



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Review of Youth Justice

31 May 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Sydney Anderson
Mr Tom Elliott
Mr Alban Maginness
Ms Jennifer McCann
Mr Patsy McGlone
Mr Peter Weir

Witnesses:

Mr Brian Grzymek	Department of Justice
Mr Tony Kavanagh	Department of Justice

The Deputy Chairperson: I welcome Brian Grzymek, deputy director of the reducing offending unit; and Tony Kavanagh, head of the Youth Justice Agency. I will leave it to you to give your presentation, and then there will be questions from Committee members. Over to you, Brian.

Mr Brian Grzymek (Department of Justice): Thank you very much, Chairman.

The Deputy Chairperson: I just want to inform you — I know that you heard this when you came in — that this session will be reported by Hansard.

Mr Grzymek: That is fine. First, I should say that I am grateful to the Committee for this opportunity to present a summary of the responses to the youth justice review and to provide some clarification on the process, as required. I will be pleased to relay to the Minister any preliminary views that the Committee may wish to advance to him at this point, in advance of his attendance at the meeting on 28 June, at which point he will set out his proposed way forward and seek views and comments from the Committee.

The Committee played a very helpful and constructive role at the outset of this whole review process, and I welcome this further opportunity for engagement. Prior to this meeting, we had already provided the Committee with written details of the consultation process and of the views and comments received during the exercise. I am not proposing to go through those in detail today but, clearly, I can pick up any points that members wish to raise. However, I would like to say a little bit about the general consultation process and what has emerged from it.

During the consultation process, we went to considerable lengths to ensure that we received the widest possible range of views on the youth justice review report and its recommendations. Using the

Department's section 75 database and our extensive list of contacts, we built on the Minister's public announcement in September by alerting several hundred stakeholders, individuals and organisations, many with direct interest in children's issues, asking them to contribute to the consultation process. To that, we added seven public meetings across Northern Ireland and had direct contact with a number of local communities through the Housing Executive's regional housing community network. In addition, we commissioned specific work from a number of organisations: the Northern Ireland Youth Forum; Parenting Northern Ireland; and, to get the views of older people in the Province, the Age Sector Platform. On top of that, we produced a children's version of the consultation documents to ensure that that key group had the best opportunity to access the report and its recommendations and to make their own comments.

Finally, we responded flexibly to requests to extend the closure date, which came from a number of organisations that required more time to comment. We added several weeks to the consultation process.

Overall, I think that we were generally pleased with the number and quality of responses received. If you look at the individual responses, you will find that they fill two lever-arch folders. So, in respect of the number and quality of responses, it was a genuine and real exercise.

Looking at the responses, our analysis shows that the report was broadly welcomed by virtually all those who responded and that there was little evidence of outright rejection of any of the recommendations. There was much positivity around the need for joined-up working, in justice and beyond; the importance of early intervention and effective diversion; the need for better relationships and communication with young people at all levels; and the need for greater efficiency, particularly in areas such as tackling delay. There were suggestions about how we might improve some of the individual processes in justice. There were also suggestions about enhanced training for professionals in the system to ensure that they are better able to cope with the particular needs of young people.

The need for greater articulation of children's rights in line with international law and standards was also mentioned, and I remind members that that was one of the elements of the review group's remit.

As you would expect, some of the responses, while positive in tone, suggested that the review could have gone further in some areas. Some of the main caveats revolved around individual recommendations not going quite far enough. There was some suggestion that some recommendations perhaps could have covered the ground more fully.

Some commented that some proposals may not work out as the review team envisaged and that alternative approaches could have been more effective. An example of that is the significant majority who thought that, while improving collaborative machinery at ministerial level was essential, effective co-operation could only be assured by making it a statutory duty. Others, as we say in our paper, felt that some key issues, such as the demonisation of children, the use of anti-social behaviour orders (ASBOs) and certain police tactics should have been included in the report's recommendations.

The review team acknowledged that its report could not cover everything in the time available, but it had a free hand, and, as respected experts in their field, its members covered the ground that they and many others whom they met regarded as the key areas to be covered at this point. In doing so, the team provided us with a substantial agenda to take forward in the youth justice field, and that is what we will focus on in the future.

That is not the only front that we are working on, and the youth justice review is not the only area focusing on youth matters. Along with other initiatives such as the community safety strategy, we are, as the Committee knows, developing a wider and very ambitious strategic framework for reducing offending that will embrace all aspects of our work from early intervention and prevention through to reintegration and rehabilitation of offenders. So, in some ways, you have to see what is coming out of the youth justice review as part of a broader strategic approach that is being developed in the Department to cover a wide range of services.

The public consultation on the reducing offending initiative will be launched very shortly on, I think, 12 June, and, as you know, the prison reforms and the access to justice strategy are moving along in parallel. More widely, we are playing our part in supporting the Executive's Delivering Social Change approach, which will aim to give the right strategic direction and impetus to tackling some of the big cross-cutting issues facing our society. Areas such as early intervention, which is very important for youth justice, child poverty, worklessness and the 10-year children's strategy all fit into the broader

Delivering Social Change agenda. Improvements across those and many other aspects of what we do is assured through the work of Criminal Justice Inspection Northern Ireland (CJINI) and others, who oversee and regulate our activities.

It is easy to forget that the process of reform in youth justice has been going on for some years. The report highlighted that Northern Ireland has a number of exemplars of outstanding practice in this area, and that fact was acknowledged by the review team. So we clearly have a lot to be proud of. Having said that, the review team's report clearly points out that there is much more to be done, and our interest is in how we take that agenda forward so that we can provide a high-quality youth justice service into the 21st century.

Finally, I should note that all the responses to the consultation have, today, to coincide with this meeting, been published on the Department of Justice (DOJ) website. So they are available to members, if they want to access them online, and, indeed, the general public. That covers my initial ground. I am very happy to take any comments or questions.

The Deputy Chairperson: Thank you very much, Brian.

Mr Weir: Thank you for your presentation. The responses show that some aspects of this are controversial and some less so. One area where there is controversy is the age of criminal responsibility. However, everybody's views are fairly well staked out on that, and there may not be much point in spending much time on that today.

I want to cover one area of the consultation and the recommendations arising out of it. There is a concern that there are obvious sensitivities around some controversial issues. On some issues, there may be a broad consensus that the recommendations need to move ahead and a concern that the process that we have does not impede or slow that down. I want to touch specifically on the consultation recommendation 16, which concerns the issue of young offenders' centre and Woodlands, which is in my constituency. On the timescale, the recommendations included a target date for all young offenders to be held in Woodlands by April 2012, which has now passed. Will you update us on where we are with that? How many are left in the young offenders' centre and what provision is being made for them?

Mr Grzymek: Certainly. I am here to talk to you about the consultation and I am conscious that the Minister is coming to give you his political response —

Mr Weir: I appreciate that, but it is important to get a snapshot of where we are on an issue like that.

Mr Grzymek: Absolutely. I just thought that it was important that I made clear what I can and cannot say at the moment. That said, I think that it is fair to say that on a good number of the recommendations after the review, we are not treading water pending the outcome of the recommendations. A number of them are not particularly controversial. In some areas, the review recommendation picked up on and supported work that was beginning or being planned. In such areas, work has been continuing. I suspect that when the Minister talks to you at the end of June, he will give some illustrations of quite a lot of substantial work that has taken place since the review report.

On the issue of juveniles in Hydebank Wood and the move to get Woodlands as the default centre; first, forgive me for correcting you slightly: the 24 April suggestion was in the CJINI report, not the youth justice review, which recommended the change be completed within 18 months of the report's publication.

Mr Weir: Sorry; yes, I should have mentioned that.

Mr Grzymek: That will bring us into early 2013. Nevertheless, a high-level group in the Department has been working since before the review started to substantially tackle the number in Hydebank Wood. We have got to the point now, where I think that there are two —

Mr Tony Kavanagh (Department of Justice): There are three as of today.

Mr Grzymek: There are, as of today, three youngsters in Hydebank Wood. If you look back a couple of years, there were 15 to 20. Through administrative mechanisms, for all intents and purposes, we have been treating the juvenile justice centre as a default mechanism.

That has brought about the situation where the juvenile justice centre at Woodlands, which would previously have had a small number of 17-year-olds, now numbers about half of its population as aged 17 to 18. So there has been a substantial move in that direction. We are not there yet, and I suspect that the Minister may say much more about that when he speaks to you at the end of June.

Mr Weir: I appreciate that there is some blurring of the lines between the consultation and implementation sides of this. You mentioned the desire to ensure that there was no treading water. I noticed that one of the concerns raised about recommendation 16 was to ensure that what is in place for Woodlands is fit for purpose so that the transfer of the last young offenders will not disrupt the Woodlands regime. What action was taken to ensure that there was no treading of water? We are clearly in transition. Is somebody in the Department, in effect, responsible for ensuring that that transition runs smoothly?

Mr Grzymek: I will start this answer and my colleague Tony will say more about it. As I said, a high-level group brought together all the interested parties — the Youth Justice Agency, the Department, the Prison Service, the Probation Board and a few other groups. That high-level group has been meeting regularly for a couple of years, with the aim of changing the dynamic of where the youngsters are going. Alongside that, as the numbers have changed, the Youth Justice Agency has been looking at its provision in the juvenile justice centre. Clearly, the nature of what is provided will relate to the population of the centre as it develops. I know that the agency has been doing work in that area, but Tony will say a bit more about that.

Mr Kavanagh: Over the past while, we have been taking this steadily to ensure that the single centre that we have, Woodlands, can manage the transition. The director there, in particular, has been working on what regime arrangements need to be in place for this older age group, which now constitutes at least half, maybe more than half, of the population. So there is a significant shift in what they are dealing with, and they have been rebalancing some of their work on providing education and training. In addition to that, they are dealing with different sentences. Previously, the juvenile justice centre would have taken only juvenile justice centre orders. Now, it is getting some longer orders and some shorter orders, and it is dealing with the young offenders' centre (YOC) and, indeed, some public protection orders as well, all of which requires it to look very carefully at how it manages those individuals and groups.

Mr Grzymek: One of the advantages of the approach that has been taken, which has been for incremental rather than revolutionary change, is that it has allowed more time to understand some of the issues that come up as the age profile of the centre changes. Clearly, the balance between education and vocational training and support is one of the issues that is being looked at very carefully.

(The Chairperson [Mr Frew] in the Chair)

The Chairperson: Apologies for being late. I thank the Deputy Chairman for getting the meeting started. We are shortlisting at a school that I am on the board of governors for. That began this morning and I needed to be there to finish the process; that is why I was late.

Mr McGlone: Thanks very much, gentlemen, for coming along and being with us today. Recommendation 20 deals with the rehabilitation and reintegration issue, which is extremely important for those of us who want to see people reintegrated into society and trying to make good their life. Would you say that it is a wee bit disappointing that there appears to be only one recommendation on that issue? Could you expand on what is your thinking is there, please?

Could you give us some clarity around the education and library boards and the support they provide for young people on their exit from the juvenile justice centre at Woodlands? I know that issue was raised as an outstanding challenge by Criminal Justice Inspection in 2011, so could you give us some detail around that, please?

Mr Grzymek: Whereas the youth justice review focuses very much on the rehabilitation of juveniles, there is a much broader piece of work in the Department on rehabilitation much more generally, which

is very much about reducing offending. Some people around the table will be aware that the Minister has been having bilateral meetings with a range of his colleagues to talk about how our Departments can work more effectively together to ensure that we get the right outcomes. The Minister's reducing offending approach, which was launched a couple of weeks ago for consultation, is one of the cornerstones of that.

In essence, within the Department, we need to do what we can to ensure that, whether it is youngsters coming out from the juvenile justice centre or people coming from prison, any issues they have had by way of deficits have been addressed, to the degree they can be, so that they are equipped and enabled to re-enter society and, hopefully, get themselves a place within it. That means that the Department of Justice has to do the right thing when people are in custody. However, it is also important that we have the right linkages, not just to education but to housing, social welfare, employment, training, etc. All of those things are going to be part of a successful life. So, although I think the youth justice review probably could have said more, it is fair to say that we shared our early documentation on our reducing offending initiative, and, to some degree, that influenced their thinking. I do not see that as a negative; I think, to a very real degree, the justice review team saw what they were doing as dovetailing with the broader approach that the Department was taking.

Mr McGlone: For clarity, when will the Minister be making an announcement on that cross-departmental work?

Mr Grzymek: He will be issuing a consultation document on reducing offending. That looks both at what the Department does and trails what we need to do more broadly. In practice, the Minister clearly has levers when it comes to the Department of Justice, but he cannot tell other Departments or Ministers what to do. What he can do is talk to them and influence their thinking. In fairness to all the Ministers he has spoken to, he got a very positive response from them.

It is very clear to see that what the Minister is trying to do by way of a cross-cutting approach to reducing offending actually fits very well with what the Department of Health is doing on public health, what the Department for Employment and Learning (DEL) is doing with the NEETs strategy and what the Department for Social Development (DSD) is doing to build communities. There are quite a lot of potential linkages, and what I think David Ford wants to do is to make sure that we have a greater alignment of strategies across government, because that is where the real gains will come in terms of reducing offending. I hope that that answers your second point as well. Tony, do you want to say a bit specifically about education and library boards?

Mr Kavanagh: I think it goes back to the point that Mr Weir raised about the dates in respect of the population within Woodlands. Clearly, as we finally begin to move everyone of that age from Hydebank Wood to Woodlands, the age profile has increased. In fact, now, and, I imagine, going forward, we will see many young people in there who are actually beyond school age, typically now being 16 or 17. There is a particular challenge: how you, instead of linking them into school, which they have gone past, link them to other forms of education or training.

Mr McGlone: That seems to be a wish. I am trying to establish what is being done at the moment. We are looking ahead to that, but I am not hearing what is being done at the moment, or even what thinking is being done at the moment to set in place that process, which, I would have thought, would be common sense.

Mr Kavanagh: It is. Fundamentally, as we go back to the way that the juvenile justice centre order is structured, it is structured as they appear in custody, followed by a period of supervision in the community. Part of what that period in the community is used for is to engage, as Brian has said, with all of the other services that that child requires. That is managed by both the Probation Board and the Youth Justice Agency. There are lots of things being done, particularly focusing on young people coming out of custody. For those who need particular assistance, we support the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) employability scheme, looking at how we engage young people in future training, education and anything else that might help them to make a better fist of getting into work.

Mr McGlone: I am trying to tie something down here, and I am not too sure I am hearing, with clarity, the expectation that I have. Criminal Justice Inspection highlighted an issue in regard to Woodlands. What I am trying to elicit is — on foot of an issue being highlighted — what has been done about it?

Mr Kavanagh: Sorry; I thought I had explained that, but I obviously have not.

Mr McGlone: I am hearing something with less clarity than I expected. I am not hearing the specifics as to what has been done about the issue that was highlighted. What specifically has been done? I am hearing that the Probation Board may be doing this, that and the other. Maybe I have bounced you with it, and we could get some written clarity, if that would be useful.

Mr Kavanagh: I am happy to do that. It is clearly regarded, certainly by Woodlands, as a very important aspect of what it does. The planning for them going out is begun at the point that they come in on sentence. That is what happens. Depending on their age, there are arrangements to connect them back into school and education, and there are arrangements to connect them to other work and other things that might help them to move on. It is recognised — you are right to point it out — that it is a particularly risky point. We know that the highest risk of reoffending comes from that group that have been through custody, because often offending has been a way of life for them for quite a long time.

There is quite a lot of work that goes into connecting them to services that they need. We know, for example, that the Department for Employment and Learning provides services, and employment services from that Department visit the centre on regular basis to try to provide information and background to what children and young people can do. So, there are a lot of pointers and connections, and a lot of work is done with, in many cases, young people from the care system and directly with social services in preparation for their release. There is no one specific scheme that does that, and, because of the numbers that we have, we are able to work with individuals to meet their specific needs. It is sometimes about a training course, and sometimes it branches out to accommodation that allows them to have at least some stability in their lives even before we get to the training.

Mr Grzymek: I think you are asking whether the education and library boards actively work with us to make sure that youngsters coming out of custody link back into the education system. Is that right?

Mr McGlone: I expect that they do. An issue was raised by the Criminal Justice Inspection in 2011, and I am trying to establish, on foot of that issue, what has been done to enhance the situation, which was not as good as it might have been. We need more specifics.

Mr Grzymek: We are happy to write to you on that. Quite apart from what Tony said, the Department set up a learning and skills forum with the Department of Education, the Prison Service and the Youth Justice Agency specifically to get to those agencies and to make sure that information about individuals was being exchanged appropriately so that we minimise the risk of people falling between stools when they move from one area to another. That group met a number of times, and, as a consequence, there was much better information sharing to make sure that that sort of issue did not arise. That is also a factor.

Mr McCartney: I have a couple of questions. Recommendation 4c is about:

"developing an appropriate skills package for all officers on engaging with children and young people"

That is vague and open to interpretation. How will those recommendations be actioned?

Mr Grzymek: A fair bit of work has been done outside the review on that area. I am conscious that the Minister still has to tell you what recommendations he will take forward, but we looked at the responses, and we got agreements and disagreements on what was being recommended in some areas. We are also conscious that separate work has been taken forward in the Police Service. Tony, do you want to say anything more on that? I cannot find the relevant paperwork.

Mr Kavanagh: I worked with the review team when it was here, and we met the police on numerous occasions. It was clear that the police understood the issue and were conscious of the need to improve that relationship. In fact, they introduced pilot work on training and used Include Youth in north Belfast to see how they might better engage with young people. That has emerged from the Policing Board's thematic review on policing with young people. So, the police are conscious of the training that is required and have piloted and run some aspects of it, and the Policing Board has taken an interest in that as well. We are not at the implementation stage yet, but it has been in hand for some time.

Mr McCartney: I accept that. There needs to be some sort of pointer towards what will arise from this, because the report set out to deal with the issue in its broadest form, and there are references to other bodies that are carrying out work. If we assume that they are doing that and they do not do it in the detail expected by the review, you cannot then say that we were let down by the PSNI's thematic report or the Criminal Justice Inspection's work on ASBOs. The review should have given clarity to those issues rather than having almost a reference point that says that the PSNI will deal with one end of it. If the PSNI does not do so, there will be a gap that we will have to fill some time in the future.

Mr Grzymek: I think it is fair to say that to try to carry out a review such as this and to cover every aspect of every issue in the detail that everyone wants will always be a challenge. The team tried to set an agenda to take this forward. I think that this is a direction of travel rather than the end of the road, in so far as I am not sure that the review will answer all the questions and address all the issues about youth justice. However, what it will do is take us in the right direction.

When the Minister comes here, I am sure that he will talk about developing an implementation plan. That plan will implement the accepted recommendations from the review. There are other bits of working going on, and the Minister might look at those to see how they fit into the overall development and potentially use them as an opportunity to address the issues that were highlighted. So, I think that there is room for manoeuvre. I do not think that we want to hold up the review on the basis that it did not cover everything that could have been covered. There is no reason why an implementation plan could not refer to such parallel work and, thereafter, keep an eye on that as part of any general monitoring process. That perhaps answered your point. The Minister and the Department are interested in trying to get a coherent approach. If other bits of work are filling the gaps in certain areas, as opposed to the review itself, there should be scope to fold those into any implementation approach.

Mr McCartney: That might come with the recommendations. I accept that there is an implementation plan. It is fine, in one sense, to say that there is parallel work. However, if we do not see that linkage, we will not make an assumption that this has been covered elsewhere, because, in a year's time, we might find out that it has not been done to the standard —

Mr Grzymek: I am sure that, if we said in an implementation plan that this were covered somewhere else, you would obviously ask, "Where?" So, I am sure that any implementation plan would signpost what other bit of work was going on and would say what we expect to come from it. I think that perhaps answers your question.

Mr Kavanagh: Of course, the Chief Constable and the Policing Board have a say in those particular recommendations. The relationship with the Minister is —

Mr McCartney: I understand that. However, the Chief Constable would not appear in front of the Committee in relation to that piece of work, and we would not expect him to. So, we have to have something from you that says, "We were asked to do something. It has now been done, and here is how it was done" rather than, "We were asked to do something. We think that the Criminal Justice Inspection will cover one part, and the PSNI will cover the other part." We need linkage, and we need it to be definite.

Mr Grzymek: I think that that is a fair point. I suppose that you would not bring the Chief Constable here. Equally, the Minister is not responsible for the operational responsibilities of the Chief Constable, so I am not sure that he can require him to take operational decisions. However, what the Minister can certainly do is signal to the Chief Constable the direction of travel for this and ask him what is happening in his area. Having done that, he can reasonably seek advice on how that is going forward.

Mr McCartney: In the context of recommendation 4c, we have to satisfy ourselves that someone is saying to the review and to the wider Justice Department that there is a package for officers to get the appropriate skills to engage with young people. That is what I am saying. So, we need to see that linkage, and then we can link into it.

Mr Grzymek: Absolutely. That is an important recommendation. Clearly, the Minister wants the system to work in a way that facilitates youngsters getting the appropriate sort of response from any part of the justice system, and the police are certainly part of that system.

Mr Elliott: Thank you for the presentation. Brian, you mentioned earlier the broader strategic approach that the Department is taking. I assume that the two are going to be definitively linked in some way, because you cannot have this review and its implementation sitting in isolation from a broader strategic approach. What is the link between the two?

Mr Grzymek: The Minister has been talking about what he is aiming for when it comes to reducing offending. In some ways, he sees that very much as a strategic framework. In other words, the Minister recognises that there are a number of major areas of strategy being developed in the Department, whether it is in the area of youth justice, the community safety strategy on Owers or others. He is seeing that the framework gives an overarching strategic approach into which the various strategies can dock. In other words, the Minister's aim and objective is to work in the Department and beyond to reduce offending, which ultimately reduces crime and reduces the number of victims. To do that, we need a number of different strategic approaches. The framework makes sure that the different strategic elements are all going with the grain and are complementary, so that each one supports the other rather than running counter to each other. That is really the answer. The strategic framework is not meant to put aside any of those strategies, but they operate as part of the wider picture. So, it gives an overarching framework within which they exist.

Mr Elliott: Would it not have been more sensible to have the overarching strategy first and then have the various strands fit that into it? Sometimes, it is more difficult to have an overarching strategy once you have the individual strands.

Mr Grzymek: The dilemma there is whether you can get the whole justice system to stop and start from scratch. The reality is that, at any one time, there are different strategies at different stages of development. It is hard to stop and start everything from the beginning.

The aim of the framework is to make sure that we get all those different strategies that are either there or are in development to work in a complementary manner. Once we have the framework, we can deal with duplications that we find, and, if there are gaps between strategic elements, they will come into sharp relief. So, the aim of the framework is really to help us orchestrate what is happening.

Of course, that is focusing on justice, but if it is going to be really effective, we also have to have an important strand that deals with how we link with other Departments. If we are going to reduce offending, it is not just a matter of us addressing people who are offenders. If we look at the offending population in prison, we see that many of them are quite vulnerable individuals who have poor literacy or numeracy skills, a number will have mental health issues and a number will come from difficult backgrounds. So, to some degree, if we are going to address the problem, it is not just a question of what we do in justice, it is also about how the government operates to ensure that the right thing is done at the right time. Hopefully, the outcome of that will be more people being put onto trajectories that mean they avoid coming into the justice system at all.

Mr Elliott: OK.

I have a follow-up question to Mr McGlone's point about the reintegration of offenders. I can appreciate where he was coming from because it almost sounded as though there is an ad hoc approach. Only when I delved down did it appear that there were more specifics where you indicate that you are working with individuals to meet individual needs as opposed to taking that ad hoc or broad-based approach. How big a role did the individual statutory agencies or voluntary organisations play in that? Mr McGlone asked about the education boards, but I am thinking about the Probation Board and all the other agencies and organisations that have the opportunity. How well do you utilise them and how well does that work?

Mr Grzymek: It is fair to say that they are absolutely critical to the process and are full partners in what we do. Before I go into any more detail, I do not know about the individual approach that you mentioned. It is quite useful to remember that in England there are about 2,500 youngsters in custody. A number of years ago, the number was 4,000. Do you have the figure for Northern Ireland?

Mr Kavanagh: It is in the twenties.

Mr Grzymek: So, the numbers in Northern Ireland are quite manageable from the point of view of trying to build individual responses. Those youngsters who come into custody do not do so very

readily. Clearly, it is not a good solution to drag youngsters further into the justice system. Those who do come into custody will be the more difficult cases and those who have been persistent or very serious offenders. It is a small number. They are quite hard to deal with, and we certainly would build individual responses to see how best we can manage them.

Mr Elliott: I know it is always open for improvement, but are you saying that, at the moment, it is working reasonably well, or has it a long way to go?

Mr Kavanagh: If I said it was working reasonably well, as a Justice Committee, you would tell me to look at the levels of reoffending, which may be 70% or 80% for youngsters in custody in Northern Ireland. Those figures are unacceptable. We certainly have to do better, but they are probably the most difficult youngsters to deal with in the justice system. They will be the youngsters who, in some cases, have got very serious problems or issues. There is clearly more that we can do. The youth justice review points to the fact that we need to do more, and I think the Department accepts that we need to work more intelligently and more effectively with other Departments. There is scope for us to work in a more joined-up way with other Departments to produce better outcomes, but it is not an easy task, and I cannot pretend that we will massively succeed.

Mr Elliott: I appreciate your honesty.

Ms J McCann: Thank you. You are very welcome. I want to ask a question around the early intervention. There was a recommendation about an early intervention unit, or was it an early intervention and prevention unit? I am not quite sure.

Mr Kavanagh: Yes, it is one of the recommendations.

Ms J McCann: I see that some people have disagreed with that, and said that a separate unit would not have a holistic approach from government. I know that early intervention is one of the key policy issues that are being driven at the moment. Will you expand on that? Do you see that early intervention unit as a unit that will deal specifically with youth justice, or is it early intervention right across the board? What way do you see that working?

Mr Grzymek: Perhaps I will start with that and talk about the strategic issues. Because of my position, I deal with the whole area of reducing offending, and early intervention is an important part of that. Perhaps I will set the ground a bit and then Tony will fill in more details. On early intervention, the review team has given a generic title. I notice that some of the responses raised questions about the definition of early intervention, and, in the Department, we have been doing quite a bit of thinking about that. Early intervention tends to be a bit of a catch-all definition. I think it is fair to say that early intervention can apply from infancy or birth right through to what we might call early-stage engagement with youngsters on the margins of the justice system. Clearly, the justice system is not geared to start dealing with parenting issues around five-year-olds. The Department has to focus on justice, and then, perhaps through community safety, we stretch into some of those diversionary areas on the margins of justice, where you have youngsters who are perhaps throwing up some antisocial behaviour issues. There are areas like that on which justice may well have a focus, but the broader gains in early intervention, which are reflected in some of the comments from the respondents, are about what happens well before a youngster is anywhere near the justice system. That is really about looking at developmental needs, dealing with deficits in education or parenting, and sometimes other issues as well.

In the Department's approach to early intervention, what we are doing is looking at specific aspects of early intervention very broadly in terms of reducing offending initiatives. In that area, we are actually seeing things like the Children and Young People's Strategic Partnership approach as a key element of a solution. At this stage, the Minister has to give a response to that suggestion about an early intervention unit; however, I cannot say how the Minister will say that will go. There are issues there about early intervention, which is early-stage intervention, with people on the margins of justice, and there are broader issues about early intervention that, really, are in the bailiwick of other Departments. In that area, I think it may well be more about working effectively with other Departments to build a shared approach.

Mr Kavanagh: As far as the views that people have expressed about the particular recommendation are concerned, by and large, people broadly accepted the need for joined-up working at governmental and ministerial levels. However, some raised concerns or doubts about how that might work in

practice. I suppose, for us, and everyone around the table, it can sometimes be difficult to make partnership work in a way that is truly effective so that things are really joined up and going in the right direction.

When the review team was here, it looked at how things had gone before and found that the results that people wanted had not always been delivered. That was a particular concern — that you might just set up a layer of bureaucracy that does not make a difference. Through the Delivering Social Change structures that the Executive are developing, there is now a programme board comprising senior officials, and there is potential for something like this unit, although that has not been fully described yet.

Ms J McCann: You are right: things have been put in place before that have not worked. Early intervention is a new concept, but it has been proven to work in other places. I think it is a very good way to go forward, but do you see that as an early intervention unit within the Executive, and will it be resourced? Will it not only prevent young people from becoming involved in crime, but act as an early intervention unit across health and education in developing other aspects of a young person's life?

Mr Grzymek: You raised a lot of very interesting points, but I am not going to give you a very easy answer. Your analysis is quite close to the Minister's reducing offending approach, a key component of which is how a government works effectively to provide the right services at the right time to very vulnerable people, some of whom will go on to commit crime while many will live very unhealthy lives. It fits into other strategies, such as the Health Department's public health strategy. I cannot say whether it is the Minister's view that we actually need a unit. More broadly, the Minister has been reluctant to encourage the creation of lots more bureaucratic approaches. He wants to see some effective structures. If some existing structure or structures can do the job and deliver what is required without creating new bureaucracy, that is his preference. Clearly, however, I cannot say how he is going to jump on this or on any of the recommendations.

Ms J McCann: I want to ask about recommendation 4, which is to do with policing. It commends the PSNI policy on policing children, but it does not go on to examine how that works in practice and it does not make any recommendations on any issues that might arise from that. How will you deal with that?

Mr Grzymek: For the purposes of this exercise, the Department, and, for that matter, the Minister, have to take the review recommendations on the basis of what the review has actually found. Clearly, there may well be other issues here or elsewhere that could benefit from further and more detailed consideration.

When he comes to speak to you on 28 June, the Minister will focus mainly on what the review has identified. On this issue, you are quite right: if the review team had chosen to spend more time, it could have come up with a much fuller list of recommendations. To some degree, the Minister has to work with what he has at this time.

That having been said, as I said earlier, there are a number of other items of work that are going ahead, and, of course, the Policing Board has a direct interest in how the police work with others. There are other mechanisms through which we can move this forward. I am not trying to evade the question; it is just that the report did not cover it in detail, so it is very hard for me to respond.

Ms J McCann: I feel that what Raymond said is right. If it is not part of this, how do you scrutinise it and ensure that it happens?

Mr S Anderson: Thank you, gentlemen. I will touch on recommendation 10, which is about building on youth conferencing. How do you hope to build on that from the perspective of the victim? You mentioned antisocial behaviour and so on, and, if groups of young people break the window of a very elderly person's home, that can be very traumatising for the victim. How do you hope to get the person who has been traumatised by such an incident to work with the agencies and the perpetrator? It can be very stressful. How do you hope to build on that and bring that together? Using that system, how do repeat offenders fit into the scenario?

Mr Grzymek: I will start off, and Tony can cover the detail. The youth conferencing scheme in Northern Ireland has been independently evaluated and has been looked at in great detail by a number of interested people locally, including CJINI, and nationally, and it has been generally held up as a very good model of restorative practice in so far as it has a high level of engagement with victims.

The victims who become involved indicate a very high degree of satisfaction with the process. That does not happen by accident.

Youth conferencing is not the cheapest option in so far as quite a lot of preparation goes into the youth conference. That preparation is not just about talking to the offender; it is about talking to the victim. We give victims an understanding of what it is about and make sure that they are happy that the process will be in a safe and secure environment where they will be treated with respect. The preparation deals with all that. So, the conference is on the back of quite a big bit of work.

The evidence from those who go through one or two conferences is that it is quite a traumatic experience for the offender rather than for the victim, and most victims come out feeling assured by the process. That is the plus side. The truth is that youth conferencing and restorative practices are not the magic bullet to solve all ills. Some people go through a number of conferences, and there is probably a diminishing margin of return. They are not a universal solution to all problems. They work well, particularly for people who have not offended or have only offended an odd time. Some people will become habitual offenders, and, in all probability, a youth conference will not be the solution for them. It is important to use it appropriately.

Mr S Anderson: Would you not go down that road with the repeat offender?

Mr Grzymek: When the review team looked at this, it felt that some people were getting multiple conferences and there were diminishing returns. I am not saying that it is never appropriate, but you have to make sure that you have a proportionate response. It is one of a number of tools and disposals available, and it is important that we use it appropriately. That is what the Committee wants.

Mr S Anderson: How much weight is given to the opinion of the victim?

Mr Grzymek: The victim is very much part of the process before and, indeed, after the conference, and we get a fair degree of assurance for the victim. I know that, in the media, you get a sense of outraged victims, but, quite often, victims who go to the conferences do not have any bad feeling towards the youngster. They feel that, if their participating means that a young person will get on the right road and not offend again, the ones I have spoken to are happy to invest their time.

Mr S Anderson: So, the views of the victim at the conference do carry weight?

Mr Grzymek: The victim is an important part of the conference, as are the police sitting around the table, social services and the parents or guardian of the youngster. I do not know if many members have attended a youth conference, but I know that the Youth Justice Agency has invited you in the past.

Mr S Anderson: I attended a mock one.

Mr Grzymek: A lot of effort goes into the process. Certainly, a fair bit of evidence is building up that it is having a beneficial effect. That does not necessarily mean that it will always work, but at the same time it has been generally —

Mr S Anderson: A lot of time and effort would have to be put into it, I agree, to get the successful outcome.

Mr Grzymek: There is quite a lot of evidence that, when youngsters get pulled further into the justice system, the likelihood of them coming out and stopping offending reduces. If you can head them off before they get brought too far into the system, we get a better outcome for society than if someone gets right into the system, because youngsters who have been very deeply engaged in the justice system present more difficult cases. So, if we can get youngsters to reform or change their approach or behaviours at an early stage, there is a real benefit to society.

Mr S Anderson: What is the earliest age at which you would bring them into a conference?

Mr Grzymek: I have done all the talking; I apologise to Tony.

It is a youth conference, so it is for under-18s. We are talking to the Probation Board and others; I think the Probation Board may even be doing a pilot encompassing some older individuals. There is

some quite good evidence from Australia and New Zealand that, for the right individuals, conferencing works for adults as well. That is something that we might look at in the future.

Mr Kavanagh: For me, the key point about youth conferencing is that, as Brian says, it cannot work all the time, and you cannot expect every victim to be happy about what has happened or that any resolution will make them happier. But, when the system came in, in 2003, it was the first time that victims had a direct say in what was going to happen to the offender, and, in some ways, the harm would be made better. That is the critical point. The extent to which you think that victims have or have not got influence may vary, but at least now they do have influence and they have a specific right in legislation to be at a conference.

In some instances, there have been a number of quite extensively repeated conferences, but, as you pointed out, this is about victims as well, and some victims want a conference. The offender may have had several of them, but that particular victim might want a conference because they want to be able to explain what impact it has had on them and to hear what the offender has to say and have something done about what has happened.

One of the recommendations that the report made was that youth conference co-ordinators should use the discretions we have in legislation to look a bit more closely at some of those issues, just to make sure that, as a matter of course, it is not just a constant repeat, whereby, with the law of diminishing returns, you are actually getting nothing back from it.

Mr A Maginness: Could I just come in on a point that Mr Anderson made? What is the level of satisfaction among victims in relation to youth conferencing?

Mr Kavanagh: It is high; I do not have the exact figures.

Mr A Maginness: But there have been some surveys?

Mr Kavanagh: Oh yes; it is a regular measure.

Mr A Maginness: You say high; how high is high?

Mr Kavanagh: I think it is between 80% and 90%. It is one of the measures used in the annual business performance review.

Mr A Maginness: How many youth conferences take place in Northern Ireland in a year? Sorry for putting you on the spot.

Mr Kavanagh: It is about 1,000, I think. Most of them are carried out at the diversionary level. More of them are at the diversionary level rather than being a court-ordered conference.

Mr A Maginness: What strikes me from the consultation is the high level of approval of the report. There seems to be a margin of people who wanted the report to go further, but there did not seem to be much by way of disapproval. You had some open discussions in the community and I was wondering whether there was a higher level of disapproval there, among ordinary people, because, by and large, the report deals with responses from professional organisations. Can you give me any flavour of the public meetings? Was approval as high?

Mr Grzymek: We have copied to the Committee summaries of all those meetings. However, Tony actually facilitated the public meetings, so he is well placed to answer.

Mr Kavanagh: I know how people responded, and you are right: many of the meetings were attended by professionals and you pretty much know what line they will take. The most enjoyable events were those with members of the public, whose responses were not as informed, in a sense, by being involved in lots of things. They had a direct human response to some of the things that were happening. Particularly with the Housing Community Network, we often talked to people who lived in public housing in various places who had their own take on things because, from time to time, they had experienced aspects of youth crime or antisocial behaviour, and so on.

In a sense, they wanted to be hard on those who offended, but not on children. They very much saw them as children. You got a sense that, in some respects, they regarded the real culprits to be the

adults who might have influenced them. They voiced a variety of views that were different, honest and direct — such as you may expect to find as you talk to your constituents. Those views came from the direct experiences of some of the things that they had encountered. Often, they spoke about a lack of response from services that they thought would have been better. They were quite thoughtful, direct, and spoke from experience, but I did not see them as indulging hugely in the business of demonising or damning children. They relished peace and quiet in their community but often wanted quick solutions to things, in the absence of something happening.

Mr A Maginness: How many people attended those meetings? If you had a meeting at a housing estate or in a neighbourhood, would you get an average of 10, 12, how many?

Mr Kavanagh: The Housing Community Network has the figures. I cannot remember exactly, but, from sitting round the table, there seemed to be somewhere in the region of the mid-teens up to about 20; the numbers could be quite large. Some of the public meetings that we arranged in the evening were not hugely well attended. There was plenty of notice, they were publicly advertised and trailed quite extensively, but we held them in November when the weather was atrocious. From those who braved the weather, we got some good discussions and interesting views.

The Chairperson: I see that the police disagree with the 120-day statutory time limit. My recollection is that they were initially in favour, or at least sympathetic, but their comment now is that it would not be suitable in isolation of structural reform. How will you take on board the PSNI's position on that?

Mr Grzymek: The Minister will make known how he takes on board the PSNI's and any other position. For the purpose of this meeting, we looked at the split in responses to the minimum age of criminal responsibility. It is fair to say that the vast majority agreed, or did so with some caveats. Of all the respondents, I think that eight disagreed. Those obviously included individuals and organisations. A substantial minority had no comment, so it was somewhat of a mixed picture.

The Chairperson: I would expect a lot of the professional organisations that work with young people to say that 120 days is too long and it should be brought down to 12 weeks. That does not surprise me, but, of course, it requires legislation, so it is the parties that need to be convinced: just because a majority of stakeholder responses are, it does not mean that we will. On the issue of a statutory time limit, how do you envisage that, or is the Minister going to be able to elaborate on how he envisages putting in place the 120 days?

Mr Grzymek: I am sorry, Chairman. I think I have misdirected you in my answer. I misheard what you actually said. I have probably given an answer to the question on the minimum age of criminal responsibility, in terms of who did not want it. My apologies.

The Chairperson: My comment applies to both.

Mr Grzymek: Please disregard my previous answer.

On the statutory time limit, the Criminal Justice Board has clearly been working with all of the various bodies to get a fuller understanding of what their views are and how any statutory time limit could work. Clearly, that will be feeding into the Minister's line. I think the Minister has already made some statements about statutory time limits and how he sees the direction of travel. There are obviously concerns to make sure that, on one side, we do not rush justice, but, at the same time, it is also true that the time taken for progressing cases, particularly juvenile cases, in Northern Ireland is much greater than is the case in other jurisdictions, certainly in the UK.

I think it is recognised that waiting a long time for a case to come to court is much more meaningful for a young person than for an adult. I have seen cases where youngsters have gone to court and they cannot remember what the issue was because it has been delayed so much. I think there is an issue about how we manage delay. The Minister has made a commitment and is working to reduce delay. The statutory time limit is obviously a proposal on that, and all of the statutory agencies are working together to see to what degree a sensible approach can be taken to reduce the times taken to bring cases to court.

The Chairperson: I agree with all of that; it is too long, particularly in youth cases. However, their specific comment is that the:

"introduction of STLs, in isolation of structural reform of the CJ System, is a potentially dangerous and destabilising initiative; a one dimensional tool which does not deal with the issue of delay or address the need for system wide reform."

That is quite a change from the police's original position on that. Again, people are painting it as the magic bullet that is going to lead to reform, but, clearly, the police are saying that it is not and that, in isolation, it is actually dangerous.

Mr Kavanagh: I think the police's position, which others probably share, is that simply setting up a limit and saying, "That is it", just cannot work. You need to put in the hard graft of making the processes live up to it. Although the time limit may be satisfactory at 120 days, in most cases you are going to do it well before that. That is the backstop, particularly as most youth cases are dealt with in the youth court and therefore do not go through all of the complicated procedures that you would see in the Crown Court. There is no reason, in many instances, to even test that limit.

The Chairperson: Is there not an argument that greater discretion should be given to the judge to decide how long a particular case should last? On some occasions, that could be 12 weeks; on other occasions it might be longer than 120 days. Is there no mechanism that could be devised so that you would have some sort of statutory time limit, but the judge would have the discretion to set that at the start of a case? People would then be expected to meet that, and there would obviously be some sort of safety net for special circumstances. I am just worried about blanket limits.

Mr Grzymek: I think, when the Minister spoke about statutory time limits, he made it clear that the aim was not to interrupt or prevent justice from working but to get it to work better. Clearly, there could well be cases for which a time limit would be inappropriate. I am also conscious that some cases pass the 120-day mark before a judge even sees them. So, to some degree, it is about looking at how the system works across all the stages, up to and beyond when a case comes to court. That is an issue. In some ways, a judge may know that a particular case requires more time and effort. However, at the same time, it may be quite some time before the judge is even in the picture.

You quoted the police response to the report. Clearly, as Tony says, statutory time limits cannot be seen as a magic bullet. They are a mechanism to concentrate minds. The police are clearly part of the Criminal Justice Board. Certainly, they have been attending the board and are working with other agencies around the table to look at how they might do this in a sensible, manageable and meaningful way in order to get shorter turnaround times without any disbenefit.

The Chairperson: The police will carry a fair degree of weight in determining other people's minds on this.

Mr Grzymek: Absolutely. As I say, subsequent to their comment, which is obviously some months old, the police have been working to try to find a sensible solution on the way forward.

The Chairperson: There are some other issues, but I appreciate that the Minister will be coming before us. Thank you both very much; we appreciate your attendance.