

include
YOUTH

Getting the 'Right' Youth Justice

...engaging with the findings of
the review of the Youth Justice
System in Northern Ireland

Address
David Ford, Minister of Justice

Conference
REPORT

Address

David Ford, Minister of Justice

David Ford was re-appointed as Minister for the Department of Justice on 16 May 2011, having secured the necessary cross-community support within the NI Assembly.

Before embarking on a full-time political career he was a Social Worker with the Northern Health and Social Services Board in Antrim, Newtownabbey and Carrickfergus.

From 1990 - 1998 Mr Ford was Alliance Party General Secretary. He was elected to Antrim Borough Council (Antrim SE) in 1993 and 1997, (Antrim Town) 2005 and resigned from this role when he was elected to the Northern Ireland Assembly, 1998, 2003 and 2007 (South Antrim). He has been Alliance Leader since October 2001.

Since being elected to the Northern Ireland Assembly Mr Ford has been a Member of the Assembly All-Party Groups on International Development, Mental Health and Animal Welfare. He was Member of the Business Committee from 1998 - 2001 and a Member of Statutory Committees on Agriculture & Rural Development, and the Environment in 1998 mandate and the Environment Committee from 2007 to 2010.

Mr Ford's local and council interests have included Chair of Council Fairtrade Working Group and serving as Governor at Round Tower Integrated Primary School, Antrim. He was a Member of District Policing Partnership from 2005 - 2007. He is a former member of Northern Health and Social Services Council and has served on Lower Bann and Lough Neagh Advisory Committees.

“ Well thank you very much, Phil. I noticed that I'm more or less the end of the afternoon. Although, as ever, Koulla will have the last word and so I will be leaving in an emergency the moment I finish speaking. But I've no doubt that much of what I say will already have been touched on today, but I do welcome the opportunity to say a bit, and to take Phil's point about the necessity of ensuring that we don't just produce reports but we actually see real delivery on some of the issues ahead of us. So let me look at some of the work that's on the go, in particular the Youth Justice Report and look at some of the essential themes around the work that that involves and around the work of the Department of Justice generally. Some of the agenda reform that I have been trying to engage in, the Department has been trying to engage

include YOUTH

in for the last eighteen months two weeks and one day since we came into operation, and I'll try to put some personal reflections on how things are. When I was elected Minister in April last year I set out on what I described as a path of reform with absolutely no illusions about the scale of the challenge that was ahead. I was criticised this week by the Belfast Telegraph in pointing out that reforming prisons was going to be an issue of years. I don't know what unrealistic world they live in where they think that something like the prison system can be turned round in less than years. Because I also pointed out that there was a crucial six months ahead in the work to be done, and that's really been the whole tenor of what the DOJ has been up to, trying to look at some of the complex factors that will take years to solve, things like intergenerational repeat offending. Those sort of difficulties, which I have seen in my past life as a social worker, but also recognising that if we don't start the process of reform we will never get anywhere. I don't expect to see the full results during my time in office, I don't know how long my time in office will be. But I do know that we had to determine to make a start, we had to determine to seek to be as ambitious as we could be though perhaps less ambitious than some people in this room would hope. And I had a view as to what we needed to be looking to a justice system which overall was better focused, better integrated, working more actively, engaging across departments, not just confined in one department with prevention and early intervention at its core. Not that the justice system simply deals with those who fall through the cracks and become our responsibility.

In terms of criminal justice we need a system in which punishments are commensurate with the crime, but thereafter we look at people who have offended and don't treat people purely around their offence because that's the best way of ensuring that we can reduce offending in the future. Not being soft, though there are those in the Assembly who suggest it is, but being effective because it's what's proven to work.

In relation to civil justice I am determined to ensure that we maintain a system which is accessible to everyone, but sets the, sets really the target of finding solutions by the best way of meeting the needs of people and not simply looking at the adversarial court system to deal with those issues of concern. Overall my ambition is quite simply expressed in three phrases, that the state of Northern Ireland will have lower levels of crime, safely shared communities and justice for all. And that's a mantra that I repeat in almost every speech that I make because it's about getting the right justice system if I can steal something of the sentiment from today's theme of getting the right youth justice. That's why it was good that the issue of a review of youth justice was included in the Hillsborough Castle Agreement of February last year and I am glad that the report, which you have doubtless had the chance to discuss today with two of the members, fits very well with that overall picture of reform. When I commissioned that review I set what I thought were fairly wideranging terms of reference, and I am well aware that there are some who thought that they weren't wide enough, so there were amendments made. But I hope that those who had reservations about the outset of the

include YOUTH

process will see very significant movement forward and that some of those fears at least will have been allayed. And certainly the concerns that people may have had about the process didn't seem to put people off from engaging with the review team. There was a huge amount of effort went from a wide range of organisations, whether statutory or NGO's, and there's no doubt that the review was the better for that input. The review team has acknowledged and thanked those who contributed and can I add my thanks this afternoon to those who contributed to making that review better. I talk a lot about the opportunities that we now have under devolution. One of the keys issues had to be around partnership and engagement, ensuring that we used the best resource we have for the people in this society to get the best possible arrangements for young people, and indeed for society wider. It's for about finding new ways of working and involving people in developing and delivering a better system that meets the needs of this society, not just aping what happened in England and Wales two years ago. We have seen some very significant successes across our justice system for some years, probation and youth justice clearly have been delivering and devolution has helped add to that. We have also seen work around a wide variety of areas where reports commissioned over the last year and a half are now coming back and further work will be done around issues like community safety, the access to justice review, the prison's report which I launched this week, the Youth Justice Review Team, all of that showed significant engagement across the communities, people wanting to engage. But the most compelling testimony of the youth justice aspect of the report was the actual engagement with young people, young people who put on the reality of life because I may claim to be the social worker, I may claim to know something about the way things are in terms of some of those innermost difficult circumstances in our society, but I could only have good intentions in seeking to interpret other people's views. And what we got in terms of engagement of young people was a reflection of the realities of life, especially in some of our difficult and marginal communities. And that's the kind of message that needs to be listened to. The engagement that the team did helped to clarify positions, it helped to question the perceived realities of life, and it helped to put flesh on a variety of theories and recommendations. The team said to me that their role is to listen and learn and reflect back and I hope that's what they've done. And I hope that those in the room who contributed can also identify with the report and with its analysis. And since, no doubt, every one of you has read every word, has marked the key points in every chapter, and probably knows it as well as I do, I don't really intend to go all the way through it but I do want to look at some of the key issues of the Youth Justice Review. There are certainly some good points. The extent to which we have embraced, particularly restorative justice, in recent years. The work of the policing service and the way it's been transformed, the extent to which a fundamental understanding around rights and respect and equality is underpinning all they do is clearly recorded as very positively. There is a record of outstanding commitment and examples of professionalism across all sectors in Northern Ireland and there's clearly an exhortation that each organisation learns from the successes of others. And there's strong

include YOUTH

praise for the voluntary and community effort that we see which does so much to underpin our work. And I know the way that many in this room today and elsewhere are directly working on issues of promoting the rights of children and influencing policy legislation to ensure that the needs of children are met. That's certainly something which came back to me from the review team, it's something of the jewel in Northern Ireland's crown. In fact I think that they were probably a little bit jealous about some of the positive things that we have, that's the impression I got from them. And I certainly take great pride in what I have seen in the last 18 months as Minister, individuals and organisations coming from other parts of the world to see good work being done in Northern Ireland and to learn from it. We've even had a Home Office Minister coming to learn how to do good youth justice work from the experience of Northern Ireland because England and Wales are so much behind us. And I think everybody who's played a part in that, whether the part of an NGO, or within the statutory bodies, should be proud of it. But it's the recognition of the strength of the voluntary community sector's contribution that showed me the need to protect the funding as far as we could for the voluntary community sectors. We looked at the difficult budget in the 2010 exercise and I am pleased that we have been able to do that, not that we have protected all budgets, we couldn't, but what we have done is ensured that the voluntary sector budget has been protected as far as possible in the interests of protecting the services which are delivered by the voluntary sector. So that's some of the good sides, but of course there are bad things that we need to acknowledge as well, aspects which certainly are not as good as we would hope. Our overall strategic arrangements for children are fairly weak and not very well coordinated. We need a much stronger focus on a more joined up approach to early intervention. We talk about early intervention but we don't actually join up between different departments terribly well. And we all know how inefficient criminal justice processes can be and issues such as delay are really impacting on victims and on offenders and on witnesses, and thereby on the confidence in the system itself. And the report also calls for the work which is in hand about removing children from Hydebank Wood to be speeded up. I am pleased the report has highlighted the absolute requirement for strategic cross Government approach to youth crime, and just as it applies to offending more widely, it has reinforced the issues associated with children and youth offending extending well beyond the Department of Justice. Tackling youth crime has to be something far more than my department and its agencies alone. And it's been recognised also in the Prison Review Team report, which this week said: "There is virtually no department in the devolved administration that does not have an interest in, and a need to contribute to, the reduction of crime". When justice was administered under Direct Rule and other departments were devolved, it was somehow seen as other, it was different, it didn't really fit in. It was disconnected. Well devolution of powers of justice has, I believe, changed that and it really is starting to make a difference. And I remain determined to ensure that the Department of Justice is fully involved in the Executive working with other departments to make those changes.

include YOUTH

I am certainly going to press ahead with issues like prison reform, with the reform for youth justice, but those issues go way beyond my department and need to involve a partnership which we have not yet fully established. Those issues simply cannot be dealt with effectively without participation from health and social services, from education, employment and learning, social development, and indeed virtually every department, as the prison review team has said. So I would be seeking to work with other Ministers and their departments to make those kind of differences to the way in which we implement both the Youth Justice Review and the Prison Review, a complete interdepartmental approach to reducing offending and reoffending. We may not have achieved that fully at ministerial level, but I do believe we have seen some significant progress between departmental officials. Justice and social development, for example, along with the police service, the Housing Executive and a number of other agencies have been brought together working on what we're calling collaborative working in disadvantaged areas. Mapping Government interventions in six key areas as pathfinders, seeing where there are overlaps, seeing where there are gaps, seeing how we reduce the sources the most effectively we can. But we are beginning to see benefits from that effect. But there's still a lot more to do to get full ministerial engagement, to get the maximum benefit from that. The report, as I have said before, certainly reinforces the importance of early intervention and the value of ensuring that young people have full access to the full range of normal services, most particularly education and health. I think we can all intuitively and on the basis of the evidence agree to that. That theme was also very much at the heart of the community safety strategy. The report makes it absolutely clear that the vast majority of young people do not engage in crime but we need to ensure that those who do aren't consigned to the scrap heap as a lost cause for a lifetime. We need to demonstrate the opportunity for people to develop a positive future, whatever their past has been, to turn their lives around. And there are compelling examples where we have seen that happen where the society has benefitted, but much more needs to be done. So we need to address issues around reintegration and rehabilitation which the report says aren't given sufficient priority, and again that's not an issue for the DOJ in isolation. Reintegration cannot happen if there are concerns about personal relationships or housing or employment or educational training. We need to ensure that people maintain those aspects and gain the opportunity to reintegrate fully. And that's not an issue which is always easy for young people who come into contact with the justice system, and especially when their record of contact follows them for a significant period of their lives. That's a very current issue. Earlier this year I initiated a review of criminal record checks in Northern Ireland so in information we just need independent advice, it worked in England and Wales, agreed to do it here. And in part 1 of her review she highlights, just as the Youth Justice Review does, the issue of the disclosure of discretionary disposals. I am shortly expecting to see part 2 of her report which will include things like the definition of a criminal record, and it's something which she has touched on in the Youth Justice Review that we will need to consider fully to ensure that we get the best opportunities for young people seeking to

turn their lives around.

The report talks a certain amount about the need to have concerns for victims and it praises the development of restorative approaches which we see doing so much good work both at the community level and formally through the Youth Justice Agency. But support for victims is really a key priority for the Department in a way which has not been addressed fully up to now. We're planning to consult on a new strategy for victims and witnesses in the New Year and I hope we'll see continued engagement without people saying: 'Oh no, not another round of consultation'. It's vital that we get the services that we provide to victims and to witnesses right in order to see the criminal justice system operated properly. And as I highlighted earlier one of the key issues which remains to be addressed is the problem of delay. The report joins with a number of others in highlighting the need for greater efficiency, a more joined up working between police and PPS and courts. We need to see more active case management, we're starting to see from the judiciary to ensure that in particular young people did not have to wait so long that they've almost forgotten what the offence was before it comes to fruition in a trial.

Over the past 12 months the programme for speeding up justice has focused on delivering the improvements which are recommended in a criminal justice inspection report published in June of last year. The impact can't be fully assessed but I believe we have started to see progress forward in a positive effect. But we will have to continue to engage with CJINI, we will have to see further work being done, and officials who are therefore developing that next phase of the work to build on those operational changes in the last 12 months, which undoubtedly will have to include a fundamental reform to procedure and legislation. And that provides us an opportunity to examine the potential benefits and the risks of introducing statutory time limits, which has been highlighted by CJINI in the Youth Justice Report and the Prisons Report and I am well aware of the political flack that will follow any significant examination of that. Again it is an issue which can no longer be ignored. Along with greater efficiency the Youth Justice Review Team also stressed the need to have systems that are transparent, responsive, proportionate and fair. Of course I agree, could any of you disagree with that?

And finally, in living up to those terms of reference to look at the international issue, the review reminds us of the need to adhere to the highest international standards, not out of some slavish ideology, but because of the need to build in young people a respect for the rights of others and to protect them as they develop from the negative influences that could impact on them.

What we now have is a public consultation exercise and I hope that that will give the widest possible audience the opportunity to comment, to participate, on this fundamentally important matter and I trust those of you in this room, and the organisations you represent, will take the opportunity to make your comments on the report and to see that we get the widest possible

include YOUTH

opportunity to make your comments on the report and to see that we get the widest possible involvement and engagement to make the reforms we need. And I hope that that report will be about something more than recommendation 31 of 32, the issue of the age of criminal responsibility, which is a significant issue, but it's not the only significant issue. So let's ensure that it doesn't trip us up and prevent us from making progress on a number of different areas.

The consultation phase is underway until the end of December. Between now and then we'll be holding a number of events to seek to capture as many views as possible. I hope you will participate in that, as well as in written submissions. Following the period of analysis that will inevitably follow I will bring forward my conclusions as early as possible in the New Year to the Executive, to the Justice Committee, and ultimately to the Assembly if there is legislative change required. But in closing can I just make one key point: The developments which we are seeking within the Youth Justice System will not be on hold while we do that review, while we consult and publish the outcome. We'll continue to push hard on issues like increasing efficiency and reducing delay, there will be discussions at ministerial level about more effective and more strategic joint working arrangements. We will continue to address operational issues like those associated with taking juveniles out of Hydebank Wood. On that particular point I am pleased that because of case management episodes between Hydebank Wood staff and Woodlands staff in the last year twelve young people committed by the courts to Hydebank Wood have been referred back to the courts for transfer to Woodlands. That seems to me to be the kind of practical example of work which is ongoing and which needs to be ongoing whilst we also consider the wider issues. In these and other aspects of the report we have a very challenging, but I believe also a very exciting, agenda for change and for improvement. I certainly hope that my department is up to that challenge. I hope that you and the wider justice system will join us in helping me reach that challenge.

Thank you very much. ”