

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

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Paul Frew MLA
Chair, Committee for Justice
Room 242
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16 March 2026

Dear Paul,

**JUSTICE BILL - CLAUSE 8 – CONSIDERATIONS RELEVANT TO BAIL:
ACCOMODATION**

Thank you for your letter dated 3 March 2026, requesting an update on my Department's work and plans for progression towards a commencement date for Clause 8 in Part 2 of the Justice Bill. As you are aware, Clause 8 provides that a lack of suitable accommodation should not be the sole reason for refusing to release a child on either police or court bail, where all other grounds for allowing bail are met. Its aim is to further enhance my Department's compliance with Article 37(b) of the United Nations Convention on the Rights of the Child – that custody for children must be a measure of last resort and for the shortest period of time.

As you rightly acknowledge in your correspondence, the statutory duty to provide accommodation for a child in need sits with the Department of Health (DoH). However, in order to progress to a stage where Clause 8 can be implemented, my officials have had ongoing engagement with colleagues in DoH to seek to identify options for increasing suitable bail accommodation in the community. This is not an easy task, for a range of reasons. Aside from the constrained financial position both Departments are



faced with, it is difficult to budget for and provide accommodation on a province-wide basis when it is not possible to know when, where, or how many children will require such accommodation, or for how long. In addition, this cohort of children often has a range of significant and/or complex underlying needs which have contributed to their offending behaviour. That being the case, it is not only the physical accommodation but the availability of wrap-around services which are necessary to ensure children can be held safely and securely in community accommodation. None of this is easy to come by and requires longer-term planning.

One option which has already progressed past the “proof of concept” stage, is the bail-fostering pilot. Developed through close collaboration between the Southern Health and Social Care Trust and the Youth Justice Agency (YJA), it is a good example of what can be achieved in terms of delivering safe and appropriate accommodation for children requiring a bail address within a Trust area.

The pilot, which is funded by the Southern Trust, has to date provided six successful bail fostering placements for children remanded to Woodlands Juvenile Justice Centre who could not otherwise perfect bail. This success has meant that it has moved out of the pilot phase and is now being delivered by that Trust area as business as usual. Officials within my Department and the YJA are actively engaging in further discussions with colleagues in Strategic Planning and Performance Group (SPPG) on the potential to expand the scheme incrementally to other Trust areas within Northern Ireland.

While the results of the “proof of concept” have been encouraging, it is important to recognise that the resources required to place existing “looked after children” in foster care are already under pressure, due to the considerable increase in this cohort in recent years. These pressures, not just in terms of finances but also importantly in relation to the availability of experienced carers, will have a significant impact on Trusts’ ability to offer bail-fostering placements. Consequently, it is important that sufficient time is available to allow these issues to be carefully worked through.

In addition to engagement on extension of the bail fostering initiative, my officials will continue to work closely with the Department of Health, SPPG and HSC Trusts through a range of different groups and fora. The Strategic Framework for Youth Justice Implementation Group is a further example of collaboration, where Health and Justice representatives work with a wider set of partners who share our aim to improve the way secure accommodation and allied services in the community are delivered to better support children, including those in contact with the justice system. Other such examples include joint membership on the following groups:

- The Children and Young People's Strategic Partnership (CYPSP) Regional Offending Sub-Group;
- The Children's Social Care Reform Programme Board;
- The Partnership Board for Woodlands Juvenile Justice Centre and Lakewood Regional Secure Care Centre; and
- The Regional Practice Network for Unaccompanied Asylum-Seeking Children.

Officials will continue to use each of the opportunities outlined above to consider options for children who cannot be safely returned to their homes when granted bail. Members of the Justice Committee will also be aware of the work ongoing between my Department and the Department of Health to scope the establishment of a new Regional Children and Families Services Authority, as recommended in Professor Ray Jones report on the Review of Children's Social Care Services. The new Authority has the potential to be instrumental in supporting a long-term regional solution to alternative bail accommodation for children, by presenting an opportunity for social care and justice to respond to children and families in a more effective, co-ordinated and seamless way.

I would like to thank the Committee for its interest in this very important issue and to assure you of my Department's continuing commitment to collaborative working with our colleagues in the Department of Health.

In reaffirming my commitment, I believe it is important to acknowledge the highly complex needs of many of the children involved and the scale of the challenge faced by

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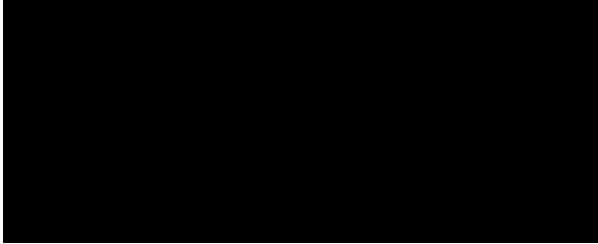
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the Department of Health, not only in providing accommodation but also the intensive support often needed to improve outcomes for some of the most vulnerable children in our society.

Yours Sincerely



**NAOMI LONG
MINISTER OF JUSTICE**



**Northern Ireland Assembly
Committee for Justice**

Naomi Long MLA
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3 March 2026

Justice Bill – Clause 8 – Considerations relevant to bail: accommodation

Dear Minister

The Committee for Justice has recently been deliberating on the evidence received during the Committee Stage of the Justice Bill in order to form its final position on the provisions of the Bill and the planned Departmental amendments.

Within the written and oral evidence received, several stakeholders expressed concern that the Bill did not include commencement provisions for Clause 8, arguing that it is imperative that children are not detained in custody or refused bail because of a lack of suitable accommodation. In its response on this issue, the Department of Justice has advised that it understands the frustration expressed in this regard; however, given the lack of suitable accommodation now, commencement of the provisions would be, in effect, setting them up to fail. The Department has also advised that responsibility for accommodation rests with the Department of Health under the Children (Northern Ireland) Order 1995 and it would not wish to impose a statutory burden upon another Department.

Members share the concerns raised in the evidence received, which could result in some children being kept in custody when they would otherwise have secured bail. The Committee therefore discussed the possibility of tabling an amendment to

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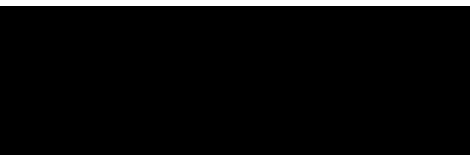
include a timescale within which the provisions must be commenced, and raised this matter with Department of Justice officials during an oral evidence session on 12 February. The officials outlined concerns that they may not be able to deliver on any timescale included in the Bill, and could therefore technically be in breach of legislation should accommodation still not be available by then. The Committee was again advised that the Department of Justice was limited in how it could move this forward and that the solution lay largely with the Department of Health. The officials advised they will continue to engage with Department of Health colleagues about how best this can be progressed in order to reach a point at which the provisions could be commenced.

Having considered the information provided by the Department, and recognising the dangers posed by commencing the provisions before adequate suitable accommodation is available, the Committee agreed to not table an amendment to impose a timescale within which the provisions must be commenced. Nonetheless, Members remain deeply concerned about the potential impact this could have on the children affected.

The Committee agreed to write to both you and the Minister for Health to encourage you to work together and take all necessary steps to reach a position to be able to commence this clause, which has been repeatedly mentioned through oral and written evidence sessions as being of grave importance. The Committee would welcome an update as to what work has already been done or is planned in order to work towards a commencement date.

I would appreciate a response at the earliest opportunity.

Yours sincerely



Paul Frew MLA
Chairperson, Committee for Justice