



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Review of Youth Justice: Ministerial Briefing

28 June 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 Stewart Dickson
Mr Tom Elliott
Mr Seán Lynch
Mr Alban Maginness
Mr Patsy McGlone
Mr Jim Wells

Witnesses:

Mr Ford	Minister of Justice
Mr Brian Grzymek	Department of Justice
Mr Tony Kavanagh	Department of Justice
Ms Paula Jack	Youth Justice Agency

The Chairperson: I welcome the Minister, David Ford; Paula Jack, chief executive of the Youth Justice Agency; Brian Grzymek, deputy director of the reducing offending division; and Tony Kavanagh, head of the youth justice unit. The session will be recorded by Hansard and a transcript published in due course. Minister, I hand over to you.

Mr Ford (The Minister of Justice): Thanks, Chair. At least I do not have to introduce Paula, Brian and Tony. I am pleased to be here to have the opportunity to look at the youth justice review and, in particular, at how we should respond and get work under way in this important area. I have provided the Committee with a paper setting out how I am minded to proceed against each of the 31 recommendations from the youth justice review. I am here now basically to summarise the responses and, more importantly, to take the views of the Committee on the way forward. I recognise that there will inevitably be differences of approach and emphasis. However, as in other aspects of our work, I value the advice and scrutiny that the Committee can offer in helping to shape policy in this important area. We have seen some very constructive work between the Department and the Committee recently. I hope that we will be able to continue that in the coming months.

Perhaps we should look first at the process that led us to where we are. In furtherance of the Hillsborough Castle Agreement, I appointed an independent team of experts to review our youth justice system and to report its findings to me. I pay tribute to the review team's approach to the task, which culminated in a report that is balanced, thoughtful and, judging by the public consultation response, has been generally well received. I also thank all the individuals and organisations who and

which contributed to the review through dialogue or submission. I am pleased to note that our open, transparent and inclusive approach to the process produced positive engagement. Last but certainly not least, I acknowledge the important role that the Committee played in helping to shape the review, with its good and perceptive advice and guidance at the outset of the process.

On 31 May, my officials attended the Committee and gave a detailed overview of the consultation process, and the Committee has access to the full written responses. Those clearly show that the report was broadly welcomed, and although there were caveats and some comments that the review team should have gone further, there was little evidence of outright rejection of any of the recommendations. As I said, in advance of this hearing, you received a paper setting out how I am minded to proceed. My responses to the review recommendations are the result of considered and considerable deliberations, comprehensive public consultation and — forgive my use of the term — some reality-testing with many who will be charged with taking the work forward.

From the paper, you will see that I am content to accept immediately, either in practice or in principle, almost every recommendation in its entirety. That is subject to the extent to which the recommendation in question is a matter under my direct control or whether I need to work through or influence others where cross-cutting issues are involved. Let me give you examples of both.

Recommendation 16 relates to stopping the practice of detaining under-18-year-olds in Hydebank Wood Young Offenders Centre within 18 months. I know that some Committee members have taken a particular interest in this issue and, indeed, have written to me. We have been working on this for some time, and, as a result, the number in that age group in Hydebank Wood has already been reduced to low single figures. Further development of the regime at Woodlands Juvenile Justice Centre to accommodate the much older age profile of juveniles now in the centre is in hand. I intend to make the centre the sole justice location for the detention of juveniles by 1 November this year. From that date, Hydebank Wood will cease to be used for that purpose in all but the most exceptional circumstances. I thank the staff in both centres for the way in which they have worked closely together to move us to this point, a position regarding juvenile detention that is well in advance of all other jurisdictions in these islands.

In relation to delay, I have announced my intention to introduce statutory time limits, beginning with the youth justice system, as a means to make a clear and unequivocal statement that, in the interests of justice, we can no longer tolerate the absurd amount of time that some cases take. Welcomed by many in the public consultation, this measure needs to be supported by the other reforms that we are currently pursuing to make the system more responsive and more efficient. In this context, we are considering the scope for introducing a triage arrangement to improve and speed up decision-making, as recommended in the review.

Those are examples of where I am directly responsible. Some recommendations, on the other hand, require the involvement of others on a cross-cutting basis. The review team made a number of significant recommendations on joining up our overall approach to children at ministerial and strategic levels. That fits well with my wider strategic approach to reducing offending but can be delivered only by building effective collaborative structures and machinery across government. That is why we are seeking to take forward this aspect of the agenda through the Delivering Social Change framework, which now incorporates the ministerial subcommittee on children and young people. This appears to me to provide the necessary overarching approach to supporting essential engagement across all the key social policy areas that affect children's lives.

Some respondents to the public consultation argued for the cross-cutting approach to be given the force of law through the introduction of a statutory duty to co-operate. The review team did not share that view, or at least not until reformed systems had been demonstrated to work effectively. I am not sure whether such a duty would be deliverable or effective in practice. That said, I think that the possibility of a statutory duty needs to be considered in a wider context, in light of the poor outcomes for too many children in Northern Ireland — only one of which is juvenile offending.

There is little that is overly controversial in the review. Consequently, the one issue that polarises opinion — increasing the minimum age of criminal responsibility — stands out even more prominently; and, of course, it is truly cross-cutting. The public consultation indicates substantial support for an increase in the age of criminal responsibility to 12 or 14, and my views lie in that direction. There are better ways of dealing with the small number of children in that age group who offend than using the full weight of the criminal justice system. However, I recognise the strength of feeling that exists around this issue on both sides of the argument. That is why I intend to consult further with political parties, before bringing a proposal to the Executive.

Inevitably, in a review as wide-ranging as this, we received responses that took the view that some key areas, such as our approach to antisocial behaviour and the demonisation of children, particularly by the media, had been missed altogether. The review team acknowledged that it was not possible to cover everything in the time available and, therefore, judgement calls were made on what to recommend at that point. These were the priority issues as far as the review team and those it spoke to were concerned, and my view is that we should concentrate on implementing these recommendations in the first instance.

It is my intention to make an Assembly announcement regarding my decisions on the review recommendations early in the autumn. At that stage, I will also publish an implementation plan showing how and when we hope to achieve full implementation of the agreed recommendations. That document will also chart the linkages between this work and that of other relevant strategic initiatives, including the community safety strategy, speeding up justice, the overarching strategic framework for reducing offending and Delivering Social Change. In developing the implementation plan, advice and views from the Committee will be vital if we are to be realistic on what can be achieved and when. Its development will also provide an opportunity to examine the potential to extend the scope of some of the recommendations where respondents have signalled that they do not go far enough, where that is possible and considered appropriate.

I also want to touch on the issue of oversight. I have set out a fairly complex implementation process in which progress depends on a variety of factors. In these circumstances, I recognise the importance of being able to validate objectively the extent to which implementation has been completed. Therefore, I am minded to discuss with the Chief Inspector of Criminal Justice the role that he and his organisation might play in terms of independent oversight and scrutiny.

Finally, I give you my assurance that I will continue to take a personal interest in the implementation of the review. I will be championing the changes coming out of the youth justice review to ensure that our youth justice system is not just fit for purpose but held up as an example of international best practice.

The Chairperson: Thank you very much. There are a number of points that I want to ask about.

As regards the recommendation about the young offenders centre and the under-18s issue, only two of them are currently not housed in the way in which the others aged under 18 are. You have said that you intend to bring forward legislation. Is that necessary? If there are so few left — only two — and you put in the caveat that you will retain exceptional circumstances — I would support that being retained — is it really necessary to legislate on that? It is something that, in effect, you have been able to do without legislation in place.

Mr Ford: There is an argument for legislation, although we should collectively take as a compliment the fact that you note that the good work has been done anyway. The idea of having legislation to underpin that it is not just an operational objective but a specific legislative requirement — that under-18s will go to Woodlands Juvenile Justice Centre unless there are very exceptional circumstances — gives a clear and unambiguous statement in a way that simply having the policy and practice of the past year or so does not make quite so obvious.

The Chairperson: I take that point. It is an argument from the past about whether we are using legislation to make a policy statement when, in effect, it is not really necessary because you have control of the Department and have clearly made changes so that there are now only two.

Mr Ford: Possibly, I will not have control of the Department forever. *[Laughter.]*

The Chairperson: Is Mr Farry looking your job?

Mr Ford: No. I thought Jim was. *[Laughter.]*

The Chairperson: The other point I want to ask about is this: is it possible to have a breakdown of the recommendations to show what you are able to take forward without Executive approval? Obviously, you will be able to do that for a number of them. A breakdown of what requires Executive decisions would be helpful.

Mr Ford: That logically follows when we get to the statement in the autumn, after any further feedback from the Committee. That statement will outline what we are doing and what we are seeking to get cross-cutting Executive agreement on.

The Chairperson: I recall that, when this was initially announced, you lambasted quite a number of people for homing in on the age of criminal responsibility. You said that they were deflecting attention from a lot of the other issues that, many would say, are far more important than the age of criminal responsibility. Yet it is still in this document. The DUP's position on the matter is clear. Again, I ask the question: why continue to push this particular agenda, which, in my view, will just detract from a lot of the other recommendations that people are willing to engage with?

Mr Ford: The issue is how we handle the review's recommendations, which were overwhelmingly supported by the majority of those who responded. It is almost like the first point that you raised about most people under the age of 18 going to Woodlands rather than to Hydebank. In reality, the tiny number of offenders in the 10+ age group are dealt with by methods other than full criminal sanctions. The question is whether we say that that is the practice or that it ought to be enshrined as the statutory arrangement. In just the same way as I took the view of the benefits of statute regarding under-18s going to Woodlands, I see the benefit of statute recognising that, by and large, we are not applying the full range of criminal sanctions to very young offenders. We deal with them largely through care rather than custodial methods. However, I suspect that we will not reach consensus in this room, which is why I said that we need to have a wider discussion among the parties before we put forward proposals.

The Chairperson: From my party's point of view, we are happy to have that discussion. However, I just wonder why that has to be put in continually when the prospect of it changing is pretty minimal. Just reflect on that. You made the point, and we will use it in those discussions, that it impacts on so few. I think that there are only 20-something.

Mr Ford: Barely 20 last year.

The Chairperson: Barely 20. The courts, the police and all the criminal justice agencies are extremely reluctant to ever give somebody below the age of 18 a criminal record. Why increase the age limit in the face of a growing number of young people who feel that they are immune from potential prosecution? When you remove that threat from them, I ask myself where we are going. We have some young people who have no fear of the criminal justice system at all. In your view, it may be a message that we are such a progressive society that recognises children's rights and all that. However, a lot of people think that we have moved so far with a hands-off approach that some young people no longer respect the law. The vast majority do, but a number do not. People think that society has gone too far in trying to be what you would characterise as a progressive society that means that we should make this change.

Mr Ford: You said something about trying not to criminalise people below the age of 18. Let us be clear that we are talking about a recommendation to increase the minimum age of criminal responsibility from 10 to 12. I think that we can all agree that there is a fair bit of difference between 10- and 11-year-olds and 16- and 17-year-olds. However, I look forward to continuing those discussions as we discuss the evidence that is before us and the work that is being done both here and elsewhere.

Mr McCartney: I do not want to raise all the issues today, as we will come back to them and tease them out. However, as part of the monitoring and progress-reporting, will an implementation plan be produced for each of the recommendations? Whether or not recommendation 17 has been delivered can be identified easily by asking whether there are any 18-year-olds in Hydebank Wood. However, will objectives be set for recommendations 5 and 7? I pick those simply because they are the first two in the presentation. What impact will incorporating article 3 of the UN convention have on the work that is being carried out, and how will we measure that?

Mr Ford: Brian is probably best placed to talk about the implementation plan. I take your point that, in these reports, there are always recommendations that are easily measurable and others that are less easily measurable. The important thing is to ensure that the implementation plan holds both together.

Mr Brian Grzymek (Department of Justice): Our aim in developing the implementation plan is to get to a position at which the Committee has a clear line of sight of how we see different

recommendations progressing and what steps we are taking to demonstrate that they have been delivered. Clearly, some of the recommendations are very easy to measure. Others, particularly the ones that are cross-cutting or that involve other agencies, could be more problematic. That being said, we will have some sort of steering mechanism to make sure that we bring all the key players together and to ensure that there is a co-ordinated approach. The implementation plan will detail what we will look for by way of milestones and products. That is the aim. We are very happy to give the Committee updates from time to time on our progress. Indeed, as the Minister said, if we bring the Criminal Justice Inspection into play, that will give us an independent view of how we are progressing and what still needs to be done.

Mr McCartney: Is it your intention to have an implementation plan that people will have sight of?

Mr Grzymek: Absolutely.

Mr McCartney: Recommendation 7 refers to:

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

Do you have a view on how many cases that would be and at what stage they should be removed? Or is that just a general observation?

Mr Grzymek: The recommendation came from the review, but we will try to add some substance. As part of the implementation plan, we will see whether we can populate that with some statistical information, so that you can see where we are now. We will also see whether we can develop a game plan to move in the right direction. At this stage, I cannot say just how far we will move, as there is more work to be done. Our aim is to give as much transparency as we can to the implementation of the recommendations.

Mr McCartney: Will it be the case that, in 12 months' time, you will be able to say that there were so many cases, you have reduced that number to x and are removing them two or three months earlier? Will it be a staged process, and, instead of being taken out at stage three, they will be taken out at stage one or two?

Mr Grzymek: Our aim is to give transparency. I do not want to pin myself down to saying that we will have made a certain amount of progress in 12 months' time. As part of the implementation plan, we have to identify a time frame for delivering change. We will report back on that.

Mr McCartney: In fairness, I think that the idea of the implementation plan and the in-built monitoring is the most appropriate way of doing it. Although the external scrutiny is fine and would be welcomed, you would not want the Criminal Justice Inspection giving us a series of recommendations in 12 months' or two years' time and for you to come back here and say that they have all been accepted. We have a set of recommendations that should be the work that tests us all as we take it forward. That is just a general observation.

Mr Wells: I will follow on from the Chairman's comments. Minister, all that you said seems fine until you issue the two awful words "Jamie Bulger". If you go down that route — I can tell you now that I do not think that you will get down it — you leave a future Justice Minister and the judiciary in an awful position should a dreadful event like that occur in Northern Ireland. They will not have the discretion of imposing a custodial sentence and there will be uproar in the community. Although that power would be used rarely, I think that it has to be there. On the mechanics of it, surely that particular decision would have to go through the Executive and could not be done by means of a statement?

Mr Ford: Legislation would clearly be a matter for the Executive and the Committee. I take your point when you utter the two words "Jamie Bulger", but I do not think that we should decide our entire criminal justice policy for young people on the basis of what was, for many years, the exception in the UK. It is entirely possible to look at the issue of whether certain offences are outwith any presumption of a raised minimum age of responsibility for the normal range of things. It is not a hard and fast case, but those are the kind of details that we need to discuss.

Mr Wells: On the mechanics of it, is there any way that that could be introduced without primary legislation?

Mr Ford: No. We would be talking about primary legalisation; therefore, the Executive and the Committee would have a very significant say before we would get anywhere near potential legislation being drafted.

Mr Wells: Equally, if three Ministers from any political party indicated their concern or 30 Members signed a petition of concern, the chances of it getting through would be, frankly, nil.

Mr Ford: Yes, but I hope that we are not going to start off on that presumption. I hope —

Mr Wells: I think that you can. I think that you are very safe starting on that presumption.

Mr Ford: I hope that members of the Committee will consider issues on the basis of evidence rather than come with certain presumptions. I accept that part of that has to be the issue of public perceptions about the tiny number of very serious cases.

Mr Wells: Some remarkable things have happened even in the past week, so I suppose that we should never say never. However, to be honest, I have to say that, if I was a betting man, I would not put my shirt on the chances of you getting it through.

Mr Ford: Well, I look forward to engagement with the Committee, the parties and my Executive colleagues, whoever they may be in the future.

Mr McGlone: Thank you, Minister, for appearing before us today. There are a number of issues around the recommendations.

Recommendation 10 is on youth conferencing arrangements. I want to get this clear in my mind because I am coming fresh to it. I presume that you accept that it is not the automatic default position on every occasion, in that it may not be the right answer every time.

Mr Ford: No. There are different youth conferences, which I should perhaps allow Paula to explain. They can be ordered through different processes.

Ms Paula Jack (Youth Justice Agency): A lot of the recommendations around youth conferencing are built on work that we have done in the past two years and recognise some of the Committee's concerns but also public concern about some of the youth conferencing aspects. The levels relate to victim participation, repeat offences and repeat youth conferences. We have done a lot of work on proportionality, too. The Minister referred to two levels. There is a diversionary youth conference, which is outside the court system and is referred to us through the police and the PPS. Then there is the court-ordered conference, when somebody has gone beyond the diversion stage and into court. The way in which the legislation is worded means that the youth conference tends to be the first court order that a young person will receive, except perhaps in cases of very serious indictable offences such as the type that Mr Wells talked about. We make sure that the plan that we propose and the work that we do is proportionate to the offences committed but also takes into account the victim's views in the actual conference itself.

The recommendations talk about maximising direct victim participation rates. We have already moved a long way on that. It is important that it is the direct victim of the crime who is in the youth conference with the young person. Again, we have done a huge amount of work on ensuring that conferences are proportionate, particularly at the low-level offending end. The review itself says that the conference is often sufficient, and that is true. Prior to the legislation enacting the youth conference provisions, those are the children who would have been at the very early diversions of informal warning, caution and onwards. Reducing the time taken from arrest to conference disposal obviously requires multi-agency involvement from the start of the process to its end. Ensuring that we use our discretion to return cases where there should be an alternative process is fully implemented now. When we do the conference plan report for the court, we can make recommendations in that report that the conference is not the suitable disposal. Again, it is up to the district judges to decide what sentence to pass, but we can make our recommendation.

Mr McGlone: Thanks for that. I have a few other items for the Minister.

You and the Health Minister have both accepted recommendation 22 and agreed that both Departments should take it forward. Has any thought been given to the resources, support or systems to be put in place for those with special needs, in particular? Do we have any idea of a timescale for implementation?

Mr Ford: Unless any of my officials have an idea of the timescale, I am not in a position, at this stage, to give you the timescale. Those are the things that we hope to finalise for the autumn statement, which will go into that level of detail. On the issue of how we deal with special needs, the interplay between the health and social care side and the justice side is crucial to ensure that we find ways of addressing concerns about the behaviour of certain young people that maximise their chances of rehabilitation. Certainly, from my background in social services, I can see that as being one of the key needs for joining-up between the justice system and the care that they provide. There are those who have particular needs that have sometimes created difficulties and, indeed, continue to create difficulties within custodial services, even for adults.

Mr McGlone: Thanks for that. Can we move on to the group 2 recommendations, 1, 2 and 3. I would like a wee bit of clarity for my own mind. Where did I read this? I presume that the role of the early intervention unit is not being diluted?

Mr Ford: Do you mean the early intervention unit as recommended?

Mr McGlone: Yes, in its recommended state.

Mr Ford: This is one of the key issues. Because it is cross-cutting, we now need to engage in discussions in different Executive formats. I suspect that there may well be an issue within the ministerial group on children and young people, where junior Ministers may see that as fitting in with some of the work that they are doing. That is where we need to get a lot of those cross-cutting issues right. At the moment, we have not got the right way of joining them up.

Mr Grzymek: In some ways, the review was a product of its time. When the review team talked about this whole area, it came out with the early intervention unit. That was a time when, in terms of what was happening at the Executive and on a cross-cutting basis, the environment was not very well populated. Since the review came in, the Office of the First Minister and deputy First Minister (OFMDFM) has been working with other Departments and has come up with the Delivering Social Change approach. That, in some ways, has created a lot of architecture which the Department of Justice and other Departments are now bedding into. That is a new mechanism which is cross-cutting and brings together Justice, Health, Education, Social Development, Employment and Learning, and other Departments. In some ways, the early intervention, rather than setting up a unit when there was not a structure there, the Minister proposes in the paper that we should use the new structures as soon as they become available. Rather than create another level of bureaucracy, we will build this into what has now been created at the centre, which is likely to be a much more effective way of taking it forward.

Mr McGlone: Thanks for that. Just picking up that theme and developing it a wee bit futher, recommendation 8 is about the supported accommodation. You say that your Department:

"will work with others to implement the recommendation. This is a complex issue".

I suppose that none of us would expect it to be anything other than a complex issue. Have you any thoughts or ideas as to how that might be developed and with whom?

Mr Ford: Our key partners in this area will be the health and social care trusts, working with the Department. They have responsibility for the generality of children's homes. The issue is the level of security that is required and the difficulties of using Woodlands as, frequently, the first resort, when one talks about children under the Police and Criminal Evidence Act 1984 (PACE).

Mr McGlone: Thank you very much for that.

Mr Lynch: Thank you, Minister. Back to the issue of the age of criminal responsibility. We also look forward to meeting you, and possible have a different view than some. You said that, after meeting the political parties, you would bring a proposal to the Executive. Can you give a more precise time frame for that?

Mr Ford: It would be a very brave man who would attempt to give a timetable for something like that. Clearly there will be issues, given that we are now facing straight into the summer recess. We will have to see what way timetables work out. Political parties may wish to configure arrangements for meeting and then see what is possible by way of an agreed arrangement around the Executive table. However, given the comments that you have just made and that Jim made earlier, I am not sure that we will do that on a very short timescale.

Mr Dickson: Thank you, Minister, for this excellent piece of work. Just to follow on briefly on the point of the age of consent: it should not be a shadow over this excellent work. I would like to say, in support of what has happened in relation to the age of criminal consent, that there is a substantial body of support for that change in the report. There are political views on it, but what we need is a balanced discussion, and, therefore, I think the way forward that you have proposed is a good way. Consult with the political parties, consult with the Executive and listen further to what people have to say. However, that has to be an informed, rather than a knee-jerk, discussion.

In relation to recommendation 6, the emphasis on diversions in the criminal justice system, are we in danger of diverting young people from one bit of the system to another or are we genuinely undertaking appropriate diversion that is primarily welfare-based rather than criminal justice-based?

Mr Ford: I will first respond briefly to your point on the minimum age of responsibility. The Chair told me off gently at the beginning for complaining about the fact that there was so much concentration on this, so I shall not go there other than to say that we have spent time this afternoon discussing other issues. Therefore, I will rapidly move on.

The whole issue of how we look at diversion arrangements comes down to how we get an appropriate, joined-up system. We have highlighted the interaction between the care system and the criminal justice system. We have, in a sense, gradations within criminal justice. When I think back a generation, when I was a social worker, we could well have had over 400 young people in Northern Ireland in custody. Now, we generally talk about there being between 30 and 40. That indicates how much has gone into the community diversion work that is done, in separate parts, by the criminal justice system and the social care system. The key issue will be to see that Edwin Poots's officials and mine work together to see where the joins are and how best to address the needs of individuals.

Ms Jack: We are exploring it in detail. We went to look at the youth offending team in Hull and the work that it does. Social workers from Hull's youth offending team are present in police stations at an early stage, so that rather than taking children into the system they are signposted out of it, if appropriate. Also, the children and young people's partnership is in the process of creating family support hubs across everywhere. Those family support hubs will, hopefully, be a much better diversion route for some of the young people at the very early entry stages than coming to the attention of police.

Mr Elliott: Thanks, Minister and officials, for that briefing. A lot of the issues here are around cross-cutting themes and making sure that agencies and Departments work well together and co-operate, particularly on early intervention, rehabilitation and reintegration. I reiterate a question that I asked in May: what is the current level of support between agencies and Departments on working together, and how effective is it?

Mr Ford: I would not wish to claim that the system that we have at the moment is as effective as it might be. My engagement with Edwin Poots certainly shows that our two Departments recognise that much of the early intervention preventive work that can be done to assist children — in both the health and social care side and the justice side — may have benefits in diverting young people from criminal activity. I think that we see the benefits of that, but that does not mean that it is always easy to do. I also think that some of the work outlined by Paula and Brian as to how we seek to create such linkages through the various initiatives under way shows that there is a better cross-departmental approach at ministerial level and official level than I think was the case a few years ago.

Mr Elliott: Is that mainly around early intervention, rehabilitation or both?

Mr Ford: It is effectively around everything.

Mr Grzymek: It is fair to say that we are on a journey and that we have a way to go yet. Certainly, particularly in the past couple of years, we have seen some attitudes develop and a much greater collaboration. For example, from the Department of Justice I have been sitting — with colleagues from other Departments — on the public health strategic framework group that is run by the Department of Health, which has taken a very cross-departmental approach to that. The Minister's own reducing offending strategic framework, again, is being looked at in a very cross-cutting way. So, we are seeing some convergence of approach across some core Departments dealing with vulnerable youngsters who sometimes end up in the justice system, but could well have been dealt with more effectively earlier, through education, health, welfare or other mechanisms. I think that there has been a significant improvement in relationships and we are seeing that different Departments' strategic approaches are much better aligned now. Add to that the fact that Delivering Social Change is a high-level Executive priority bringing Departments together, and it tends to copper-fasten the approach.

Mr Elliott: What other measures can be put in place to ensure that there is even better co-operation and working together, particularly on those two issues? I keep coming back to early intervention and rehabilitation and reoffending, because they are two crucial aspects. Very little of your report actually deals with rehabilitation and reoffending. I am keen to establish what more you can do to improve that, because you have said that there is a long way to go yet.

Mr Ford: Brian said that we are starting on a journey, and that is the reality. We have not had particularly good joining up in the past. Part of the difference now is the devolution of justice in the last two years, which is of course what led to this report. It is enabling better opportunities to join up around the Executive table than was the case previously when the justice agencies were the responsibility of the NIO. However, we acknowledge that there is a lot to be done. At a time when there are significant financial pressures on all Departments, there is a real issue of ensuring that we get the best benefit for the taxpayer's pound, whichever way it is spent.

Mr Elliott: That is critical, but I still have not heard what other measures there are. I appreciate the sentiments and the principle, but I think that we are lacking on detail.

Mr Ford: As I said in my introductory remarks, we are looking to put forward final proposals for an autumn announcement. What you are doing, Tom, is quite legitimately highlighting areas that we need to concentrate on in the work that we will be doing over the next couple of months with other Departments.

The Chairperson: Mr Elliott raises a very valid point around early intervention. Often, by the time that you get to the courts or prison, some will say it is too late, so early intervention is key. I know, Minister, on a local issue, you were able to provide an official for a group that is working on early intervention. We will come back to you now that we have finished that work.

Mr Ford: Looking for more.

The Chairperson: It highlights the need for education. Poor education and poor health often lead to higher levels of criminality in those areas. It requires that collaboration. That is key to tackling the problem in areas where it is almost a generational issue. It requires upfront investment. Long-term results will not come in time for the next election. You will not get a quick hit. It will require that type of change in the knowledge that you will not see the benefits in the immediate or short term.

Mr Ford: The reality is that, if you are talking about getting early interventions right, you probably need to start at the age of minus nine months or even earlier.

The Chairperson: You are right. The first three, four or five years of someone's life are critical. Parenting skills are also critical. That will be a challenge for a lot of Departments, not just your Department, to reprofile where the spend is going to be to get that type of change.

Mr Ford: There is a degree of difficulty for us because we do not have responsibility for the sort of issues that fit in with very early intervention. When we talk about early interventions in respect of diverting young people who are in danger of getting onto a criminal path, that clearly falls to us. When we talk about a lot of the other good early intervention work, such as providing family support for very young children and even pre-birth, that falls to others. We, as a society, benefit collectively. However, we, as a society, have to find how to fund it collectively.

Mr Elliott: The Minister makes a good point. Have there been any discussions with other Departments around the possibility of a memorandum of understanding on some of these issues? That would at least mean that each Department knows its area of responsibility and what it needs to feed into the system.

Mr Ford: That is part of what Delivering Social Change will do. It will tie the Departments into a better arrangement.

Mr Grzymek: I do not want to be overly negative about this because, in the public health arena, the Department of Health has put together a very forward-looking public health document that looks at early intervention. It highlights things like family nurse partnerships and looks at 0- to 3-year-olds. There are a number of things developing in other Departments that are complementary to what we are trying to do.

On the Delivering Social Change side, I know that that area focuses very much on child poverty and the children's strategy. Within that, work is going ahead to look at how you address some of the critical precursors to offending and poor health. Things like literacy and numeracy; too many youngsters come out of school not able to read and write. A number of those will end up, as we, unfortunately, know, in our prisons in due course. That Delivering Social Change mechanism is a way of looking across Departments, and from that, there may not be a memorandum of understanding, but there will be a cross-departmental agreement about some of the priorities that Departments will focus on, and they will work in a complementary manner to make sure that the changes are delivered. Some quite good work is beginning to start now, and, over the next 12 months, we will probably hear more about that.

Mr Tony Kavanagh (Department of Justice): There is more of a recognition now, although it still exists to some extent, that simply because a child has offended and enters the criminal justice system, in some way, that is where their needs are met. First and foremost, they remain children, and, while we can meet some of the issues around offending, many of the other services that they need are provided elsewhere. That sense of sharp edges where you get passed from one to the other sometimes creates some of those difficulties with rehabilitation and reintegration. In the past, services used to sometimes simply disappear from children just because they were in the justice system. We have begun to move away from that, and that is a distinct improvement.

Mr Anderson: Thank you, Minister, for your presentation. I will come back to recommendation 10, which Mr McGlone talked about, on youth conferencing. Part b is about ensuring that conference outcomes are proportionate and relevant to the offending. How does that come about? How do you ensure that that will happen, bearing in mind that the victim and the offender will be trying to reach some compromise or whatever? Who will decide what a proper outcome to a certain offence is? Will the victim and the offender know, before you reach that outcome, what to expect from a conference situation?

Mr Ford: Paula should take you through the detail of the way that conferencing functions.

Ms Jack: The youth conference process requires a lot of preparation, and a lot of time is spent with the victim and the young person preparing them for the conference process. We discussed earlier the two different types of conference, one being the diversionary process and one being the court-ordered process. On the diversionary process, you asked who ratifies the decision and who decides. Work goes in prior to the conference itself, which is only one part of the restorative process. The victim and the young person meet, and a police officer and parent/guardian are present. The conference itself is facilitated by one of my youth conference co-ordinators, who have undergone extensive training in restorative practice work.

A lot of it is about proportionality. You do not want to come out with a very high work plan for a young person who has committed a minor offence. It is about managing expectations of victims in that process. Whilst the victim has a very good input, the decision on the actual outcome is not the victim's. Once the plan is drawn up, it is passed to PPS at the diversionary stage, and PPS ratifies the plan and agrees that is proportionate and meets the needs of the offence and of the actual young person, taking into account all their history. When it is a court-ordered youth conference, the plan goes back to the court, and the court looks at it. The court can change the plan and lower or raise what we have recommended. That is how they are approved.

It is important to stress that the plan is the start of a process of working with a young person. The restorative meeting is not the end of the process. I have a team across eight areas that works with that young person subsequently and meets their needs, whether through drug referral, mental health assessment, programmes of work or reparation in the community. All those things come from the plan. So, whilst the plan will meet what the victim is concerned about and the offending behaviour, if the young person has particular needs, we work very closely with them to address those with a view to reducing offending and, hopefully, reducing repeat offending.

Mr Anderson: That is well explained. Section d is about ensuring that the co-ordinators use their discretion. Could there be stalemate in a particular case? Are you saying, Paula, that you will reach a stage, before you come to sitting in one room to reach agreement, where it will be more or less decided?

Ms Jack: No, no. It is all about process. I think that that recommendation is around cases where there is concern about repeat youth conferences for particular individuals and cases where it might not be suitable to have a youth conference in the first place. We would not even be going into those meetings. What happens there is if, because of the legislation, the court orders a youth conference, or if the PPS diverts a case to us to consider a youth conference, then if my co-ordinators do not feel that that is appropriate, they should have the responsibility to go back to court and ask it to look at another sentence. It is important to remember that the youth court has powers other than custody and youth conference. There are attendance centre orders, community responsibility orders or conditional discharge. There are other sentences that could be more appropriate in the circumstances.

When we look back at the history of the introduction of youth conferencing, we see that restorative principles were embedded in the legislation. I think that a lot of it was about encouraging the use of restorative practice following the Belfast Agreement and following the recommendations that that was the right way forward for young people. In a lot of cases, restorative work with young people is extremely beneficial. It is also very good for victims. However, there is the odd case where we should be saying, "No, this is not appropriate. There should be a different disposal". We talked at length to the youth justice review team about how we would like the opportunity to be able to recommend alternative disposals rather than going with the youth conference process regardless.

Mr Anderson: We talk about reducing the time for finishing this. Are we heading towards that? What would be a suitable time from offence to disposal?

Ms Jack: As you know, there is a lot of work going on in the Department of Justice to address the delay. We are very much involved in that work and are looking at all the ways. Many multifaceted issues affect the delay in the system. Obviously, we are involved post-conviction, and the statutory time limits for the work refer to the period before that. During our trip to Hull, the officials and district judges who came with us were interested to hear about Hull's journey. It went from taking significant periods of time to deal with cases down to dealing with them in, I think, 50-odd days. So, we took a lot of lessons from that. I think that there are good learning points around that. A lot of agencies have to work together to get this right.

Mr Anderson: There are a lot of agencies involved, so it could be time-consuming. Thanks for your comments. I appreciate that.

Mr A Maginness: I think that repeat youth conferencing devalues the process. So, I think that this is an important safeguard. You talked about maximising direct victim participation rates. Is that because some representatives of organisations are not really victims? For example, if Marks and Spencer were robbed, it would be the shop assistant at the time of the robbery who was the actual victim, not Marks and Spencer. Is that the reason?

Ms Jack: I can explain both points. You said that repeat conferencing can devalue the process, and there is some merit in what you say. However, we also have to remember the rights and needs of victims. Conferences are still good in respect of victim benefit. A balance has to be achieved. We have to remember that not a lot of young people get more than five youth conferences. A very small percentage of young people have repeat conferences.

We did a lot of work around victim participation. We produced statistics that show that we had very high victim attendance at our conferences, so we redefined the term "direct victim". What we are saying now is that it is the direct victim of crime: for example, your own house were it to be a burglary, or a community representative, if there is public disorder or something of that nature; someone who is

directly affected in the street or in the area. Also, we say that we can still have victim representatives. Sometimes victims themselves do not want to come, so a family member or somebody else can represent them.

What we do not include now are the very cases that you refer to. If there were a shoplifting incident in Castlecourt, Belfast City Centre Management would be the victim at the conference. However, what we are saying now is that they do not count in what we are counting. They would still come and give very useful input to a conference, but they would not count as a direct victim for the purposes of what we are recording. I am pleased to report that with our new measures, which we have had in place for just under a year, we are still seeing very high attendance from direct victims, under our new definition. We still have over 60%, which is way higher than any other restorative practices.

Mr A Maginness: I have a question for the Minister in relation to the oversight of the plan. It is intended that the Criminal Justice Inspection may adopt that role. Have you had any discussions with it about that?

Mr Ford: Part of the difficulty is the change within CJINI. We have had a preliminary conversation. This is not anything on the scale of, for example, the prison reform work. It seemed to me to be unnecessarily bureaucratic to try to introduce another structure to supervise, partly because of what we talked about with cross-cutting issues, where we need to have matters looked at in a slightly different way than from just pure criminal justice system issues. It also seems to me that the general expertise of CJINI is the right way. We need to be careful, as was said earlier, that we do not end up with the idea of having a report in a year's time with 15 recommendations for things that need to be done. However, CJINI is capable of carrying out focused work to say where progress has been made and where it thinks further progress is needed in a way that will be helpful to the ongoing process. I have no doubt that this Committee will also want to have its say and to see what is going on.

Mr A Maginness: But there is no final decision yet.

Mr Ford: There is no final decision, but it seems to me that CJINI is the best way to have input that is slightly external but well focused on our principal functions.

The Chairperson: Minister, I thank you and your team very much for coming along. It is much appreciated.

Mr Ford: Thank you.