



The Justice Bill

(NIA Bill 07/22-27)

Written Submission to the Justice Committee

01 May 2025



Niacro – Justice Bill Submission

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1. Introduction

Working for over 50 years to reduce crime and its impact on people and communities, Niacro welcomes this opportunity to provide written evidence to the Committee for Justice (the Committee) on the Justice Bill in advance of attending the Committee's meeting on Thursday 8 May 2025.

We would note that the Bill as it stands, in addition to the proposed Amendments represents a complex and technical piece of legislation. Given our expertise and policy priority areas, this submission will primarily focus on the proposed amendments concerning the [Rehabilitation of Offenders Order 1978](#) as well as our proposal for the addition of another amendment, that is, to raise the minimum age of criminal responsibility (MACR), noting that both matters have been subject to Department of Justice (DoJ) public consultations in 2021 and 2023 respectively.

However, we will also provide high-level feedback on other proposed amendments and commentary on the original Justice Bill as introduced, as all areas of the Bill have the potential to impact on existing and future people coming into contact with the Criminal Justice System (CJS) and therefore Niacro.

Furthermore, our submission is framed with a future-proofing perspective as we regard this Bill as a vital legislative tool that must align with the Northern Ireland Executive's commitment to creating safe communities, as outlined in the [Programme for Government 2024-27](#). As such, it presents an opportunity to establish essential legal mechanisms to help support the delivery of the proposed cross-departmental strategy to reduce offending and reoffending. Additionally, this legislation needs to be able to facilitate the implementation of the Strategic Framework for Youth Justice and the Youth Justice Review 2011, ensuring the youth justice system delivers improved outcomes for children, families, victims, and communities impacted by crime.

For ease we have provided a summary of our service provision at Appendix 1. If the Committee requires any further clarification or detail on the issues outlined in this submission, Niacro stands ready to provide additional information in writing or to attend further Committee meetings as it advances to consideration and other stages of the Bill.

2. Niacro's role in working to reduce crime and its impact on people and communities

Niacro has been working in Northern Ireland since 1971 and is committed to reducing crime and its impact on people and communities across Northern Ireland. Guided by a vision of society where the rights and needs of all people are equally respected and protected, our strategic plan is aligned to DoJ and Programme for Government (PfG) priorities, and our goals are as follows:

- 1. Crime reduction through support**
- 2. Safer and inclusive communities**
- 3. Reduction of young people entering the Criminal Justice System**
- 4. Insight drive change**
- 5. An effective and efficient organisation**

Niacro's diverse range of services includes mentoring, employability programmes, finance and debt advice, and family support programmes; we create meaningful change for **over 7,000 people** annually and facilitate **over 30,000 prison visits across the prison sites** each year - see details of the range of service provision in the attached Appendix 1.

We work closely with the Northern Ireland Prison Service (NIPS) and the Probation Board (PBNI) both at a strategic and operational level and deliver a range of trauma informed programmes and services designed and delivered together with aims to reduce re-offending which focus on:

- Strengthening family ties.
- Maximising opportunities for training and employment.
- Supporting stability with housing, health and finances.

Niacro are also commissioned by and work closely with Public Health Agency (PHA), Strategic Planning & Performance Group (SPPG) and the local Health & Social Care Trusts (HSCT's) providing early intervention and support services to families and children in need, across Northern Ireland to support our aim of reducing young people entering the criminal justice system.

Our approach to delivering and improving rehabilitation also involves our policy work, through which we play our part in shaping public policy and helping to make change – for the better – to the criminal justice system. We believe that the knowledge and experience we gain from our work gives us the obligation, the authority, and the responsibility to seek to influence policy makers, legislators, service providers, and the wider public.

At Niacro we aim to have an impact on policy and practice by communicating our key messages and engaging with relevant public bodies. We are committed to ensuring the voices and the lived experience of our service users and the people in contact with us are at the heart of everything we do, including the examples of feedback on our services and support contained in this submission document.

3. Summary of key recommendations

Niacro believes the Committee for Justice should consider the following amendments to the Justice Bill:

1. Niacro urgently calls on the Committee to revise the legislation to **ensure full alignment with England and Wales**, removing unnecessary barriers to rehabilitation. Moreover, it is important to recognise that, under this amendment, England and Wales impose no requirement for an independent review mechanism.
2. We note that there is no time to **introduce a review mechanism** in this mandate and strongly recommend this is **progressed as a priority in the next Assembly mandate** to ensure people who are sentenced to more than 10 years and have rehabilitated have an opportunity for their conviction to become spent.
3. To maximise the effectiveness of this legislation and the cross-departmental strategy aimed at reducing offending and reoffending, we strongly advocate for increased investment and collaboration. This should **focus on bolstering employer engagement, raising public awareness, expanding support services, and delivering trauma-informed rehabilitative** programmes in partnership with a **well-resourced community and voluntary sector**.
4. Niacro supports the amendment relating to restorative justice and urges the Committee to ensure there is **consistency in restorative justice access as well as investment** in training and restorative justice programmes.
5. Niacro supports the amendment relating to AccessNI Filtering and encourages the Committee to consider **expanding filtering eligibility, strengthening the appeals mechanism and enhancing public awareness**.
6. Niacro recommends that the Committee consider introducing an amendment to **raise MACR from 10 to 16 years** of age.
7. Niacro urges the Committee to **reconsider the necessity of prolonged biometric data retention** to ensure it aligns with the principles of rehabilitation and proportionality.
8. We strongly urge the Committee to ensure that the Justice Bill **proactively addresses new technologies**, embedding **forward-looking protections** to prevent unintended consequences.
9. Niacro urges the Committee to adopt the recommendation put forward by both the Northern Ireland Human Rights Commission and the Children's Law Centre, for the inclusion of an additional Clause at the outset of the Bill, explicitly establishing the **child's best interests** as a guiding principle. This provision should apply across the entirety of the Bill, ensuring consistency and safeguarding children's rights beyond just Part 2.
10. Niacro recommend that every instance of the term *juvenile* in the Bill be **replaced with child**, ensuring clarity, coherence, and a more humanising approach. This adjustment reinforces a rehabilitative, rather than punitive, perspective within youth justice policy, as well as placing the best needs of children at the heart of these legislative changes.
11. Niacro does **not support the use of fines as a court disposal for under 16s** and ask that further consideration is given to how the Youth Custody & Supervision Order will align with Youth Justice practice, the Review of Sentencing and the proposed new Single Community Order for Children?

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12. Niacro ask that **age appropriate and clear information is issued to children** on the different types of disposals and the impact that they may have, including the potential to appear on a criminal record (and reflecting Part 1, that their biometric data will be held).
13. Niacro ask for **clarity** in relation to the **evidence base** that will apply when **attaching conditions to police bail**.

4. Specific comments on Proposed Amendments to Rehabilitation of Offenders

4.1 Missed opportunity to align with England and Wales legislation

The Rehabilitation of Offenders Order 1978 continues to be the governing statutory instrument in this jurisdiction which sets out rehabilitation periods for people with convictions and a criminal record, lagging considerably behind similar regimes in England and Wales. Recognising the time has come for reform, the DoJ has drafted legislative amendments as part of this Justice Bill.

Niacro embrace the DoJ efforts to reform the current legislation as for too long too many people have faced ongoing stigma and unacceptable obstacles as a result of the existing Order. For many people time has been served, sentences are completed but the punishment continues, as they are never allowed to forget and therefore never allowed to fully move on from past actions.

Niacro note the [Report from the 2021 DoJ consultation](#) and welcome that whilst the consultation focused on rehabilitation periods for **custodial sentences**, the exercise also included proposals for reforms to rehabilitation periods for **non-custodial sentences**, which make up the majority of disposals handed down by the courts. We are pleased that the proposed amendments include custodial, non-custodial and youth related sentences.

In addition, we like DoJ are satisfied that there is no increased risk because of the proposed amendments given the existing safeguards - known as exceptions, set out in the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979. This sets out the jobs and professions where applicants must always declare their convictions, even where they are considered spent.

Of note in the consultation responses:

- Most respondents (96%) supported a review of the rehabilitation periods for custodial sentences in Northern Ireland.
- Most respondents (94%) supported a review of the current bar on custodial sentences of 30 months or more never becoming spent.
- The importance of securing employment was specifically referred to by many respondents. They noted how significant a factor employment was in reducing reoffending and giving people hope for the future; and that the more former offenders who can find employment the less reoffending.
- Some responses from organisations representing young people detailed the dramatic impact long disclosure periods can have on a young person in the early stages of their lives, as they seek to pursue employment pathways, and how this is of particular concern in Northern Ireland where the age of criminal responsibility is 10 yearsⁱ.

Encouragingly, most respondents (97%) supported the review of the rehabilitation periodsⁱⁱ.

However, it is deeply concerning that the DoJ has failed to seize the opportunity to align with legislative advancements in England and Wales since October 2023. Unlike Northern Ireland, England and Wales have removed the upper limit on custodial sentences that remain unspent, signalling a more progressive approach to rehabilitation.

While the proposed legislation in Northern Ireland may have once been considered forward-thinking, it will now lag behind. England and Wales have amended the Rehabilitation of Offenders Act 1974 to ensure that custodial sentences exceeding four years become spent after the sentence duration plus seven years - except for certain excluded offences (introduced in [Schedule 18 of the Sentencing Act](#)), which remain exempt from rehabilitation. Excluded offences would include murder, manslaughter, terrorist offences, many sexual offences, including rape and sexual assault and some violent offences including GBH and ABH.

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Niacro urgently calls on the Committee to revise the legislation to ensure full alignment with England and Wales, removing unnecessary barriers to rehabilitation. Moreover, it is important to recognise that, under this amendment, England and Wales impose no requirement for an independent review mechanism.

4.2 Unlocking Second Chances: The need for legislative reform

The inclusion of a cross-departmental strategy to tackle offending and reoffending within the Programme for Government presents a unique opportunity to drive transformation in the criminal justice system, and key to this delivery will be the development and enactment of key pieces of legislation like the Justice Bill.

Niacro recognises that the 1978 Rehabilitation of Offenders Order stands as the cornerstone of reintegration, offering individuals who have moved away from criminal activity a chance to rebuild their lives. Yet, after more than four decades, this legislation demanded urgent review and strengthening to reflect the evolving landscape of justice. Since its introduction, fundamental changes have reshaped sentencing and public protection measures:

- Public Protection frameworks have expanded through new laws and sentencing arrangements.
- Longer sentences now alter rehabilitation timelines.
- Hybrid sentencing - served partly in prison and partly in the community - has introduced confusion over when the rehabilitation period begins.
- England, Wales, and Scotland have all revisited their rehabilitation laws, with ongoing reviews in England and Wales addressing concerns raised since the 2014 reforms.

Despite these developments, persistent inconsistencies remain:

- A fine must be disclosed for five years, while a Probation Order is considered spent upon completion or after one year.
- Sentences exceeding 30 months demand lifetime disclosure, offering no pathway for individuals to apply for a 'spent' conviction—regardless of time passed or personal transformation.
- This rigidity has been under legal scrutiny in Northern Ireland, as the NI Human Rights Commission challenged its compatibility with Article 8 of the European Convention on Human Rights. [In the matter of an application for Judicial Review by JR123 \(Appellant\) \(Northern Ireland\) - UK Supreme Court](#)

For rehabilitation to fulfil its true purpose, legislation must **prioritise fairness, adaptability, and clarity**, ensuring that those seeking a second chance are not indefinitely defined by their past.

As such, Niacro welcomes the proposed reforms to rehabilitation periods outlined within the amendment, as these reforms aim to reduce barriers for individuals with past convictions and support their reintegration into society. As an organisation committed to reducing reoffending, we believe that fair and proportionate rehabilitation periods are essential in ensuring that individuals can move forward without unnecessary obstacles.

4.3 The lived experience of the Unspent Conviction Regime in Northern Ireland

Case Study 1: Lack of knowledge and need for support to challenge decisions

'Mark' contacted Niacro's Disclosure helpline on behalf of his colleague, who are both employed in a public sector organisation. Mark's colleague 'Jill' had been suspended from her job as an admin assistant after an Access NI check which disclosed a driving conviction from 2020, when she received a fine. She was recruited via recruitment agency 7 years ago and had worked there ever since.

She received a call from the recruitment agency advising that her employment was going to be terminated due to her updated Access NI check. She had not informed her employer of the conviction at the time as she did not think it was relevant. The recruitment agency advised that the order to suspend her came from within

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the public sector organisation. Mark consulted with his staff officer who advised that he did not see an issue with her offence and her job role. She went back to the agency and advised of this and asked for contact information for the department/person who made the decision about her Access NI check. The recruitment agency said they would move her to a new role while they followed up with the employing organisation.

Niacro's Disclosure service provided advice and guidance about how to approach the employer and directed Mark towards the relevant legislation and organisational policies to support his colleague's case. Mark advised that the employing organisation reversed the decision to dismiss Jill.

Under the proposed changes the fine conviction would have been spent after a year.

Case Study 2: Inability to secure employment due to failing to disclose due to online search showing UK legislation

'Robert' applied for a job in Northern Ireland Civil Service (NICS) and did not disclose his conviction wrongly believing it was spent. He had researched the legislation online, and the search showed the UK legislation. He tried to appeal the decision, but NICS upheld the decision to refuse him the job as they said he had been 'dishonest'.

The proposed amendment would bring us into line with England and Wales and reduce this happening in the future.

Case Study 3: Insurance issues due to financial product linked to UK legislation

'Anne', a single mother with 2 small children was using a Banking App and saw they were offering home insurance. She applied online and inputted her (Northern Ireland) postcode. She was asked if she had any unspent convictions and was directed to the UNLOCK (a UK based voluntary organisation akin to Niacro) calculator which deals only with Rehabilitation relevant to England and Wales. She inputted her conviction details as requested and was informed her conviction was considered spent.

Unfortunately, there was a house fire, which made her property uninhabitable, and reported this to the insurance company. They sent out an inspector who asked her several questions including about unspent convictions. He realised that her conviction was not spent under Northern Ireland legislation and within hours, Anne was informed that not only was the insurance invalid, but they were referring her case to the Ombudsman for possible fraud. Understandably, this was devastating for Anne who had to find alternative accommodation and had lost everything. She also lost her job as she had to move locality and was unable to get home insurance on her new home. Her car insurance premium also doubled as result.

Case Study 4: Unable to access further education

'Liam' was referred by the Youth Justice Agency and was applying for university. As part of the UCAS application, he was asked if he had any unspent convictions. He received a court ordered Youth Conference Order which at that point was unspent. He did not want to have to go through the disclosure process and discuss his offences, so he has had to delay his university application until his conviction becomes spent.

4.4 Intent of the legislation

The stated aim of the legislation first enacted in England and Wales in 1974 and then transposed to Northern Ireland in the existing 1978 Order was *"to restore the offender to a position in society to that of one no less favourable than of one who had not offended"*. The purpose was to enable people who did not commit further crime to move on and have a second chance.

While there were concerns that anything over a 30-month sentence would require a lifetime disclosure, the intent of the legislation was seen as progressive; about restoring to full citizenship rather than being a further post sentence punishment measure. It is important to remember that the **purpose of the Rehabilitation of**

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Offenders legislation is to protect people with criminal records from unjust discrimination; it is not for public protection or managing reoffending.

In 1979, the Exceptions Order was introduced identifying job roles and professions where full disclosure would be necessary. There have been several further amendments to the legislation over the years as well as industry specific measures such as vetting processes for taxi licences and the Security Industry Authority (SIA) regulations.

Safeguarding measures and public protection processes came to the forefront in the 1990s and over time the original intent of the Rehabilitation Order has been forgotten and misunderstood in political and social debate. The concept of spent convictions is not at odds with public protection but rather has the potential to support it by enabling people to move away from offending and/or harmful risk-taking behaviour. Public Protection Arrangements in Northern Ireland's (PPANI) focus on those who have committed serious sexual and violent crime was subject to a 2019 Criminal Justice Inspection NI inspection which concluded:

“Inspectors found the PPANI, and the constituent agencies were delivering a good level of public protection in Northern Ireland.”

Other Public Protection architecture includes:

- ✓ Access NI - three levels of criminal records checks
- ✓ Children and Vulnerable Adults Barred lists
- ✓ SOPOs / VOPOs (Sexual / Violent Offences Prevention Orders)
- ✓ VISOR (the Violent & Sex Offenders Register)
- ✓ Post custody licencing arrangements
- ✓ Parole Commissioners
- ✓ Community Supervision Orders
- ✓ Life Licences
- ✓ Strong recall powers

Niacro welcomes this opportunity to highlight the fact that intentional public protection measures exist, and that the Rehabilitation of Offenders legislation should have its primary focus on supporting people with criminal records to move on as well as removing other systemic barriers which have crept in over time.

4.5 Commentary on the specific proposed amendments to the 1978 Order

The amendment significantly shortens the timeframes required for convictions to become spent, allowing individuals living with a criminal record to move forward more quickly and we believe these changes will enhance opportunities for former offenders while maintaining appropriate safeguards for public protection. However, it is a missed opportunity to align with England and Wales and remove the need for any 'brightline' whereby a conviction will never become spent.

This change has the potential to:

- **Remove unnecessary barriers to employment, housing, education, insurance and travel** Niacro consistently encounters examples of the impact of these barriers.
- **Recognise rehabilitation efforts** ensuring that individuals who have served their sentences are not indefinitely penalised.
- **Align Northern Ireland approach** with best practices across the UK, promoting fairness and consistency.
- **Establish clearer guidelines** on when convictions become spent.

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- **Simplify legal language**, making it easier for individuals, employers and service providers to navigate the system.
- **Provide stronger protection** against discrimination for those with spent convictions.

While the amendment reduces rehabilitation periods, **further reforms** could ensure that individuals with longer sentences are not permanently excluded from reintegration opportunities. Exclusions by sentence or offence type create injustice and embed the idea that some people are inherently incapable of rehabilitation. We do not believe that to be the case. We would recommend further consideration to:

- **Revising the legislation** to ensure **full alignment with England and Wales**, removing unnecessary barriers to rehabilitation. Moreover, it is important to recognise that, under this amendment, England and Wales impose **no requirement** for an independent review mechanism.
- **Providing clearer pathways** for those with complex criminal histories to access rehabilitation support.

“One respondent said that if the rehabilitation process is too long it becomes a huge barrier to resettlement; and that the current rehabilitation periods and disclosure periods are very long which can act as a barrier to resettlement within communities. The respondent also said that long periods of rehabilitation and disclosure can effectively brand individuals as criminals for life”ⁱⁱⁱ.

4.6 Proposed Rehabilitation Periods

The rehabilitation periods as set out in the 1978 Order pertain to sentences given to both adult and children, and there are differences in how they are treated for the purposes of being spent. The proposed amendments present a revised schedule of existing sentences, as well as the introduction of new categories, which in our view provides the simplification of the spent conviction regime which Niacro has been calling for many decades.

To support the Committee as it relates to the differences between the existing rehabilitation periods and what is proposed we have developed the Table (Table 1) below. We have also included a comparison to England and Wales and provide a short comment as to our view on each proposed change.

Table 1:

Sentence	Aged 18 or over at conviction	Under 18 years at conviction	Commentary/Response to Proposals
Absolute Discharge	Current NI: 6 months Proposed NI: Spent immediately England & Wales: Spent Immediately – same		Niacro are in agreement with this.
Probation Order, Bind Over, Conditional Discharge, Care/Supervision Order	Current NI: Date Order ceases OR 1 year – whichever is longer Proposed NI: No change if Order 12 months or more but if Order is less than 12 months spend on day expires.		Niacro welcomes this as it represents a more simple and fair development for people with probation orders of under 12 months.

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	England & Wales: Date Order ceases - same		
Fine or Community Service Order Combination Orders	Current NI: 5 years Proposed NI: 1 year England & Wales - same	Current NI: 2.5 years Proposed NI: 6 months England & Wales - same	We are pleased to see parity with the rest of the UK. We note that in NI Children don't usually receive fines; this is being considered as part of the Review to streamline Community Sentences for Children – DoJ consultation ends, July 2025.
Prison (immediate or suspended) OR Young Offenders Centre – sentence of 6 months or less	Current NI: 7 years Proposed NI: Length of sentence + 1 year England & Wales - same	Current NI: 3.5 years Proposed NI: length of sentence + 6 months England & Wales - same	Niacro welcomes the developments here noting that the DoJ have taken our views on board as well as the ongoing review in England & Wales. We know that short custodial sentences are not effective to reduce reoffending yet are continually used as a means of disposal. We recently gave evidence to the Public Accounts Committee in relation to Reducing Reoffending, and discussed the issues presented by short term sentences. We also note the intention of the DoJ to bring forward legislation in relation to sentencing to support the modernisation of the CJS.
Prison (immediate or suspended) OR Young Offenders Centre over 6 months – under 2.5 years	10 years N/A	5 years N/A	We welcome the simplification of the rehabilitation periods and note this category is defunct under proposed amendment.
<u>UNDER EXISTING 1978 ORDER A CUSTODIAL SENTENCE OF MORE THAN 2.5 YEARS (30 MONTHS) CAN NEVER BECOME SPENT</u> <u>IN ENGLAND & WALES A SENTENCE OF 30 MONTHS OR MORE BECOMES SPENT AFTER 7 YEARS</u>			Whilst Niacro are pleased to see the DoJ are generally proposing parity with England and Wales, it is disappointing that the opportunity has not been taken to introduce the same legislation in its entirety. In England & Wales there is no upper limit to the length of sentence which is never spent although a list of excluded offences was introduced in Schedule 18 of the Sentencing Act .
Prison of 1 year to 4 years (NEW)	Proposed NI: Terms of sentence + 4 years England & Wales - same	Proposed NI: Terms of sentence + 2 years England & Wales - same	Niacro have been calling for 40 years for the Rehabilitation of Offenders legislation to be revised and are pleased with the introduction of this new category as under the current regime, sentences of more than 2.5 years (30 months) can never be spent. This will be life changing for individuals who rehabilitate and want

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			to gain access to employment, housing, education, travel and financial services. This will be life-changing for individuals who rehabilitate and want to gain access to employment, housing, education, travel and financial services.
Prison of 4 to 10 years (NEW)	Proposed NI: Term of sentence + 7 years England & Wales – prison sentences of 4+ years are spent at length of sentence plus 7 years (with exemption of excluded offences)	Proposed NI: Term of sentence + 3.5 years England & Wales – prison sentences of 4+ years are spent at length of sentence plus 3.5 years (with exemption of excluded offences)	Niacro urgently calls on the Committee to revise the legislation to ensure full alignment with England and Wales, removing unnecessary barriers to rehabilitation.
A period of detention of less than 6 months under Article 45 of the CJ (Children) (NI) Order 1998	N/A	3 years N/A	We welcome the simplification of the rehabilitation periods and note this category is defunct under proposed amendment.
A period of detention of one year or less under Article 45 of the CJ (Children) (NI) Order 1998 (NEW)	N/A	Proposed NI: Terms of Sentence + 6 months England & Wales - same	Niacro welcomes the development here.
A period of detention of over 6 months but less than 30 months under Article 45 of the CJ (Children) (NI) Order 1998	N/A	5 years	We welcome the simplification of the rehabilitation periods and note this category is defunction under proposed amendment.
A period of detention of over 1 year but not more than 2 years 30 under Article 45 of the CJ (Children) (NI) Order 1998 (NEW)	N/A	Proposed NI: Terms of Sentence + 1 year England & Wales – this category doesn't exist.	Niacro welcomes the developments here in that children sentenced between 1-2 years are not subject to the same regime in England & Wales which would see the period after term of sentence plus 2 years.
<u>UNDER PROPOSED AMENDMENT CUSTODIAL SENTENCES OF MORE THAN 10 YEARS WILL NEVER BE SPENT</u>			Niacro urgently calls on the Committee to revise the legislation to ensure full alignment with England and Wales, removing unnecessary barriers to rehabilitation. We are disappointed that Northern Ireland hasn't taken the opportunity

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to fully align with England and Wales on this matter.

Moreover, it is important to recognise that, under this amendment, England and Wales impose **no requirement** for an independent review mechanism.

4.7 Niacro's response to supporting people with convictions and living with a criminal record

Research shows that securing employment is the most significant factor in breaking the cycle of reoffending^{iv}. Similarly, engaging in and maintaining participation in training programmes has a proven impact on reducing reoffending.

Niacro has been delivering support programmes for individuals with convictions in the community and prisons for several decades e.g., SkillSET is our current programme to provide employability and vocational training. Funded by the UK Shared Prosperity Fund, the NIPS, PBNi and the Gallacher Trust, the delivery of this service is an excellent example of how criminal justice organisations, the voluntary and community sector, local businesses and service users collaborate to support success for people like Gary. See Gary's story below:

Case Study 5: SkillSET employability support to rehabilitate and overcome challenges – in custody, through the gate and into the community

Gary is a 35-year-old man, now living in Belfast, after being displaced from his home city.

Gary was first referred to SkillSET by the Prisoner Development Unit while in custody at Maghaberry prison. He had no family or friends to rely on for support due to his conviction. He had nowhere to live on release and no money or benefit support. This was his first time in prison, and he was afraid for his future.

Gary shared with us the difference having support from Niacro made for him:

"I met Kelly from Niacro – I was needing support with absolutely everything - with benefits, housing, banking, transport, GP and hopefully getting a job. I had never been to prison before, and I was afraid of what it was all going to be like when I DID get out. I wanted it to be that I could put everything behind me but talking to other boys I wasn't sure how I was going to be able to do that. I have no family or friends. I am very thankful to the prison service for putting me in contact with Niacro.

As well as working with me herself, Kelly also put me in touch with other Niacro workers who helped me with benefits and housing referrals, and I got a place on their Transitions programme. Kelly spent a lot of time with me; she helped me get a CSR card and 360 excavator training. Before I left prison, she helped me do a CV, and to do a proper Disclosure statement – she explained that it would be better to have this ready and make a fresh start right from the get to. She explained that Niacro were able to help people to do this and to be honest when applying for jobs. I needed help with getting ready for interviews too which was not a problem for Kelly.

Due to all this help and the fact that I had support from Niacro after I left the prison, I feel I was as prepared as I could be. It is so easy for people to relapse and be recalled to prison. I can't believe that within 4 weeks of leaving Maghaberry I got a job as a digger driver. My employers know about my past because Niacro and the prison service were involved and supportive, so it meant that they had reassurance.

I am still looking for a permanent place to live and it's so hard at the minute as there isn't enough places. I am still getting help and SkillSET will be there for me over the next four months to make sure I stay in post.

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I can't believe that services like this exist. I am so grateful for all the support I have had, and part of me thinks I don't deserve it....my own family has disowned me. I am not going back to prison under any circumstances and let Kelly down and I am going to take this as my second chance to make a difference ... for myself!"

Each year we have worked with over 700 referrals in the SkillSET programme and to date have achieved **17.2% of participants into Employment and 36% supported in education and training**. We also work closely with Department for Communities (DfC) Work Coaches in the prison, and employers in the community to create realistic employment opportunities; we support disclosure statements and act as a point of contact if any issues arise following a job start.

In 2015 a Data Lab report showed a precursor to SkillSET the Niacro Job Track programme had a positive impact on reoffending rates: “The one year proven reoffending rate for those who completed the Jobtrack Programme was 20%, compared to 32% of those in the matched sample of similar offenders. This represents a statistically significant difference”^{vi}.

The [NI Audit Office report on Reducing Re-Offending](#) notes on page 82 the effectiveness of a previous service delivered by Niacro for PBNi between March 2015 and April 2017 called RESET. We note that the 2016 Evaluation Report for RESET reported reduced prison call rates and likelihood of reoffending as well as other qualitative participant benefits. It suggested ‘potential cost reductions when comparing average scheme costs of £2,544 per person with costs per prisoner recall of £15,291’^{vi}.

We also have a dedicated **Disclosure** Helpline (Registered with Helplines NI) and a website - www.disclosureni.com - which has a bespoke calculator embedded in it, to support individuals with understanding if their convictions have been spent. This was designed by Niacro with largely pro-bono support from an experienced IT consultant, and was in response to the need for people with a NI conviction to properly disclose and understand the reality the current order presents to them. (As illustrated by our earlier case study examples within this submission.)

In 2023-2024 Niacro's Disclosure helpline supported 344 referrals for people with criminal records to help them navigate their way through challenges.

At closure, 275 Disclosure Advice clients reported positive outcomes including better understanding of the implications of their conviction, rehabilitation periods and how to disclose their conviction.

Additionally, 370 professionals were trained on how to support someone to disclose or how to recruit people with convictions fairly and safely.

Our **Centre for Development** programmes range from short workshops certified by The CPD Certification Service to longer courses accredited by SFJ Awards and OCN NI across a range of levels.

Courses include:

1. Supporting Women Through and Beyond the Criminal Justice System.
2. **Recruiting and Employing people with convictions in Northern Ireland.**
3. Understanding the impact of imprisonment on children and families in NI.
4. **Providing bespoke support to organisations to ensure their policies and procedures on the recruitment of people with convictions support fair, safe and inclusive recruitment practice.**

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4.8 Steps to enable a revised Rehabilitation of Offenders Order

To fully support the enactment and implementation of the Order, and support the Cross Departmental Strategy on Offending and Reoffending, we would also ask the Committee of Justice and the DoJ to consider the following as key next steps:

1. Strengthening employer engagement:

As employment is a key factor in reducing reoffending, we recognise that many individuals with spent convictions still face discrimination. We would recommend the following:

- **Encourage fair hiring practices**, ensuring employers consider skills and rehabilitation efforts rather than past convictions.
- **Introduce incentives for businesses**, such as tax benefits, recognition awards or funding for hiring individuals with spent convictions.
- **Expand employer education and training programmes**, helping businesses understand updated rehabilitation laws and reduce stigma e.g. Niacro Disclosure training.

2. Enhancing public awareness and support services:

Many individuals, employers, and service providers remain unclear about rehabilitation laws. Strengthening public awareness could:

- **Ensure people understand** their rights and responsibilities under the new rehabilitation framework.
- **Improve access to legal guidance**, helping individuals navigate the process of having convictions spent.
- **Expand community-based support services**, ensuring individuals receive holistic support beyond legal reforms.

3. Support to the Voluntary/Community Sector (VCS):

The Committee of Justice will see from the range of services provided by Niacro, as well as the range of funders, we already have developed partnerships and work across each constituency to deliver trauma informed services to the people who choose to work with us. To support us and other colleagues working in the criminal justice space we require:

- **Multi-year funding** to support effective outcome focussed employability and specialist support services
- **Sufficient resourcing** to provide independent and specialist advice services e.g. Disclosure and navigating access to employment, education, travel and financial services
- **Partnership and collaboration** with all sectors to achieve common outcomes.

4.9 Summary on Rehabilitation of Offenders Proposed Amendment

To summarise, Niacro believes that the Rehabilitation of Offenders amendment is a momentous positive step toward fairer criminal record disclosure, ending protracted sentencing impact and providing a second chance to the majority of individuals who have rehabilitated and to support a full life. The amendment could achieve:

- **A fairer system** to recognise sentences served, end discrimination for many and support rehabilitation.
- **A more proportionate system** to deliver justice and support individuals to finally move on from previous actions and reduce reoffending.

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- **A more effective system** a clearer schedule of when convictions are spent will be better for individuals living with a criminal record to support transparent disclosures to gain employment and access to life chances.

However, whilst the proposed amendments are immensely positive, it seems a shame that they don't go just that little bit further to ensure parity with England and Wales to allow for all custodial sentences to become spent (with exception of a list of excluded offences) which will never be filtered.

Niacro will support continued dialogue to ensure that rehabilitation policies balance public protection with opportunities for reform, allowing individuals to rebuild their lives and contribute positively to society. In doing so, we will be ensuring the true intent of the 1978 Rehabilitation of Offenders Order is realised in that there is justice over judgement and the legislation exists to safeguard individuals with criminal records from unfair discrimination - not as a tool for public protection or reoffending management. Its purpose is rooted in justice, ensuring that past mistakes do not become lifelong barriers to opportunity.

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5. Other Proposed amendments

As stated Niacro have focussed this submission to the Committee of Justice on specific amendments and specific areas of the Bill as it stands. However, we will also make initial comments on proposed amendments on **Restorative Justice** and **Access NI Filtering**.

5.1 Restorative Justice

Niacro welcomes the proposed amendments in respect of restorative justice. As an organisation committed to justice reform, we have a long history in supporting efforts to embed restorative practices within Northern Ireland's criminal justice system. We currently host the Restorative Practices Forum NI and represent this forum on the DoJ Adult Restorative Justice Working Group. Many of our services are rooted in restorative practices and we work in formal partnership with community based restorative justice organisation and PBNI in the delivery of our Aspire programme.

We support the amendment's focus on:

- **Expanding access to restorative justice programmes**, ensuring more individuals – both people who have been harmed and people who have harmed- can engage in meaningful dialogue.
- **Embedding trauma-informed approaches**, ensuring restorative justice processes acknowledge the emotional impact of crime and support healing.
- **Strengthening community involvement**, allowing local organisations to play a greater role in facilitating restorative justice interventions.

These changes have potential to bring about greater satisfaction with the criminal justice system and empower victims by giving them a greater voice in the justice process.

While Niacro supports the amendment, we urge the Committee to consider the following matters:

- **Ensuring consistency in restorative justice access**, preventing disparities in availability across different regions.
- **Expanding training for justice professionals**, ensuring all practitioners understand and apply restorative principles consistently, safely and to a high quality.
- **Increasing funding for restorative justice programmes**, ensuring long-term sustainability and accessibility and choice for people and communities.

Niacro believes that the Restorative Justice amendment is a significant step toward a more rehabilitative and community-focused justice system. We encourage continued dialogue to ensure restorative justice is accessible, effective, and embedded within broader justice reform efforts.

5.2 Access NI Filtering

This amendment seeks to enhance the efficiency and effectiveness of Access NI's criminal record filtering process, ensuring a more streamlined approach. This system is essential in allowing individuals with less severe offences the opportunity to rebuild their lives.

We fully acknowledge the sensitivity of this issue for victims and emphasise the need for widespread education and awareness - particularly for victims and employers - to ensure a clear understanding of how the system operates safely and effectively. It is crucial that reforms strike the right balance, upholding the rights of victims while supporting rehabilitation efforts for those seeking a second chance.

As such, Niacro welcomes the proposed amendments to Access NI filtering, which aim to streamline the disclosure process and provide greater clarity on non-filterable offences. As an organisation committed to reducing barriers for individuals with criminal records, we support efforts to ensure that rehabilitated individuals are not unfairly disadvantaged in employment and in other areas of life.

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We commend the amendment's focus on:

- **Simplifying the list of non-filterable offences**, making it more accessible and easier to navigate.
- **Clarifying the definition of 'Relevant Matter'**, ensuring consistency in how custodial sentences and detention periods impact disclosure.
- **Introducing a structured consultation process**, requiring engagement with key stakeholders before modifying the list of non-filterable offences.

We believe these changes will provide greater transparency and reduce confusion for individuals seeking employment, education, and other opportunities.

While Niacro supports the amendment, we urge the Committee to consider the following matters:

- **Expanding filtering eligibility** to ensure that outdated convictions do not disproportionately impact individuals who have demonstrated rehabilitation. However, if we aligned our Rehabilitation of Offenders legislation with England and Wales legislation, it would lessen the requirement for the need for a review mechanism and filtering.
- **Enhancing public awareness** so employers and service providers understand the updated filtering rules and do not discriminate against individuals with spent convictions.
- **Strengthening appeals mechanisms**, allowing individuals to challenge disclosure decisions where appropriate.

CASE STUDY 6: 30 years on and still impacting on work opportunities

Jane was 19 years old in 1990 when she was arrested at a house party for being in possession of LSD tablets. At arrest, the police advised it was a minor matter, so she did not need a solicitor present, nor did Jane ask for one. During questioning, the police asked who the drugs were for. Jane said one of the tablets was for her and when asked what she would have done with the other three in her possession, she said she would have given them to her friends. The initial possession charge was later changed to supply of class A drugs. Jane received a 3-month suspended sentence for the offence.

Jane went on to gain employment but throughout her career in the fitness sector she would refrain from progressing into managerial roles, when background checks were required, as she was so ashamed of her conviction. Jane later registered as a self-employed carer and most recently was subcontracted to a local Health and Social Care Trust.

Jane confided to a manager that she had the conviction from 1990 and asked whether it would pose a problem. The manager's response was, 'what makes you think we'd want to work with someone like you?' Jane expressed suicidal feelings when she phoned Niacro's helpline as her conviction was flagged on the Access NI check and she was advised by the Trust that she had to tell the client she was caring for.

He was an ex-police officer, and she dreaded telling him. However, he replied 'I don't care about that, we all have a past, I'll see you on Wednesday as usual'.

She was relieved but then was told she would have to disclose her conviction to every new client. This has been a great cause of anxiety for Jane and has impacted on her mental health. Jane hoped the Trust would approve her, so she does not have to go through the indignity of routinely having to disclose her past to every client.

With our help, Jane took her case to the Independent Reviewer, and they declared that revealing the 1990 conviction was 'disproportionate' and removed it from that Access NI certificate but stated that it could appear again on future statements. Later Jane informed us that she has had several subsequent Access NI checks completed and the offence had appeared again on three of these. Jane had to contact Access NI each time.

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Within the current filtering arrangements, her conviction is not eligible for filtering as it is a specified offence with a suspended prison sentence.

To summarise, Niacro believes that the AccessNI Filtering amendment is a positive step toward fairer criminal record disclosure. We encourage continued dialogue to ensure that filtering policies balance public protection with rehabilitation, allowing individuals to move forward without unnecessary barriers.

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6. Proposed Amendment: Raise the Minimum Age of Criminal Responsibility (MACR)

6.1 Beyond Legislation: Transforming Justice for Children

With a strong and credible legacy, Niacro has long been at the forefront of delivering public-facing services that support individuals, families, and young people who come into contact with - or are at risk of entering - the criminal justice system. Our extensive experience positions us to provide evidence-based recommendations on raising the minimum age of criminal responsibility and ensuring accessible alternatives to criminalisation.

The services we deliver reflect the depth of our expertise, showcasing both the experiences of those working within our programmes and the tangible impact on those who benefit from them. Niacro stands alongside many third sector and statutory organisations - within Youth Justice and Social Services - driven by a shared mission: to divert children from the criminal justice system and provide timely, effective interventions that lead to positive outcomes.

Niacro would take this opportunity to highlight [“Tracing the Review – Development in Youth Justice in Northern Ireland 2011-21”](#) report we completed with Queens University Belfast, VOYPIC, the Children’s Law Centre and Include Youth. Together we supported the DoJ’s Public Consultation on Raising MACR and have been engaged in an ongoing campaign to see the age raised from the shocking age of 10.

As such, we are disappointed that the Justice Bill contains no provision to increase the Minimum Age of Criminal Responsibility (MACR) from 10 to 16 and we believe this is a missed opportunity for the Assembly to take a crucial step toward leading the way in protecting our children and aligning with international human rights standards.

A criminal record acquired in youth can be a life sentence. A person can change quickly, but their criminal record does not: young adults can find a criminal record holding them back at a key period in their working lives and well into adulthood.

Raising the minimum age of criminal responsibility is important because:

- **Northern Ireland has one of the lowest MACRs in Europe** – At 10 years old, Northern Ireland’s MACR is far below international recommendations. The UNCRC advises that no country should set the MACR below 14, yet Northern Ireland remains out of step with global best practice. For example - the table below outlines the minimum age of criminal responsibility across European countries^{vii}.

Country	MACR	Country	MACR
Albania	14	Luxemburg	18
Andora	12	Macedonia	14
Armenia	16	Malta	14
Austria	14	Moldova	16
Azerbaijan	16	Monaco	13
Belarus	16	Montenegro	14
Belgium	18	Netherlands	12
Bosnia & Herzegovina	14	Northern Ireland	10
Bulgaria	14	Norway	15
Croatia	14	Poland	15
Cyprus	14	Portugal	16
Czech Republic	15	Romania	14
Denmark	15	Russian Federation	14
England	10	San Marino	12

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Estonia	14	Scotland	12
Finland	15	Serbia	14
France	13	Slovakia	14
Georgia	14	Slovenia	14
Germany	14	Spain	14
Greece	15	Sweden	15
Hungary	14	Switzerland	10
Iceland	15	Turkey	12
Ireland	12	Ukraine	16
Italy	14	Wales	10
Latvia	14		
Liechtenstein	14		
Lithuania	14		

Out of the 51 countries above, 11 countries have a MACR of 13 years of age or under, with the majority (80%) positioned between 14 and 18 years of age.

- Criminalising children leads to lifelong consequences** – children who enter the CJS at a young age face lifelong barriers to employment, education, housing and travel. A criminal record follows them into adulthood, limited opportunities and increasing the likelihood of reoffending^{viii}.
- Scientific evidence supports raising the MACR** – research into adolescent brain development shows that young people’s decision-making abilities are still developing well into their mid-20s. Criminalising children fails to account for their cognitive immaturity and does not address the root causes of offending, such as trauma, poverty, and social disadvantage^{ix}.
- A welfare-based approach is more effective** – instead of punitive measures, raising the MACR would allow for trauma informed interventions that focus on rehabilitation, education and social support. Countries with higher MACRs prioritise child welfare over punishment, leading to better long-term outcomes^x.
- Aligning with other legal responsibilities** – Northern Ireland’s MACR is inconsistent with other legal thresholds. For example – the age of sexual consent is 16. The legal driving age is 17 and the voting age is 18. However, at 10 years old, a child can be criminally prosecuted – a contradiction that undermines the principles of justice and child protection.
- Cross-departmental reform is needed** – raising the MACR must be accompanied by investment in health and social care services, education, and mental health support. A cross-departmental strategy would ensure that children receive timely interventions rather than being pushed into the Criminal Justice System^{xi}.

Niacro firmly advocates for raising the Minimum Age of Criminal Responsibility (MACR) in Northern Ireland to 16, aligning with UNCRC recommendations and ensuring a justice system that prioritises child welfare over punishment.

By raising MACR to 16, we believe it will:

- Break the cycle of criminalisation** – increasing the MACR would prevent countless children from entering the criminal justice system and facing lifelong barriers to employment, education, housing, and travel.

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- **Support a trauma-informed approach** – instead of punitive measures, early interventions can address complex needs, reduce risk, and empower young people with the support they need to change their trajectory.
- **Reframe accountability** – this is not about ignoring challenging behaviour; it is about rethinking how we respond - moving away from criminalisation and towards holistic solutions that foster accountability with support.
- **Recognise community voices** – victims and communities must be heard in this debate, ensuring balanced responses that focus on justice, healing, and prevention.
- **Move beyond the justice system** – meaningful change requires cross-departmental collaboration, ensuring that social services, education, and mental health support work together to provide alternatives that truly protect and uplift young people.
- **Support no exceptions, no compromise** – the MACR should be raised without exemptions, in full compliance with UNCRC principles, ensuring equal protection and support for all children.

Raising the MACR is more than a legal reform - it is a decisive move toward creating a fairer, more compassionate, and effective justice system that protects children, supports victims, and strengthens society. This needed change is urgent and essential to break cycles of criminalisation and ensure young people are given the chance to thrive, not be condemned by early mistakes.

Case Study 7: Young person able to access volunteer position and further education

'Neil' was referred to Niacro's Disclosure Helpline by the Youth Justice Agency as he was applying for a volunteer position which required an Enhanced Access NI. He received a Diversionary Youth Conference Order (DYCO) for threats to kill relating to the sexual assault of his girlfriend by another young person. Neil threatened the perpetrator and was charged accordingly. The Independent Reviewer decided to disclose the DYCO he received. He was given the opportunity to appeal which he did.

The Disclosure helpline advisor supported Neil to prepare a disclosure statement in support of the appeal and the volunteer position, and his appeal was successful.

Neil also aspired to become a doctor in the future. With consent from Neil, the Disclosure advisor contacted Access NI who decided that his offence will be permanently removed from his Enhanced check. Neil was able to obtain a place to study medicine due to successful appeal.

7. Comments on the Bill as Introduced

Part 1: Biometric Data

7.1 Balancing Biometric Data Retention with Children’s Rights and Justice

Niacro recognises the important role biometric information plays in criminal investigations, supporting robust evidence at court and delivering justice to victims. We are aware of the prior submissions to this Committee from the Northern Ireland Human Rights Commission, Northern Ireland Commissioner for Children and Young People (NICCY) as well as the Children’s Law Centre which comprehensively addressed both concerns and support for various elements of the draft Bill as it pertains to biometric data retention.

Niacro take this opportunity to say that we support reforming the current indefinite retention of biometric data, but we remain unclear on the rationale behind the 75/50/25 retention model, particularly in its application to children.

While we acknowledge the Department of Justice’s intention to create a proportionate, understandable, and enforceable system for the PSNI to operate within, we have concerns about its fairness for young people, namely, we believe this approach does not sufficiently align with the principles of the UN Convention on the Rights of the Child (UNCRC) as follows:

- Article 3: Prioritising the child’s best interests
- Article 12: Upholding the right to be heard
- Article 16: Safeguarding privacy

We urge further clarification on the protections in place for children and young people under the proposed model.

Additionally, we advocate for a deeper review of how age and maturity are factored into retention periods to ensure a system that upholds children’s rights and promotes fairness. Like Victim Support Northern Ireland, we are concerned about the lack of specificity regarding age distinctions. The proposal should clearly differentiate retention periods for adults, children, and young people. We advocate for a tailored approach for younger individuals, ensuring more frequent reviews that reflect their unique circumstances at the time of the offence.

Niacro strongly urge the Committee to reconsider the necessity of prolonged biometric data retention, questioning whether such measures align with the principles of rehabilitation and proportionality.

7.2 Ensure transparency and fairness in diversionary disposals and biometric data retention

Niacro has previously raised concerns about widespread confusion regarding the implications of accepting a diversionary disposal, particularly in relation to criminal records. In our response to the [PSS Prosecution Quality Standards \(2015\)](#), we highlighted that many young people and their parents mistakenly believed that such disposals would be erased upon turning 18. Alarming, several individuals reported receiving this incorrect advice from police officers or solicitors.

Given the inherently diversionary nature of cautions and disposals, Niacro seeks further clarification from the Department of Justice on their inclusion in this framework. Additionally, we request clarity on whether the proposed biometric system extends to informed warnings for minor offences and any distinctions in retention policies between various orders and notices issued across different parts of the justice system.

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7.3 Preventing stigmatisation and ensuring transparency in Biometric Data

In reference to the amendment relating to Article 63G which provides that the PSNI can apply to the Biometrics Commissioner for a 3-year retention period for individuals arrested but not charged and where prescribed circumstances apply. We note that the DoJ will prescribe these in future regulations/amendments, but Niacro suggest that they should be on the ‘face of the Bill’ for adequate scrutiny, especially as this Article seems to apply to both children and adults, therefore, no difference in the regimes seems to exist.

In addition, we are concerned about the risk of stigmatisation for people whose biometrics were retained who were not convicted of any offence and are entitled to the presumption of innocence. The Northern Ireland Human Rights Commission has underscored the concerns raised in *S and Marper v UK*, where the European Court of Human Rights highlighted the serious risk of stigmatisation for individuals whose biometric data is retained despite never being convicted. The Court found this practice particularly damaging for minors, reinforcing the principle that unconvicted individuals are entitled to the presumption of innocence^{xii}.

There is potential for further stigmatisation due to the proposal to grant an extension to the retention period for DNA and fingerprints. If a court grants an extension for the retention of the DNA of a person (adult, child or young person) who has been charged but not convicted, this creates the impression that doubt, and suspicion remain regarding their innocence. We note that it contravenes article 40 of the UNCRC and NICCY has recently recommended that the Committee satisfies itself that the powers to extend under Clause 63H are in line with the child’s best interest.

However, we recommend that the retention periods of images/photographs are proportional, in line with the Data Protection Act 2018 and a person’s rights and best interest.

Niacro welcomes the clarification relating to the addition of custody images into this part of the Bill as an amendment. The absence of images would have led to potential mismatch between the systems used across the UK and Ireland on custody photographs.

7.4 Future-Proofing Justice: Ensuring Responsible Innovation

We acknowledge the proposal to establish a Northern Ireland Commissioner for the Retention of Biometric Material but also recognise that this would necessitate resourcing and development in an era of departmental financial pressures.

Regardless of whether this role is standalone or consolidated, oversight of biometric technologies - both current and emerging - is essential. Niacro is concerned that the legislation needs more future-proofing and is leaving room for potential misuse, particularly against children and young people, unless robust safeguards are in place.

For example, how will Artificial Intelligence (AI) and Facial Recognition Technology be introduced, and what regulations will govern their application? We do note that the Minister of Justice has indicated that facial recognition technology may be considered later, depending on PSNI’s approach - but delaying this discussion maybe a missed opportunity.

Niacro strongly urges the Committee to ensure that this Bill proactively addresses new technologies, embedding forward-looking protections to prevent unintended consequences.

Part 2: Children

Outlined below are our comments relating to Part 2 of the Bill, relating to bail, remand and custody arrangements for children.

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7.5 Ensure the child’s best interests is a fundamental principle

Niacro urges the inclusion of an additional clause at the outset of the Bill, explicitly establishing the child’s best interests as a guiding principle.

Recognising the broad scope of the Bill, Niacro fully supports both the Northern Ireland Human Rights Commission and the Children’s Law Centre’s (CLC) recommendation that the Committee introduce an additional Clause at the outset. This Clause should align with the Justice (Northern Ireland) Act 2002, as amended by the Justice Act (Northern Ireland) 2015, to ensure that all individuals and bodies responsible for youth justice uphold the child’s best interests as a primary consideration in every decision affecting them. Crucially, this provision must extend across the entire Bill, not just Part 2. In addition, we believe this would further support the development of PfG’s cross departmental strategy to reduce offending and reoffending and support the Department of Justice to achieve the necessary collaboration to keep people safe.

7.6 Language matters: Recognising children, not juveniles

Niacro strongly endorses CLC’s recommendation on the crucial role of language in legislation. It is essential that every instance of the term *juvenile* in the Bill is replaced with *child*.

While some provisions already use *child*, others still retain *juvenile*, which carries connotations of delinquency and wrongdoing. In contrast, *child* is a more humanising term, accurately reflecting the legal status of individuals under 18 and the protections they are entitled to. Adopting *child* aligns with the DoJ’s current rehabilitative approach to youth justice, reinforcing a system that prioritises support and development over punishment.

7.7 Youth Custody and Supervision Orders: Breach of Supervision Requirement

In terms of custody, like NICCY, Niacro strongly believe that *“the custody of any child or young person should be a measure of absolute last resort and instead, that alternative responses should be made and greater resources directed towards early intervention and diversionary measures.”*

Whilst it has long been current practice for children and adults to be separated in custodial settings, Niacro welcome the proposal within this Bill to underpin this in legislation. Furthermore, we echo the call for this practice to apply also to police custody. However, Niacro recognise that there will be a small number of children who reach their 18th birthday whilst under a Youth & Supervision Order and for whom it may not be in their best interest to be transferred to Hydebank Wood College especially given the short length of their sentence left to serve in custody. As such, we call for flexibility within the legislation to ensure it’s future proofed to accommodate operational guidance to safely and fairly manage individual cases as and when they arise.

Niacro welcome the introduction of the Youth Custody and Supervision Order, particularly considering our call to raise the minimum age of criminal responsibility. It will be crucial with the replacement of the Juvenile Justice Centre Order that alternative community-based disposals are progressed. This will require a move beyond the justice system to include cross-departmental collaboration, ensuring that social services, education, and mental health support work together to provide alternatives that truly protect and uplift young people.

Niacro are an active member of an expert advisory group supporting the Department of Justice in a review to simplify and streamline the current community sentencing framework for children. A consultation is live currently, closing in July 2025, with the department sharing proposals that will see the current seven court-ordered community sentences replaced by a new, single order. The new order, which will take the best aspects of current practice both here and elsewhere, is intended to be flexible, with a range or ‘menu’ of requirements that can be added/removed in a proportionate, tailored response to each child’s circumstances. Given that the current system is very complex:

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- Seven different orders
- Two supervisory bodies
- Multiple pieces of legislation
- Many of the orders are rarely used
- Children can be subject to several different orders at the same time.

A single new order which can be tailored to the individual child to address their offending behaviour is much needed.

Niacro does not support the use of fines as a court disposal for under 16s and ask that further consideration is given to how the Youth Custody & Supervision Order will align with Youth Justice practice, the Review of Sentencing and the proposed new Single Community Order for Children?

7.8 Child Bail and Remand

In terms of bail, Niacro believe there should be a bigger shift towards an assumption of no bail except where it is very likely a custodial sentence will be imposed or it is believed to be necessary to remand the child in custody to prevent the child committing a further offence while on bail, interference with witnesses or otherwise obstructing the course of justice.

We are aware of the Committee having raised questions in relation to clauses 5 & 6, particularly with regards to the *‘serious threat to public order’ and who is issuing or causing the threat*. We along with NICCY and CLC would welcome clarity in relation to the evidence base when attaching conditions to police bail where a child *“may be required to comply, before release on bail...to secure that he does not cause a serious threat to public order.”* And indeed, to further references within the Bill to the child’s release causing a serious threat to public order. We also ask that a definition be explored as to how a ‘serious threat to public order’ is defined and by who, in this context.

Furthermore, we have several operational concerns regarding how the legislation will be implemented, particularly in relation to the **assessment in police custody of maturity and needs, capacity to understand and comply with conditions of bail and the assessment of community ties of the child**. For example, how will the police assess maturity and community ties? Will there be training and resources available to do so? Will there be a risk of discrimination concerning how community ties are defined?

In terms of remand, like Children’s Law Centre, Niacro agree that *“in order to ensure the meaningful application of the intention of this Clause, CLC recommends that it be amended to require the court not only to consider any such period but to also explicitly take any such period into account in the sentencing decision.”*

It is our understanding that it has been known that on occasion up to 50% of children on remand in the JJC are remanded due to breach of bail conditions which are not directly linked to the offence, and this is not in the child’s best interest and must not continue.

Part 4: Administration of Justice

In relation to Clauses 22-28 of Part 4 of the Bill, Niacro have no substantive comments to make at this time. However, we would like to make comment on Clause 29 *Automatic review of certain criminal records certificates*

7.9 Clause 29

It remains our position that while we welcome the current practice of the Independent Reviewer being placed on a statutory footing, we would also ask that the Department return to the recommendations of the [2011 Youth Justice Review](#) in relation to criminal records.

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Recommendation 21 of the Youth Justice review stated that:

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

Furthermore, as proposed by NICCY:

Niacro ask that “ age appropriate and clear information is issued to children on the different types of disposals and the impact that they may have, including the potential to appear on a criminal record (and reflecting Part 1, that their biometric data will be held).”

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Conclusion

Niacro appreciates the opportunity to present evidence to the Northern Ireland Assembly Committee for Justice on this critical Justice Bill. We trust that our insights will be constructive and valuable, and we strongly urge the Committee to give due consideration to our recommendations on both the Bill and its proposed amendments.

Our mission is to reduce crime and its impact - especially on victims, witnesses, and communities. We remain steadfast in our commitment to supporting the Northern Ireland Executive, the Department of Justice, and criminal justice partners in their efforts to tackle offending and reoffending while fostering safer communities. Niacro stands ready to continue engaging with the Committee to support its ongoing scrutiny of this legislation.

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References

ⁱ Sourced: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/rehabilitation%20of%20offenders%20consultation%20-%20summary%20of%20responses%20and%20way%20forward.pdf>

ⁱⁱ Ibid.

ⁱⁱⁱ Ibid.

^{iv} “Improving Resettlement Support for Prison Leavers to Reduce Reoffending - Nao Report,” National Audit Office (NAO), June 19, 2023, <https://www.nao.org.uk/reports/improving-resettlement-support-for-prison-leavers-to-reduce-reoffending/>.

^v Reoffending analysis for a sample of offenders who completed the Niacro Job Track Programme during 2010-11, Northern Ireland Data Lab Bulletin1/2015 (May 2015).

^{vi} Sourced: Northern Ireland Audit Office Report, 2023. Page 82.

^{vii} This table is taken directly from the Department of Justice Consultation Document, available at [Consultation on increasing the Minimum Age of Criminal Responsibility in NI | Department of Justice](#)

^{viii} Sourced: [Minimum Age of Criminal Responsibility \[MACR\] - Why it should be raised in Northern Ireland - Queen's Policy Engagement](#). 2022.

^{ix} Ibid.

^x Sourced: [Why the age of criminal responsibility should be raised](#). 2015

^{xi} Sourced: [Consultation on increasing the minimum age of criminal responsibility in NI - NI Direct - Citizen Space](#). 2022.

^{xii} S and Marper v UK (2008) ECHR 880, paras 122, 124 (Available at: S. AND MARPER v. THE UNITED KINGDOM, accessed on 6/1/25)

APPENDIX 1: Niacro Services – 2025



Supporting children and young people

Our services support children, young people and their families, to help build confidence and realise potential. We also want to help prevent and divert children and young people from entering the criminal justice system by delivering early intervention and services. We support children and young people through:

- **Child and Parent Support (CAPS)** - Intensive support services to families whose children aged 8 -13 years are experiencing significant difficulties and require a multi-agency approach.
- **Early Intervention Support Service (EISS)** - Support for families with children 0-18 years when difficulties arise, before involvement with statutory services is necessary.
- **IR (Independent Representation) Scheme** - Independent Advocacy service supporting young people in Lakewood Secure Care Centre. Supporting young people to raise issues, have their voice heard and liaise with centre staff.
- **IV (Independent Visitor) Scheme** – Volunteers befriend and support young people who are in residential or foster care.
- **Family Support Hub** - a multi-agency network of statutory, community and voluntary organisations providing early intervention services and support to families.

For further information on our children and young people support services visit our [website](#).

Supporting families affected by imprisonment

Our services aim to help people in prison and their families maintain relationships (where appropriate) and access support services which can help families cope, contributing to effective resettlement. We support families through:

- **Families and Money Matters (FAMM)** – An early intervention, diagnostic, advice and casework service which provides debt and money management advice to people impacted by imprisonment.
- **Family Links** – Emotional and practical support for families and children affected by imprisonment.
- **Family Links Plus** - Support for people in Hydebank Wood College and Women’s Prison who have little or no contact with their family; may be experiencing new or increasing levels of difficulty with family relationships.
- **Visitor Centre Services** – Hospitality, child-care, and welcome service to prisons visitors at the three prisons (HMP Maghaberry, H.M.P. Magilligan, and Hydebank Wood College and Women’s Prison) in Northern Ireland.

For further information on our support services for families visit our [website](#).

Supporting adults in prison and in the community

Our services strive to support people who have offended or who are at risk of offending to make positive choices and reduce offending and anti-social behaviour. We support adults in prison and in the community through:

- **Assisting People and Communities (APAC)** - Support for people whose tenancies may be at risk due to harassment, intimidation and anti-social behaviour, to help sustain their accommodation and prevent homelessness.

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- **ASPIRE** - Mentoring support for men aged 16-30 who are most at risk of becoming involved in paramilitary or criminal activity to help them develop alternative coping mechanisms and increase their resilience.
- **Base 2** – A crisis intervention project offering clarification, support, and mediation services to individuals and families at risk of violence or exclusion from their community.
- **Belong2** – Support (including training and advice) for foreign nationals and/or people from minority ethnic backgrounds in the criminal justice system and their families.
- **Connections** – One-to-one and group support for women through and beyond the criminal justice system.
- **INSYNC** – Holistic approach (including mentoring and counselling) for victims of paramilitary style violence.
- **SkillSET** – Employability support and vocational training for people with a conviction in community and prisons.
- **Supporting Tenants from Ethnic Minorities (STEM)** - Support to people whose tenancy may be at risk due to harassment or intimidation because of their perceived ethnicity. This service is available in the greater Belfast area.
- **Transitions** - One-to-one mentoring for people over 30 referred by PBNi who are likely to face significant difficulties upon their release from custody.

For further information on support services for adults in prison and in the community visit our [website](#).

Support for people living with a conviction to understand your rights, get practical help and overcome barriers.

Disclosure NI provides confidential advice through a helpline to people with convictions including guidance on how to disclose a conviction for employment, further education, travel and insurance purposes, as well as support with Access NI applications and disclosure statements.

We also have a Calculator and self-help guides to help people understand when/if their conviction/s are spent. For more information visit www.DisclosureNI.com

Supporting professionals and practitioners through accredited training

Our **Centre for Development** programmes draw on over 50 years of expertise and experience of supporting people with convictions and we know that securing employment significantly helps to reduce re-offending and builds positive futures.

Our programmes range from short workshops certified by The CPD Certification Service to longer courses accredited by SFJ Awards and OCN NI across a range of levels.

Courses include:

- Supporting Women Through and Beyond the Criminal Justice System
- Recruiting and Employing people with convictions in Northern Ireland
- Understanding the impact of imprisonment on children and families in NI
- Providing bespoke support to organisations to ensure their policies and procedures on the recruitment of people with convictions support fair, safe and inclusive recruitment practice.

For further information and to book, call 028 9032 0157 or email: disclosure@niacro.co.uk

APPENDIX 2: Niacro Witnesses

Committee for Justice – Oral Evidence: 08.05.25



Short Biographies:



