

Written Ministerial Statement

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Department of Justice

PUBLICATION OF RESEARCH ON OVER-REPRESENTATION IN THE YOUTH JUSTICE SYSTEM

Published on Wednesday 5 October 2022.

Mrs Long (The Minister of Justice): Today my Department is publishing research on potential over-representation in the youth justice system in Northern Ireland. The research was commissioned and funded by the Department of Justice and undertaken by Queens University Belfast. The research reports can be accessed at [Over representation in the youth justice system in Northern Ireland | Department of Justice \(justice-ni.gov.uk\)](https://www.justice-ni.gov.uk/over-representation-in-the-youth-justice-system-in-northern-ireland)

The research has its origins in comments made by Criminal Justice Inspection Northern Ireland (CJINI) in an inspection report on the Woodlands Juvenile Justice Centre (JJC) in 2018. In that report, CJINI noted that “the majority of the children admitted to the JJC were 16 to 17 year-old boys from a Catholic background” and “while the JJC does not have control over the children who are sent there, it was concerning.”

The Department responded to this finding by commissioning research from Queens University Belfast. The Department asked the researchers to look both at the issues raised by CJINI and more broadly at potential over-representation of other children and at all points in the youth justice system, not just custody. Taking this broader view was important given that only around 6% of all children who come into contact with the Youth Justice Agency enter custody. The average daily population of the Juvenile Justice Centre has decreased over recent years and stood at 11 in the last NISRA published statistics covering 2020-21.

The youth justice system refers to all parts of the criminal justice system that interacts with children. This includes the Police Service of Northern Ireland (PSNI), the Public Prosecution Service (PPS), the Youth Justice Agency (YJA) and the Northern Ireland Courts and Tribunals Service (NICTS).

The research was supported with data from YJA, PSNI and PPS. It also involved interviews with organisations involved in the youth justice system, the Judiciary, the legal profession and other stakeholders, including children’s rights organisations.

The researchers conclude that males and older children are over-represented in the youth justice system. Given gaps in population and system specific data, though, they have indicated that it is not possible to conclude whether there is over-representation of other children.

More complete data were available from the Youth Justice Agency and from this, it was possible for the researchers to reach the following conclusions:

- there are more children from a catholic community background in the youth justice system than would be expected based on their share of the population;
- given that YJA is a 'receiving' Agency, which works primarily with children referred by other agencies, it is not possible to establish from YJA data alone why this might be the case and why a higher proportion of these children are entering the system in the first place;
- once known to YJA, children from a catholic community background are no more likely to receive further referrals to YJA's community-based services than children from a protestant community background;
- children admitted to custody were identified, in professional assessments undertaken by YJA, as having higher levels and a broader spectrum of need;
- there are more children from a catholic community background in custody but once evidence on levels of individual need is taken into account, community background loses statistical significance in determining the likelihood of a child entering custody;
- there are more care experienced children in custody than would be expected based on their prevalence in the general population; and
- substance misuse is a significant factor in the number of repeat referrals to YJA and for children in custody.

The issue of differential representation of children in a secure setting is not unique to Justice. I understand that the proportion of children from a catholic community background referred to both Woodlands Juvenile Justice Centre and Lakewood Secure Care Centre (a regional social care facility) are very similar, with the most recent figure for Lakewood indicating that 67% of children referred to the Regional Multi-Agency Secure Panel for entry to Lakewood identified as being from a catholic community background.

This emphasises that this isn't only an issue for the Justice system and that deprivation is highly likely to be an underlying feature in both cases. In terms of the research report on youth justice, the researchers found a high correlation between referrals to the Youth Justice Agency and deprivation: "on average, children who received a community referral to the YJA or had been admitted to custody tended to reside in areas ranking higher on measures of multiple deprivation. Over half resided in the top 30% of most deprived areas." A similar analysis of the children's social care system in 2019/20 showed that 41% of the children who had been taken into care came from the 20% most deprived areas within Northern Ireland. By contrast, only 6% of children taken into care came from the least deprived areas.

To address the issues identified in the research report fully, we have to deal with the causes of differential representation of children in the justice system, namely the deprivation-linked vulnerabilities that lead to offending behaviour in children. Justice alone cannot address those vulnerabilities and I have written to the Communities, Health and Education Ministers to make them aware of the research and its findings and seek support for appropriate action from their Departments.

I have already initiated action to address those issues identified in the report that I can directly influence. In March this year, I published a Strategic Framework for Youth Justice. Key aims of the Framework include:

- exiting children from the criminal justice system as early as possible;
- making additional improvements to services for children who are in the system; and
- reducing further the number of children entering custody.

With the support of partners, we have made significant inroads into addressing offending behaviour by children in recent years and this has resulted in a considerable reduction in the number of children entering the formal criminal justice system. Over the last decade, there's been a reduction of over 50% in the number of children entering the justice system for the first time for offending behaviour and an almost 60% reduction in the number of children dealt with by youth courts. Work, such as that led by the Youth Justice Agency, on earlier stage diversion and joint initiatives between my Department, PSNI and PPS have all greatly contributed to this positive picture. Through the Strategic Framework, I want to build on this excellent progress.

The number of children entering custody has also fallen sharply, reducing by nearly 50% in the last ten years. We can still go further. Custody should always be a last resort and I am planning to bring forward primary legislation within the current mandate to reinforce this position by reforming bail and remand arrangements for children.

While a lot has been achieved, the research published today reminds us that there is still much more to do both in Justice and other areas of public policy.

I am committed to do all I can to deliver a youth justice system that benefits all children by ensuring that:

- fewer children come into the youth justice system in the first place;
- more of those who do are exited from the system as early as possible; and
- those children who need to be in the system continue to be given the right support to build a better future.

The Regional Care and Justice Campus Programme I am jointly leading with the Health Minister will play an important role in improving support for the children in greatest need, particularly those in custody or in secure care. The programme will also play a particularly important role in reducing the number of care experienced children in the Justice system.

This is an important example of the kind of partnership working needed to help transform the lives of children in need. Children in contact with the justice system are children first with a wide variety of needs that cannot be met by one Agency or one Department alone. The research published today highlights that point very clearly.

The different, independent parts of the Justice system will also need to consider the research findings carefully and take action to address the important challenges

raised. I have shared the research reports with the Chief Constable, the Northern Ireland Policing Board, the Director of Public Prosecutions and the Lady Chief Justice.

I am fully committed to playing my role to deliver further improvements in the youth justice system for the benefit of all children and to work in partnership with others to address the underlying vulnerabilities that lead to offending behaviour in children.