association and become established as an independent charity within the Alternatives family;**
- **The training material on human rights needs to be made more specific, as suggested in the Appendix;**
- **Although record-keeping is in general good, there should be more consistency in the use of contact sheets, 'contracts' with young clients, and reporting of outcomes from programmes;**
- **The Board of NIA should as soon as possible be re-constituted to bring the formal position into line with its *de facto* composition.**

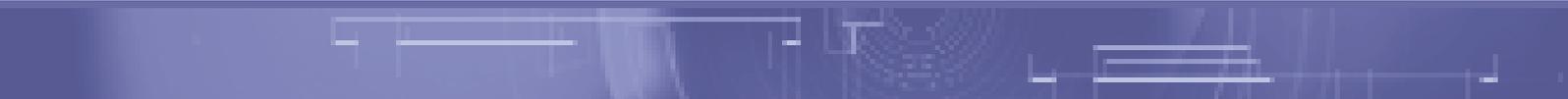
**3.5** If there is a decision to fund the schemes from official sources, core funding should not necessarily come from the criminal justice system. Much of the hesitation over recognising the schemes has come from the perception that they were part of an alternative structure of policing and justice. That is not their character, though they can certainly play a valuable role in relation to criminal justice broadly defined.

**3.6** They should be seen first and foremost as a community resource dedicated to working with difficult youngsters, either diverting them away from crime in the first place or helping to draw them out of criminal and anti-social behaviour if they are engaging in it, while at the same time working with the victims of such behaviour to restore a sense of well-being to the community. As such, they may be eligible to receive project funding or payment for services from such diverse sources as local Councils and Community Safety Partnerships, Social Services, the Education Board, the Housing Executive, the Probation Board or the Youth Justice Agency, as well as from charitable sources and from Europe; but we would suggest that their core funding, if Ministers wish to support the schemes, should come from the Department for Social Development (DSD).

PART



# Appendix





# Appendix

## Community Restorative Justice and Human Rights

There are a number of basic human rights principles which are relevant to anyone engaged in restorative justice work in their communities. These are drawn from a range of international legal standards but also from domestic protections.

- CBRJ must operate in accordance with the rule of law.
- CBRJ is not an alternative to a trial. Either party can opt to engage the formal criminal justice system at any time.
- Taking part in CBRJ must be a voluntary process. No-one, whether alleged perpetrator or victim, should be placed under any degree of compulsion to take part.
- Both parties should be informed of their right to withdraw from the process at any time with no adverse consequences.
- All parties to the process have a right to independent legal advice prior to taking part or at any time during the process if they so wish. Such advice may be free depending on the income of the person seeking it.
- If either party wishes to be accompanied by a solicitor during the process they have the right to be so accompanied.
- A young person (under 18) taking part in the process should be accompanied by an appropriate adult during engagement with CBRJ.
- If the alleged perpetrator insists that he/she is innocent, CBRJ should not proceed.
- Any outcome from the CBRJ must respect the dignity and human rights of both parties. Nothing which might amount to degrading treatment can be sanctioned by CBRJ schemes.
- CBRJ schemes cannot discriminate against anyone engaging with the process in terms of their race/gender/community background/sexual orientation or other status.
- Diversity must be respected.





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