

**Date:** 20 March 2025

Kathy O'Hanlon  
Clerk to the Committee for Justice  
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**By email:** [committee.justice@niassembly.gov.uk](mailto:committee.justice@niassembly.gov.uk)

Dear Kathy,

**PBNI WRITTEN SUBMISSION – JUSTICE BILL**

Thank you for your correspondence dated 24 February 2025, inviting the Probation Board for Northern Ireland (PBNI) to give evidence to inform the Committee's scrutiny of the Justice Bill. PBNI have a particular interest in the proposals regarding bail, remand, restorative justice, and custody for children.

We look forward to providing oral evidence to the Committee to provide further details, answer any questions that Members may have and reflect the experiences of the people we are working with.

Yours sincerely,



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**Amanda Stewart OBE**  
**Chief Executive**

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# **Probation Board for Northern Ireland**

## **Written evidence to the Justice Committee**

### **Response to the Justice Bill**

#### **About the Probation Board for Northern Ireland (PBNI)**

1. PBNI is a non-departmental public body of the Department of Justice. The aim of PBNI is 'Changing lives for safer communities' and it works to address the causes of offending to help prevent people coming back into the justice system again and protects the public from harm caused by re-offending. The services PBNI provides enables individuals to change their behaviour which in turn reduces the likelihood of reoffending, reduces the numbers of victims, and makes communities safer. We work at every stage of the Criminal Justice System; PBNI prepares pre-sentence reports for Court, we supervise individuals in the community who are subject to community-based sentences and post custodial licences, we work in the custodial establishments in Northern Ireland preparing prisoners for release and we manage the co-located victim information schemes.
2. Whilst the vast majority of people that probation supervise are over 18 years of age (approximately 1% are aged under 18) the provisions in the draft Justice Bill impact on the work of PBNI. In this regard, it is worth highlighting the work of the Aspire Young Men's Project as it is relevant to this Bill given the age profile of Aspire service users. PBNI set up the 'Aspire' Project in September 2017 following a recommendation made by the Fresh Start Panel Report on the Disbandment of Paramilitary Groups in Northern Ireland in 2016. The aim of Aspire is to reduce criminality and risk-taking behaviour in young men aged 16–30 who are marginalised from communities and at risk of becoming involved in paramilitarism. It is a collaborative project led by PBNI and delivered in conjunction with the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO), Northern Ireland Alternatives (NIA) and Community Restorative Justice Ireland (CRJI).

## **Introduction and background**

3. PBNI welcomes the opportunity to provide written evidence to the Committee for Justice on the Justice Bill, in particular the proposals regarding Part 2, bail, remand and custody for children.

## **Response to The Justice Bill**

4. PBNI welcomes the provision under Article 48ZA (3) "A condition of bail must be no more onerous than is necessary for the purpose for which it is imposed." This demonstrates an intention to adopt an individualised response to each child which is positive. (Clause 5).
5. PBNI welcomes the presumption of bail for children and young people. If children and young people can be supported to safely remain in the community, we know that the outcomes for them will be better, and they are less likely to receive a custodial sentence. For those children who need help to adhere to bail conditions it will be important to have a bail support scheme in place to help them avoid breaching their conditions.
6. For those young people who are alleged to have committed very serious offences a remand in custody will be required in order to prevent reoffending and protect the victim or where the child's release would cause a serious threat to public order. This is likely only to apply to a very small number of children and the tests for refusal of bail require the two conditions to be met, that the offence is likely to result in a custodial sentence and there are risks of reoffending.
7. PBNI welcomes the provision that bail conditions should only be in place for as long as they are needed. This links with the issue of delay and the need to ensure that criminal proceedings for young people are progressed as quickly as possible. We know that if a child is subject to bail conditions for an extended period of time there is an increased likelihood of them breaching the conditions and potentially being remanded into custody.
8. In deciding whether to release on bail the court must have regard to the child's age, maturity and needs and their capacity to understand and comply with any condition of bail. In some cases, this may require an assessment by other professionals / organisations to inform the court.

9. The court process for a child/young person can be confusing and in explaining the requirements of bail it will be important that age-appropriate language is used and consideration is given to any speech and language or other communication needs that the child may have. In meeting this requirement of the legislation parents/carers or other professionals may need to assist the child in explaining what the bail requirements are and the consequences for them if they fail to comply. (Clause 6).
10. Clause 7 gives discretion to the police in making decisions regarding arrest of a child for breach of bail. This is an important addition to the legislation as it will ensure that minor breaches do not result in arrest and revocation of bail. Children will make mistakes, and they will test boundaries but this flexibility in approach is welcomed.
11. The legislation notes that any breaches will be reported at the next scheduled court hearing and at that time the Judge can reinforce the importance of adhering to bail conditions and re-contract the child at that time. This should ensure that bail conditions are more meaningful for the child and more easily complied with.
12. PBNI is supportive of the amendments (Clause 8) to police and court bail that a child should not be placed in custody solely because of accommodation needs. Every effort should be made to seek appropriate accommodation and link with social services and others to prevent a child being placed in custody. Previously there have been examples of children who have been granted bail but being unable to avail of it because of a lack of accommodation.
13. There will be a need however for organisations such as the Health and Social Care Trusts, and Social Services to work together to address children's accommodation issues when they arise. PBNI and YJA should be involved in these conversations, but Trusts have overall responsibility for providing accommodation. It is likely that schemes such as bail fostering will need to be expanded to support the small number of children who experience this situation.
14. Clause 12 introduces a new youth custody and supervision order (YCSO) for children aged 14 and over for less serious offences. PBNI is supportive of the introduction of this new YCSO. This will replace the current Juvenile Justice Centre Order and the current agreement between PBNI and the Youth Justice Agency (YJA) in relation to how this sentence is currently managed. This should simplify sentencing for children and young

people and the restriction on making two or more youth custody and supervision orders is welcome.

15. We note the period of the new order for between six months and two years for young people under 16 and the suggested provision for up to four years for young people aged 16 and over for named offences under the Firearms (NI) Order 2004 or if the sentence is imposed under paragraph 2(5A) of Schedule 2 to the Violent Crime Reduction Act 2006, or where the court is of the opinion that an order for a period of two years would be inadequate in all the circumstances. It is noted also that the custodial element of the order will be no more than one half of the length of the total order.
16. PBNI recognises the need to have a longer order for the very small number of young people who commit the most serious offences, but we are aware of concerns raised by community and voluntary sector organisations about the impact of such a lengthy sentence on a child and the impact on their future life chances and rehabilitation periods. We note that during the period of supervision under a YCSO the young person is to be under the supervision of a probation officer or such other person as the Department may designate.
17. This is important as these young people may attain the age of 18 years during the custodial phase of their order and will be managed within the adult criminal justice system. For those young people under 18 years, it is the view of PBNI that they should be supervised by the Youth Justice Agency who have greater specialisms in working with children and young people.
18. It is noted that where the Youth Custody and Supervision Order is in force, the court may order the individual to be detained for a period not exceeding the remainder of the period during which the order has effect. This brings the legislation into line with the adult custodial orders (DCS) and is welcomed.

### **On Restorative Justice**

19. This proposed amendment relates to the transfer of functions related to restorative justice schemes from the Secretary of State for Northern Ireland to the Department of Justice. It also makes provisions in respect of the accreditation process and the role of

Criminal Justice Inspection Northern Ireland. PBNI is in agreement with this, and it aligns with the work that is ongoing to implement the Adult Restorative Justice Strategy.

### **Other Comments**

20. To avoid labelling language, PBNI would ask for consideration to be given to replacing the word “offender” which is used in the legislation with the word “child” instead.
21. Age of Criminal Responsibility: the Minimum Age of Criminal Responsibility is currently set at age 10 in Northern Ireland. Whilst not addressed in the Bill, PBNI are in support of raising the Minimum Age of Criminal Responsibility to 14 years of age in line with the recommendations of the United Nations Committee on the Rights of the Child.
22. Clause 26, the use of registered intermediaries, suggested by the Victim and Witness Steering group of which PBNI is a member, is supported by PBNI.