

Implementation of Youth Justice Review –

Assembly Statement 23 October 2012 @ 10:32 – 11:15

I would like to begin by briefly reminding the House of the process that has brought us to this important stage.

In furtherance of the Hillsborough Castle Agreement, I appointed an independent team of experts to review our youth justice system and to report their findings to me. I want to pay tribute again to the way that the Review Team approached its task; a task which culminated in a report that was balanced, thoughtful and, judging by the public consultation response, well received.

I also want to thank all those individuals and organisations that have contributed to the Review through dialogue or by submission. I am pleased to note that our open, transparent and inclusive approach to the process has encouraged a very positive level of engagement.

I also acknowledge the important role the Justice Committee played in helping to shape the Review with perceptive advice and guidance from the outset of the process. I was also pleased with the hearing I received from the Committee when I outlined for them at the end of June how I was minded to proceed.

I gave a commitment then to publish an implementation plan in the autumn setting out how the Review recommendations would be taken forward. That is the purpose of my announcement today.

The Report provides a blueprint for the effective transformation of our youth justice system. That is my considered view; and it is the overwhelming view of those who responded to the public consultation. It is therefore my intention to see it substantially implemented over the next 18 months in line with the commitment I have already made in the Programme for Government.

I am, today, publishing an implementation plan to give effect to that commitment and to demonstrate publicly that I intend to see this agenda through.

This implementation plan sets out actions and timescales against each of the Review's recommendations. It also indicates if the recommendation is a matter that is under my direct control or whether I need to work with others where cross-cutting issues are involved. This latter group involves wider social policy issues that are often complex and likely to require sustained and co-ordinated action over a prolonged period.

My Department is pressing ahead with matters that lie within my ambit. For example, I have already announced that the Woodlands Juvenile Justice Centre will be the sole justice location for the detention for juveniles by 1 November 2012.

I am pleased to report that today there are no juveniles held at Hydebank Wood YOC, and that this will continue other than in the most exceptional circumstances. That contrasts with the situation I inherited on devolution when there were 16 under 18's being held there.

I want to be clear that in using the term 'exceptional circumstances' I am very clear that it will be rare indeed for anyone under 18 to be housed in the YOC and, if that is ever to be needed, the JJC regime would apply to their care and support.

We are continuing to tackle the delay in the system highlighted by the Review Team and others, and are taking forward a wide range of initiatives, with improved timeliness in youth cases a particular priority. I have also announced my intention to introduce statutory time limits within the mandate of this Assembly, beginning with the youth courts.

The Criminal Justice Board has approved plans to pilot a new approach aimed at providing better support and information to young people in the criminal justice system, as well as reducing the time taken for cases to be dealt with. This Youth Engagement pilot was launched on 1 October. It will promote early engagement between children who have offended and youth specialists from the police and Youth Justice Agency to facilitate better communication and decision-making and encourage a greater uptake of diversionary disposals.

The Police, Public Prosecution Service and Youth Justice Agency are also taking forward the recommendations directed specifically towards them.

The PSNI has developed a model of training which provides officers with the necessary skills base to develop positive interaction with children. This training is being piloted in conjunction with the PSNI's Human Rights training advisor and Policing with the Community Branch with the intention of full roll-out over the coming months.

The Youth Justice Agency has embraced those recommendations aimed at enhancing the success of the Youth Conferencing. They include maximising the opportunities for direct victim attendance; examining issues of proportionality; reducing the time taken for conferences; and establishing parameters for cases in which youth conferencing may not be the best option.

Similarly, following consultation with NSPCC, Victim Support and others, the Public Prosecution Service has revisited all of its correspondence with children and their parents or guardians to simplify its content to make it more easily understood.

All of this activity is reflected in the Implementation Plan, along with the plans for delivering on the rest of the Review's recommendations.

The Review Team made a number of significant recommendations around joining up our overall approach to children at Ministerial and strategic levels, particularly in relation to early intervention.

That is why I am progressing this aspect of the Review agenda through the Delivering Social Change framework, which now incorporates the Ministerial Sub-Committee on Children and Young People. It provides the necessary overarching approach across all of the key social policy areas that affect the lives of children.

Poor outcomes for children do not always manifest themselves in offending. However, there is strong evidence that early poor experiences in the home, at school or through unmet needs and social exclusion can lead them in this direction. There is a heavy responsibility on all of us to do all we can to prevent this happening.

I therefore welcome the recent announcement by the First Minister and Deputy First Minister of a substantial investment of £26 million over 2 years around early intervention. It fits with the direction I and others have been advocating of taking a more joined-up cross-Government approach to some really challenging social policy issues.

My Department and the justice system generally will play its part in the development of schemes and programmes in areas where we can make a meaningful contribution.

No statement on the Review of Youth Justice would be complete without making mention of the one really contentious recommendation in the Review – raising the minimum age of criminal responsibility to 12.

Personally, I agree with the overwhelming majority of those who responded to the public consultation, that 10 is just too young to be dealt with by the weight of a criminal justice system. Medical research on brain development around understanding consequences, and social policy research on the negative impact of criminalizing young children, tells us that we should seek non-criminal justice interventions for the very small number of children in this age group who offend.

I recognise, though, that an important minority within this House is not yet persuaded by this argument.

I am, however, committed to pressing the case for an increase and intend to continue the dialogue to establish what scope there is for progress; perhaps with safeguards to allow for the extremely rare case of a very serious offence by a child under the age of 12 to be addressed. This arrangement has been operating without difficulty in the Republic of Ireland for the past 6 years.

An implementation team, reporting to a cross-agency programme board, will co-ordinate the overall delivery of the planned work. The team will report regularly on progress to me and to the Criminal Justice Board. I have also undertaken to keep the Justice Committee informed on the same basis.

The matter of independent oversight has been raised with me. In this connection, I am pleased to advise that the Acting Chief Inspector has agreed that CJINI will undertake and publish an assessment of progress at key stages to provide the necessary independent and objective assurance that we are sticking to the task.

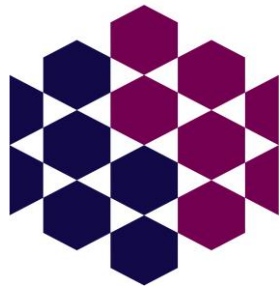
Of course, transforming the youth justice system is not the only task we are engaged in. Since becoming Minister of Justice, I have gone through a systematic process of reviewing key elements that constitute the criminal justice system to ensure that they are fit for purpose. Members will have seen the resulting reports.

We are now moving forward on delivery. Work is progressing apace on implementing the Access to Justice Review and the Review of the Prison System. We are developing an overarching Strategic Framework for Reducing Offending; we have published a Community Safety Strategy underpinned by funding; and, are consolidating the Police and Community Safety Partnership network to facilitate engagement and accountability at a local level.

We are tackling head on important issues around child prostitution and exploitation, domestic and sexual violence, hate crime and the interests of victims. Work is progressing on the Criminal Justice, Faster Fairer Justice and the Mental Capacity Bills.

These issues relate to the work on Youth Justice. They are only some of the highlights in an unprecedented modernisation programme aimed at making our community safer and more secure than ever. This constitutes a far-reaching reform programme which demonstrates the difference that devolution is making. Central to that programme is the input which political representatives, NGOs and the wider community provide to the work of my Department.

I am delighted to say that today marks another milestone in that journey and demonstrates our commitment to having an effective and efficient Youth Justice System in Northern Ireland.



Department of
Justice

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Youth Justice Review Implementation Plan

Key Theme: Early Intervention

Recommendation 1: As part of a revised and reinvigorated children’s strategy, the NI Executive should develop an early intervention & prevention strategy, to be delivered locally through the CYPSP. The strategy should include a set of achievable outcomes & be accompanied by guidance on how agencies & voluntary sector should work in partnership to deliver it, based on best practice.

Recommendation 2: The NI Executive should determine how best to secure funding to invest in early intervention and prevention.

Recommendation 3: To support this shift in resource allocation and investment we recommend that the NI Executive sets up an Early Intervention Unit.

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted in principle.</p> <p>Some aspects of these recommendations have been overtaken by a refocusing of the Government’s co-ordination machinery by the Executive. The cross-Departmental Delivering Social Change framework is aimed at driving forward cross-cutting, strategic arrangements for children and young people and will include early intervention measures.</p>	<p>Discussions are ongoing with a range of Departments about developing an early intervention approach which is cross-departmental in nature and funding. Early intervention will be a clear theme of the Delivering Social Change framework, and will form part of the Children and Young People’s Early Action Document currently under production. It is also a theme of the DoJ’s Community Safety Strategy and the Strategic Framework for Reducing Offending. No decision has yet been reached in respect of an Early Intervention Unit.</p>	<p>DSC Programme Board</p>	<p>Commenced</p>	<p>Early Int. Fund established by 2013/14 Financial Year</p>

Key Theme: Policing

Recommendation 4: Police should build on the progress made since the Patten report by:

- a. raising the priority of children and young people in their planning processes at strategic and local levels;*
- b. modelling best practice in interacting with young people to increase trust and minimise offending;*
- c. developing an appropriate skills package for all officers on engaging with children and young people;*

Commentary	Action	Lead	Status	Milestones / Target Date
<p>PSNI has accepted parts (a), (b) and (c) and will be taking them forward alongside the agreed recommendations contained in the NI Policing Board's Thematic Review on Policing Children and Young People.</p>	<p>Current Work: Youth Champion Forum</p> <p>PSNI are addressing the need to raise the priority of children and young people in their planning processes at strategic and local level by the introduction of the 'youth champions forum'. This forum brings together leading voices within the youth arena, i.e. Children's Commissioner, Children's Law Centre, and the voluntary sector (Include Youth) and is chaired by ACC Service Improvement. This process assists police in determining the direction of children and young people policies at a strategic level. It also advises on areas where gaps etc are identified and where work needs to be undertaken by PSNI in addressing the issues.</p> <p>Current Work: Consultation & Engagement / YIAG</p> <p>PSNI are modelling best practice in interacting with</p>	PSNI	Ongoing	March 2013

	<p>young people to increase trust and minimise offending by having a consultation and engagement process, including establishing the Youth Independent Advisory Groups. This model was recognised as a model of 'best practice' by being successful in the NI Police College awards in 2010. The programme will be further developed through the appointment of an external service provider, with expertise in youth issues, who will work with both department and districts to implement a consultation and engagement process based upon this model.</p> <p>Planned Work: Training</p> <p>The PSNI have developed a model of training which provides officers with the necessary skills base in which to interact with children and young people. This is currently being piloted in select locations by the organisations Human Rights training advisor, in conjunction with the PSNI Policing with the Community Branch. It is anticipated the programme will be delivered across PSNI from autumn 2012.</p>	PSNI	Ongoing	March 2014
		PSNI	Commenced	<p>Deliver training Autumn 2012</p> <p>Completed by March 2013</p>

Key Theme: Policing (cont.)

Recommendation 4: Police should build on the progress made since the Patten report by:

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

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted.</p> <p>The matter of local resolution for less serious cases is currently being explored as part of the public consultation on the Police Ombudsman's statutory Five Year Review Report but is part of a wider change on which there may not be political consensus. Any proposals would mean that the Office of the Police Ombudsman (OPONI) would continue to own and oversee the process. In addition, OPONI has introduced new arrangements for recording complaints made by young people under the age of 18.</p>	<p>Proposals for change are currently being drawn up for discussion.</p>	<p>DoJ</p>	<p>Under discussion</p>	<p>Proposals by 31 Dec 2012;</p> <p>Implementation plans by 31 March 2013;</p> <p>Processes & guidance developed & agreed 31 Aug 2013;</p> <p>Implemented Dec 2013.</p>

Key Theme: Diversion and Prosecution

Recommendation 5(i): To comply with the new principal aim of the youth justice system (see Recommendation 28), the PPS should incorporate Article 3 of the UN Convention on the Rights of the Child into their Code of Practice forthwith.

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted.</p> <p>There is no PPS Code of Practice; instead there is a Code for Prosecutors. Paragraph 7.2.2 of the Code of Ethics within the Code for Prosecutors sets out the current mandatory obligations. The PPS position is that it is already implicit in the above paragraph of the current Code for Prosecutors, however specific reference will now be incorporated.</p>	<p>The Code for Prosecutors is at an advanced stage of re-drafting and will make explicit reference to Article 3 of the UN Convention on the Rights of the Child in this.</p>	PPS	Commenced	January 2013

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

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted.</p> <p>The Criminal Justice Board will be tasked to take this recommendation forward in conjunction with the relevant professional bodies and training organisations.</p>	<p>An exercise will be undertaken to identify the target audience and scope the scale of the training required, with a view to developing a specification to meet the training need.</p>	DoJ	Under discussion	Scoping March 2013; Delivery March 2014

Key Theme: Diversion and Prosecution (cont.)

Recommendation 6: The aims of the youth justice system should reflect the principle of proportionality and include a presumption that low level offending should be dealt with by parents (with support where necessary), school and communities or through a police disposal. This will require:

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

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted.</p> <p>The Criminal Justice Board has approved plans to pilot a new approach aimed at providing better support and information to young people in the criminal justice system.</p>	<p>A multi agency Project Team has developed proposals for the introduction of a Youth Engagement Clinic at the point the PPS makes a decision.</p> <p>This scheme is intended to reduce the number of youth cases entering the formal criminal justice system, through early engagement with the young person involved, ensuring that any decision they make in relation to acceptance or non acceptance of a diversionary option – ranging from police discretion to youth conference, is a fully and properly informed decision which has been supported by legal advice.</p> <p>At this YE Clinic, youth specialists from the police and Youth Justice Agency will explain to the young person, in the presence of their parent or guardian</p>	<p>DoJ; PPS; PSNI; YJA</p>	<p>Ongoing with Milestones</p>	<p>Pilot Launch 1 Oct 2012;</p> <p>Mid-stage Review by 15 Jan 2013;</p> <p>Pilot End 31 March 2013;</p> <p>Evaluation April 2013</p>

	<p>and their solicitor, and in terms they will understand, the situation they are in and the decisions open to them. This will allow them to make an informed decision, in consultation with their solicitor, about what to do in their case.</p> <p>It is anticipated that this scheme will encourage a greater uptake of diversion and will ensure that all youth offenders are given equal access to same.</p>			
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Key Theme: Diversion and Prosecution (cont.)

Recommendation 6: The aims of the youth justice system should reflect the principle of proportionality and include a presumption that low level offending should be dealt with by parents (with support where necessary), school and communities or through a police disposal. This will require:

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

Commentary	Action	Lead	Status	Milestones / Target Date
Accepted.	Grant-in-aid will be provided to Northern Ireland Alternatives and Community Restorative Justice Ireland for remaining 3 years of the CSR period (beginning 2012/13), subject to continued satisfactory performance on project objectives. The funding will help secure key posts supporting the building of strategic capacity in developing restorative practices and the development of a sustainable longer term funding strategy.	DoJ	Ongoing with milestones	Funding approved Aug 2012; Funding renewed annually; Quarterly Progress Reviews; Completion of funding 31 March 2015

Key Theme: Diversion and Prosecution (cont.)

Recommendation 6: The aims of the youth justice system should reflect the principle of proportionality and include a presumption that low level offending should be dealt with by parents (with support where necessary), school and communities or through a police disposal. This will require:

- c. the extension of police discretion while ensuring adequate safeguards;*
- d. greater use of police warnings and cautions for offences that would otherwise have been dealt with through more formal channels.*

Commentary	Action	Lead	Status	Milestones / Target Date
Accepted in principle and work is being undertaken to explore how it can be implemented in practice. Progress has already been made with police discretion now fully rolled out across Northern Ireland with monitoring arrangements in place.	<p>Current Work: Gatekeeper</p> <p>The introduction of Service Gatekeepers is designed to widen the uptake of diversion at the appropriate level, including the use of police discretion and to ensure consistency of decision making in relation to all criminal justice disposals across Northern Ireland.</p> <p>The Service Gatekeeper Scheme provides a safeguard in relation to application of diversion and discretion in that it is a system whereby operational officers will telephone a central Inspector who will offer advice and guidance as to the most appropriate case disposal. The Gatekeepers will work to ensure that cases are not sent for prosecution unnecessarily and that where a case is recommended for prosecution that the case is case</p>	PSNI	Completed	

	<p>ready and prepared to a recognised quality standard with a view to reducing unnecessary delay.</p> <p>Currently this scheme operates across PSNI, for a limited range of summary or hybrid offences and tends to cover only those cases where the person is or has been in police detention.</p> <p>Planned Work: Gatekeeper</p> <p>It is intended that this scheme will be widened over the next 18 months to include all offence types and all cases which are intended to be recommended by the investigating officer for prosecution.</p> <p>This scheme will cover all offence types by latest end of April 2014.</p> <p>Current Work: Youth Engagement Pilot</p> <p>A youth engagement pilot based on the premise of speeding up justice and reducing delay through earlier identification and intervention was commenced in the East Belfast area on the 1st October 2012. (See Rec 6(a) – Triage)</p> <p>It is anticipated that this scheme will encourage a greater uptake of diversion and will ensure that all youth offenders are given equal access to same.</p>	<p>PSNI</p> <p>PSNI</p>	<p>Commenced</p> <p>Ongoing with milestones</p>	<p>All offence types covered by April 2014</p> <p>Pilot commenced 1 Oct 2012;</p> <p>Pilot complete 31 Mar 2013</p>
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	<p>Planned Work: Youth Engagement</p> <p>It is anticipated that the pilot in East Belfast will be monitored and reviewed by the Project Board. If successful, the intention would be to implement a full roll-out of the Youth Engagement programme on a phased basis over the next few years, starting with the whole of the Belfast area.</p>	PSNI	Dependent on pilot outcomes	Dependent on pilot outcomes
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Key Theme: Diversion and Prosecution (cont.)

Recommendation 7: To improve efficiency and reduce delay, we also recommend:

- a. *examining the high proportion of 'No Prosecution' cases with a view to removing them from the formal system at an earlier stage;*
- b. *monitoring the impact of the PPS initiative to process diversionary disposals more speedily;*

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted.</p> <p>A number of actions aimed at addressing this issue are in train.</p>	<p>A review of 'no prosecution' cases has been undertaken by PSNI and PPS. PSNI is reviewing magistrate's courts cases and PPS Crown cases. This review is intended to establish the cause of 'no prosecution' cases and to establish levels of consistency between PSNI recommendations and PPS decision with a view to informing decision making as to any appropriate actions to reduce/remove these from the system at a much earlier stage.</p>	PPS/ PSNI	Ongoing	PSNI review completed by 1 Nov 2012
	<p>PSNI has completed its initial review of 1000 summary cases and has found that there is significant consistency in decision making with only approx 3% of cases resulting in PPS disagreeing with PSNI's recommendation.</p>	PSNI	Completed	

	<p>From March 2012 improved processes have allowed PSNI to submit streamlined files to PPS where it is anticipated that a 'no prosecution' decision will be taken and therefore there is a quicker turnaround.</p> <p>PPS to meet with PSNI to discuss the potential for further streamlining of likely 'no prosecution' cases, and to review the current recording arrangements for time taken in this class of case.</p> <p>Those cases where PPS decision making differed from that of PSNI are being reviewed by PSNI with a view to establishing the eventual outcome of said cases and establishing proposals for reducing the number of 'no prosecution' cases.</p>	PPS/ PSNI	Completed	Streamlined files introduced March 2012;
		PPS/ PSNI	Ongoing	PSNI to forward proposals to PPS by 1 Jan 2013
		PSNI	Ongoing	Dates & actions thereafter to be agreed

Key Theme: Diversion and Prosecution (cont.)

Recommendation 7: To improve efficiency and reduce delay, we also recommend:

- c. improving PPS written communications with children and their parents*

Commentary	Action	Lead	Status	Milestones / Target Date
Accepted.	PPS have revised all letters to children and their parents/guardians to simplify content and make it more easily understood. These letters are currently with PPS IT section for implementation by a target date of 1 st November 2012 for Victim and Witness Care Unit cases and thereafter rolled out to all PPS regions. In re-drafting the letters a number of organisations were consulted, including the Criminal Justice Inspectorate NI, Victim Support NI, NSPCC and PPS Youth Specialist prosecutors.	PPS	Ongoing with milestones	Commence in VWCU 1 Nov 2012; Phased Roll-out to PPS regions

Key Theme: Bail and Remand

Recommendation 8: The development of an appropriate range of supported (and if necessary secure) accommodation, accessible at short notice, to reduce to an absolute minimum the use of Woodlands as a place of safety under PACE.

Commentary	Action	Lead	Status	Milestones / Target Date
Accepted. This is a complex issue which cannot be tackled by one Department alone. Others will be engaged to implement the recommendation.	A scoping exercise is required to establish the scale and location of this need so it can be quantified before options are examined to provide a practical, workable and affordable solution.	DoJ DHSSPS DSD	Under discussion	Scoping Exercise by June 2013

Recommendation 9: Strict adherence to the statutory presumption of bail supported by:

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

Commentary	Action	Lead	Status	Milestones / Target Date
Accepted. The Youth Justice Agency has a target in its Business Plan which is “100% of young people remanded to the JJC or Hydebank Wood to have a bail assessment commenced within 2 working days and completed within 5 working days.” They are currently meeting this target.	The YJA has a development objective relating to developing and implementing a bail information scheme. They already provide an assessment and supervision process for supporting children to obtain bail and remain on bail in appropriate cases. This involves assessment at court and in Woodlands. The Youth Justice Services area	YJA	Commenced	Outline B.I.S. by end December 2012

<p>This recommendation is aimed at introducing bail services earlier in the process to avoid remand in custody.</p>	<p>teams supervise children on any support programme ordered by the court. They are currently exploring ways to set up a Bail Information Service at the first court hearing. Both Bail Information and Support & Supervision require the involvement of the child, parents and carers.</p>			
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Recommendation 9: Strict adherence to the statutory presumption of bail supported by:

- b. the application of relevant, proportionate and realistic bail conditions, but only where necessary;*
- c. the participation of young people and their parents in the setting of any bail conditions such that they understand and fully accept their implications;*

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted in principle.</p> <p>No child should be in custody if it is not necessary and bail conditions, supported by an effective Bail Information Scheme, should be proportionate and realistic, and include participation by young people and their parents.</p> <p>The YJ Review also refers to the Law Commission's review of the law on Bail in Criminal Proceedings.</p>	<p>The Commission's report has recently been published. It includes recommendations around bail for children and young persons. The Minister may wish to consult publicly on the Commission's recommendations before deciding on policy, and work on issues around bail for young people as highlighted in both the Youth Justice Review and the Law Commission's report will be taken forward in parallel to ensure that it is implemented in a consistent, co-ordinated manner.</p>	<p>DoJ</p>	<p>Under discussion</p>	<p>Potential consultation on Law Commission Report Winter 2012/13</p>

Key Theme: Bail and Remand (cont.)

Recommendation 9: Strict adherence to the statutory presumption of bail supported by:

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

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted in principle.</p> <p>There is a recognition that some young people have been committed to custody when other alternatives could be made available if the right systems and targeted resources in place. Readily accessible alternative accommodation to custody is essential, and will have to be taken forward with the relevant departments and agencies.</p>	<p>See actions under Recommendation 8</p>	<p>DoJ DHSSPS DSD</p>	<p>Under discussion</p>	<p>Scoping Exercise by June 2013</p>

Key Theme: Youth Conferencing

Recommendation 10: The success of the Youth Conferencing approach should be built on by:

- a. *maximising direct victim participation rates;*
- b. *ensuring conference outcomes are proportionate and relevant to the offending;*
- c. *reducing the time taken from arrest to conference disposal; and*
- d. *ensuring coordinators use their discretion to return to court those cases which in their professional judgement would be better dealt with formally.*

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted.</p> <p>Noting the very positive remarks regarding youth conference arrangements, there is agreement that improvement is always possible and the recommendation is already being taken forward by the Youth Justice Agency.</p>	<p>a) Youth Justice Agency has taken steps to ensure that DIRECT victim attendance is maximised. Victim categories have been re-defined in order to clarify the importance of the participation of individuals and communities that have been directly impacted on by the crime. Internal targets/objectives have been set that focus on direct victim attendance rather than indirect or victim representative attendees. YJA's victim satisfaction survey process has also been restructured, moving from surveying 10% of all victim category participants to 100% of all direct victims. This will allow YJA to concentrate on improving their service to this category in the spirit of recommendation 10 (a).</p>	YJA	Completed	Victim satisfaction reported quarterly as part of ongoing overview process

	<p>b) The issue of proportionality is now cross-cutting as all services delivered the YJA have produced and embedded a proportionality position paper. This sets out clearly across the Agency the premise and parameters of making recommendations to the PPS and the court that are proportionate and relevant to the offending. Internal targets/objectives have been set whereby 50% of all recommendations going forward are monitored by senior staff. YJA are also baselining the number of youth conference plans that do not exceed 6 months in order to set an internal target 13/14. This will ensure that we only recommend youth conference plans that exceed 6 months in exceptional circumstances.</p> <p>c) See comments under Rec.13</p> <p>d) The Youth Justice Agency acknowledges that the youth conference process may not be the best option in every case. The relevant legislation has been highlighted to youth conference co-ordinators who are supported by senior management in stating that a conference may not be appropriate. While this list is not exhaustive examples of such situations include:</p> <ul style="list-style-type: none"> • Where a young person has speech and language difficulties. 	YJA	Commenced	Baseline target set 2013/14
		YJA	Completed	

	<ul style="list-style-type: none">• Where a young person has mental health difficulties.• Where there is no direct or meaningful victim representative participation.• In cases involving domestic violence.• In cases involving sexually harmful behaviour.• Where there have been multiple conferences already.			
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Key Theme: Youth Court

Recommendation 11: The status & content of the NI Courts and Tribunals Service Official Guidelines for Youth Courts should be reviewed & arrangements developed to ensure adherence on a consistent basis.

Commentary	Action	Lead	Status	Milestones / Target Date
Accepted.	<p>An updated draft version of the Guidelines has been issued to the Office of the Lord Chief Justice for consideration. An agreed version is expected to be available for publication by the end of 2012.</p> <p>Plans for the re-launch of these Guidelines will include a communications strategy aimed at all Youth Court Professionals (incl. Judiciary, Lay Magistrates, barristers and solicitors) to help promote adherence to the policies and procedures within the revised Guidelines.</p> <p>Compliance with Guidelines will be added as a standing agenda item at all Youth Court User Group Meetings.</p>	DoJ	Ongoing with milestones	<p>1st draft issued August 2012;</p> <p>Expected publication December 2012;</p> <p>Launch January 2013</p>

Key Theme: Youth Court (cont.)

Recommendation 12: All judges, lay magistrates and lawyers working in the Youth Court should be specially trained and accredited to work within a new, single youth court jurisdiction.

Commentary	Action	Lead	Status	Milestones / Target Date
Accepted in principle.	<p>Initial contact has been made with the Judicial Studies Board, the Office of the Lord Chief Justice, and representatives of the legal professions to invite discussion on how training and accreditation may be taken forward.</p> <p>While there are currently several strands to training in respect of youth court matters it may be advantageous to draw these together into a focused training package, resulting in accreditation on completion. This will be explored further with the stakeholder groups.</p>	DoJ	Under discussion	<p>Initial Stakeholder meetings Oct 2012;</p> <p>Draft proposals Dec 2012</p>

Key Theme: Delay

Recommendation 13: Urgent attention needs to be paid to driving down the time taken for all diversionary disposals, in particular diversionary youth conferences, which should be renamed PPS ordered youth conferences. This process should be closely monitored, with the use of appropriate targets, by the Criminal Justice Board.

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted with caveat: Diversionary Youth Conferences will not be renamed as this would cause significant technical problems for records management systems, including Causeway, for a minor presentational gain.</p> <p>This issue had already been identified by the Youth Justice Agency and remedial action was underway prior to the report of the Youth Justice Review Team.</p>	<p>Time taken to process diversionary Youth Conference referrals was counted from receipt from PPS to return rather than by date of internal allocation of the case as was the previous practice.</p> <p>YJA also introduced (internally) a 20 working day target for return in order to ensure the 30 working day legislative target was met. In the last quarter a 91% compliance rate re: timely returns was achieved</p>	YJA	Completed	Targets will be kept under review to ensure compliance

Key Theme: Delay (cont.)

Recommendation 14: Work to tackle the problem of delay should prioritise young offenders. The lessons learnt should then be applied to the adult criminal justice system.

Recommendation 15: Statutory time limits should be introduced for all youth justice cases, providing for a maximum period from arrest to disposal of 120 days. This provision, which should include protection for victims from injustice in cases where the time limits are exceeded, should be contained in the next Justice Bill and thereafter implemented within 12 months to ensure all agencies have enough time to prepare. The Criminal Justice Delivery Group and all relevant agencies should find the means to significantly reduce the time taken in advance of the legislation. The Criminal Justice Delivery Group, together with the Judiciary, should oversee and be held to account for delivering the time limits.

Commentary	Action	Lead	Status	Milestones / Target Date
Accepted. Criminal justice processes are often slow and that this impacts disproportionately on young people given the stage of their development. Victims are also affected by delays in the system.	A wide range of initiatives are underway through the Speeding Up Justice Programme. In response to this Review and other independent reports, work on improving timeliness in the youth courts is being prioritised. Statutory Time Limits (STLs) are to be introduced in the youth courts within this Assembly mandate. In support of this, a new approach to the management of youth court cases has been developed and is being piloted from October 2012 to March 2013.	DoJ	Ongoing with milestones	STLs introduced within current Assembly mandate

Key Theme: Custody

Recommendation 16: The practice of allowing the courts to send persons under the age of 18 to Hydebank Wood Young Offenders' Centre should cease. Arrangements should be put in place to manage their transition to Woodlands Juvenile Justice Centre no later than 18 months from the publication of this report. As part of this, suitable options for accommodating a very small number of dangerous young offenders will need to be explored.

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted.</p> <p>Work has been in hand for some time to bring about the conditions in which under-18 year olds need no longer be sent to Hydebank Wood YOC.</p>	<p>Robust arrangements have been developed to ensure that the move to a single centre is carefully managed, sustainable and that the regimes are appropriate. Following co-operative work between YJA, NIPS and sentencers, there are no longer any under-18s at Hydebank Wood. This contrasts with a total of 9 young people held there at the time of publication of the Youth Justice Review Report.</p> <p>No children will be held at the YOC from 1 November 2012, save in the most exceptional circumstances, and legislation to underpin this commitment will be introduced shortly. In the meantime, the 2008 CJ Order provision will be used to achieve this aim.</p> <p>Detailed work has been done to ensure exceptional circumstances are carefully defined so as to minimise the risk that under-18s will need to go to Hydebank Wood in future.</p>	<p>DoJ / YJA / NIPS</p>	<p>Ongoing with milestones</p>	<p>Operational Plan agreed 8 Oct 2012;</p> <p>Policy commenced 1 Nov 2012</p> <p>Legislative change in next Justice Bill</p>

Key Theme: Custody (cont.)

Recommendation 17: Young people who attain the age of 18 while in custody should have their place of detention determined by an assessment of their circumstances, paying particular attention to their needs and best interests.

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted.</p> <p>This work has been introduced by the YJA and NIPS as an integral part of the new custody arrangements for under-18 year olds. All young people are reviewed at a case review and a discussion about location at 18 always takes place.</p>	<p>The approach taken to young people turning 18 whilst in custody will vary subject to their status and the nature of the custodial order under which they are detained. As at present, all such young people subject to a juvenile justice centre order will remain in Woodlands JJC for the duration of the custodial element of the order before being released under community supervision in the normal way. Those subject to other custodial orders will be individually assessed, as part of the normal case review process and may remain in Woodlands JJC if they are close to completing their sentence; are nearing completion of a planned programme of work prior to release; or, are exceptionally vulnerable. Otherwise they will transfer to Hydebank Wood YOC. In relation to remands, the expectation is that those turning 18 will either transfer immediately to Hydebank Wood YOC or at the next available court hearing.</p>	<p>YJA</p>	<p>Completed</p>	<p>N/A</p>

Key Theme: Custody (cont.)

Recommendation 18: The practice of using the Juvenile Justice Centre as a place of safety for PACE procedures for any child should be reduced to an absolute minimum through the measures outlined in this report (recommendations 8, 9 and 19). The number of PACE places in Woodlands JJC should be limited to one or two.

Recommendation 19: Looked after children should no longer be placed in custody, either through PACE, on remand or sentenced, where this would not have been an outcome for children in the general population.

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted.</p> <p>The issue of looked after children in custody is a perennial problem, not just in Northern Ireland but UK wide, and requires constant work. However much good work has been done in recent years to monitor and control admissions of looked after children into custody, and this work will be ongoing.</p>	<p>DoJ is working direct with DHSSPS to track all admissions to the JJC from children's homes and ensure that they are proportionate and fully justified.</p> <p>Joint DHSSPS/PSNI guidelines on the appropriate operation of PACE procedures for children have been developed and issued to Custody Sergeants. These guidelines make specific reference to looked after children.</p> <p>The average daily PACE population in the JJC is only one child, but ultimately the decision whether or not to accept a child under PACE will be an operational matter for the Centre Director, taking account of the circumstances of the case and the capacity of the Centre at the time.</p>	DoJ / DHSSPS	Ongoing	
		DHSSPS/ PSNI	Completed	
		YJA	Ongoing	

Key Theme: Reintegration and Rehabilitation

Recommendation 20: Greater priority should be accorded to the rehabilitation and re-integration of young offenders in custody. They should be prepared for release from the outset through, for example, day release for the purpose of education, training or employment and should have continuing access to support on a multi-agency basis.

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted.</p> <p>This recommendation which, in echoing similar recommendations in the Owers Review of the Prison Service, rightly emphasises the importance of properly reconnecting young people leaving custody with relevant supports in the community.</p> <p>The Youth Justice Agency has reviewed its practices in this area with a view to ensuring that timely and robust connections are made with the appropriate services.</p>	<p>Woodlands Juvenile Justice Centre already operates a multi-agency review process involving the child, parents, PBNI, Probation and Social Services. The first planning meeting, which includes consideration of re-integration needs, is held within 10 working days of admission. Where appropriate, day release for young people to attend courses can be approved depending on stage of sentence and risk assessment. The recently established Youth Justice Agency/DEL/Careers Service Partnership will assist in this approach.</p> <p>Currently, the community element of a juvenile justice centre order and a determinate custodial sentence are supervised by the Probation Service but include tailored support packages provided by Community Services of the Youth Justice Agency.</p>	<p>YJA</p>	<p>Ongoing</p>	<p>Ongoing</p>

Key Theme: Reintegration and Rehabilitation (cont.)

Recommendation 21: Policy and legislation relating to the rehabilitation of offenders should be overhauled and reflect the principles of proportionality, transparency and fairness. Specific actions should include:

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

Commentary	Action	Lead	Status	Milestones / Target Date
Not yet accepted.	This recommendation and its component parts is being considered alongside the outcome of the consultation on Sunita Mason's review of the management of criminal records in Northern Ireland, including the definition of a criminal record, before coming to a firm view on best to proceed.	DoJ	Under discussion	Dependent on outcome of consultation

Key Theme: Special Groups

Recommendation 22: All agencies working with children and young people should improve their understanding of special needs and the impact these have on those specific groups over-represented in the youth justice system and in custody. The DHSSPS should lead in developing better assessment, inter-agency information exchange and cross-referral mechanisms alongside more specialised interventions.

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted.</p> <p>Both the Minister of Justice and the Minister of the Department of Health, Social Services and Public Safety, have accepted this recommendation and agreed that the two departments should work together on taking it forward. When Minister Poots wrote he referred to “the over-representation of certain groups of young people in the YJ system, including looked after children and children with mental health and substance abuse problems”.</p> <p>He also referenced the ongoing work of the Health and Social Care Board and justice agency partners who are trying to address other difficulties which may lead to children unnecessarily coming into the YJ system, in particular, prevention and early intervention projects for 8-13 year olds and meeting the housing needs of children leaving the care system.</p>	<p>DHSSPS & Partners: Many initiatives are already underway which seek to address the problem of over-representation of children with special needs in the YJ system and in custody. These include:</p> <ul style="list-style-type: none"> • HSCB and DHSSPS monitoring of LAC/PSNI/JJC interfaces through Untoward Event reporting mechanisms. • Information exchange systems between JJC and HSC Trusts/HSCB on children known to Social Services who are admitted to custody. • Development and implementation of Regional Guidance on PSNI involvement in Children’s Homes and children who go missing from home/foster care and attendant joint training between the police and Social Services. • Implementation of Regional Guidance for Residential Care and Field Social Work staff on supporting Looked After Children who are 	DHSSPS / DOJ / YJA / PSNI	Completed Completed Completed Commenced	Monitoring Ongoing Ongoing Guidance agreed & being rolled out Ongoing

<p>PSNI is also addressing the issue through its training as it was also a recommendation in the NIPB Thematic Review, and the Youth Justice Agency have forged close links with the Royal College of Speech and Language Therapists (RCSLT) to develop its services for those with communication difficulties.</p>	<p>arrested/questioned by police or appear in Court on criminal matters (ongoing).</p> <ul style="list-style-type: none"> • Reconfiguration of Residential Child Care services across all Trusts, in keeping with HSCB Commissioning Plan). • Expansion of specialist fostering schemes for young people who are at risk of admission to custody. • Development of joint child and adolescent forensic psychiatry services to young people held in secure accommodation or JJC custody. • Development of information sharing protocols between YJA/PPS and HSC Trusts to better meet the needs of children who interface with the CJ system (as part of new Youth Engagement process – see Rec 6a). • Significant additional investment in services to children with complex behavioural and emotional needs who are held in Secure Accommodation. • Implementation of Regional Good Practice Guidance agreed by NIHE and HSC Trusts – Meeting the Accommodation & Support Needs of 16-21 year olds (ongoing). • Implementation of forthcoming Autism Strategy and Action Plan. 	<p>DHSSPS / DOJ / YJA</p>	<p>Under discussion</p> <p>Commenced</p> <p>Under discussion</p> <p>Commenced</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>	<p>Anticipated Imp. plan 2013</p> <p>Recruitment drive underway</p> <p>April 2013</p> <p>1 Oct 2012</p>
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	<ul style="list-style-type: none"> Further development of specialist addiction services to children and young people, in particular those in high risk groups, as envisaged in the New Strategic Direction on Drugs and Alcohol. <p>PSNI work: PSNI are mindful of the requirement to increase officers' awareness of the special needs of young people, particularly those with mental health issues. PSNI have engaged Mindwise in the development a programme (Linked-In) which addresses the issues of mental health within custody for those aged 13-24 years. This programme of work is to be operational for the next four years in addressing identified need within three specific sites namely Strand Road, Antrim and Musgrave Street.</p> <p>YJA work: In conjunction with RCSLT, the YJA have designed an e-learning assessment tool aimed at identifying the communication needs of those young people working with the Agency, which is currently being piloted in two locations - the JJC (custody-based) and Lisburn Offices (community-based).</p>	<p>DHSSPS</p> <p>PSNI & Mindwise</p> <p>YJA</p>	<p>Ongoing</p> <p>Commenced</p> <p>Commenced</p>	<p>Ongoing monitoring over the 4 year scheme</p>
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Key Theme: Strategic and Practical Arrangements

Recommendation 23: The First and deputy First Ministers should reconfirm the Government's commitment to children and young people through the establishment of a Ministerial Committee comprising the Ministers of Education, Health and Social Services, Social Development and Justice as its core members. Its overarching aim should be to promote social inclusion, prevent offending, deliver better outcomes for children and facilitate the transition to adulthood. This Ministerial group should set the strategic direction, rationalise and make more coherent the current strategic planning process and engage other Ministers as necessary.

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted in principle.</p> <p>This recommendation will be taken forward under the auspices of the Delivering Social Change framework.</p>	<p>The Delivering Social Change (DSC) framework is aimed at driving forward cross-cutting arrangements to address multi-generational poverty and improve children and young people's health, wellbeing and life outcomes. The framework reports to the Executive through the Ministerial Sub Committee for Children and Young People and the Ministerial Sub Committee for Poverty and Social Inclusion, each of which include the Ministers of Education, Health Social Services and Public Safety, Social Development and Justice.</p> <p>Further action will be taken by DoJ, through established cross-departmental machinery, to ensure the underlying aims are delivered.</p>	<p>DoJ through MSC for Children</p>	<p>Ongoing</p>	<p>Ongoing</p>

Key Theme: Strategic and Practical Arrangements (cont.)

Recommendation 24: The Children and Young People's Strategic Partnership (CYPSP) should become the strategic, multi-agency forum through which regional and local priorities are agreed.

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted in principle.</p> <p>This recommendation does not define the scope the Review Team had in mind.</p> <p>The Delivering Social Change framework is engaging with the Children and Young People's Strategic Partnership and other key stakeholders who are developing proposals for early intervention.</p>	<p>As the DSC agenda is finalised and actions agreed, discussions will take place with CYPSP and others about the best means of delivery.</p>	<p>DSC Programme Board / CYPSP</p>	<p>Ongoing</p>	<p>Ongoing</p>

Key Theme: Strategic and Practical Arrangements (cont.)

Recommendation 25: The Criminal Justice Delivery Group should develop a strategic interest in youth justice and, together with the Criminal Justice Board and the Ministerial Children's Committee, take overall responsibility for implementing the recommendations in this report. They should also address, as a matter of urgency, the paucity of high quality statistical data and research across and beyond the criminal justice system.

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted.</p> <p>Reform of the youth justice system is a key Ministerial priority and progress on the implementation of the agreed recommendations of the Review will be reported regularly to these strategic groups.</p>	<p>Papers on the proposed role for the Criminal Justice Delivery Group and Criminal Justice Board have been submitted to these groups for discussion at their next meetings.</p>	DoJ	Under discussion	<p>Review complete by early 2013</p>
	<p>On the issue of statistical data and research, the Department is currently considering a wider review to define in detail its information needs, which it is proposed would incorporate this recommendation.</p>	DoJ	Under discussion	

Key Theme: Strategic and Practical Arrangements (cont.)

Recommendation 26: The Ministerial Committee and the CYPSP should take the lead in developing a multi-disciplinary model of practice for children in need and oversee its implementation across NI. Once developed and agreed, consideration should be given to putting these arrangements on a statutory footing.

Commentary	Action	Lead	Status	Milestones / Target Date
Accepted in principle.	This recommendation is long term in nature and will require significant resource input for delivery from a range of Departments. The initial focus through the DSC framework has been on early intervention arrangements. Further consideration is needed about how best to take this forward but the production of the DSC Children and Young People's Early Actions Document will establish priority areas for action.	DSC Programme Board / CYPSP	Ongoing	Not yet scoped

Key Theme: Strategic and Practical Arrangements (cont.)

Recommendation 27: The success of youth and community work in Northern Ireland should be built on by providing additional resources to support its expansion, allowing other agencies to draw on the skills and expertise of youth and community workers in engaging young people, especially those who offend.

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted in principle.</p> <p>We note the positive comments of the Review Team on this sector which does such good – but often unseen – work to support vulnerable children and their families away from crime and other negative outcomes.</p>	<p>This recommendation relates to a cross-cutting issue that involves all departments and work will be undertaken with Executive and departmental colleagues through the Delivering Social Change framework to explore how to take forward this work.</p> <p>The DoJ will take account of this recommendation in considering how best to progress its responsibilities for youth offending. It will also work through DSC framework to encourage a focus on aspects of early intervention relating to when young people show enhanced risk of becoming involved in offending behaviour.</p>	DOJ	Ongoing	Ongoing

Key Theme: Children’s Rights and International Standards

Recommendation 28: Section 53 of the Justice (NI) Act 2002 (the aims of the youth justice system) should be amended to fully reflect the best interest principles as espoused in Article 3 of the UN Convention.

Commentary	Action	Lead	Status	Milestones / Target Date
Accepted.	Section 53 of the Justice (NI) Act 2002 will be amended to fully reflect the best interest principles as espoused in Article 3 of the UN Convention. The Faster Fairer Justice Bill will be used as a vehicle to give effect to this recommendation. In the meantime, arrangements will be put in place to provide training on the new aim.	DoJ	Ongoing	In line with legislative timetable

Key Theme: Children’s Rights and International Standards (cont.)

Recommendation 29: The minimum age of criminal responsibility in Northern Ireland should be raised to 12 with immediate effect, and that following a period of review of no more than three years, consideration should be given to raising the age to 14.

Commentary	Action	Lead	Status	Milestones / Target Date
<p>Accepted in principle.</p> <p>Non-criminal interventions have been shown to be more effective but it is understood that this approach is not shared universally.</p>	<p>Recognising the sensitivities involved on all sides, and noting that such a change has implications beyond the justice arena, the Minister will consult further with political parties to seek to develop a consensus in favour of raising the minimum age of criminal responsibility. In doing so he will consider whether safeguards could be introduced to recognise the concerns of those who have opposed this step.</p>	<p>DoJ</p>	<p>Ongoing</p>	<p>Dependent on further discussions</p>

Key Theme: Children’s Rights and International Standards (cont.)

Recommendation 30: We further recommend that, in the intervening period, appropriate local services and programmes should be developed to meet the needs of children and young people who would otherwise have entered the criminal justice system.

Commentary	Action	Lead	Status	Milestones / Target Date
Accepted in principle.	<p>This recommendation is contingent on one particular aspect of Recommendation 29, which envisages an increase in MACR from 12 to 14.</p> <p>However, regardless of the outcome of this recommendation, relevant Departments are already working together through the DSC framework to develop the necessary structures within which improved services can be delivered to children in this age group.</p>	DSC Programme Board	Contingent on other recs.	Contingent on other recs.

Recommendation 31: The NI Executive should make it clear to all public authorities that the “age” category in Section 75 of the Northern Ireland Act 1998 requires them to consider how their policies and practices impact on children and young people.

Commentary	Action	Lead	Status	Milestones / Target Date
Accepted on behalf of DoJ;	Executive agreement will be sought. The matter has been referred to OFMDFM for advice on how best to take this forward.	DoJ	Under discussion	Under discussion