

include  
**YOUTH**

# Getting the 'Right' Youth Justice

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

27 October 2011  
La Mon Hotel & Country Club, Belfast

Conference  
**REPORT**

## Panel Discussion

John Graham, Chair of Youth Justice Review Team

Kathleen Marshall, Member of Youth Justice Review Team

Koulla Yiasouma, Director, Include Youth

Paddy Kelly, Director, Children's Law Centre

Dave Weir, Director of Services – Families and Children, NIACRO

**QUESTION:** I would like to follow up on the point that Paddy made about the 18 month delay on plans to remove children from Hydebank Wood. I wondered if the Review Team could give their thinking behind the suggestion of no later than 18 months.

**JOHN:** Well time scales are, in any review like this, are always to some extent slightly arbitrary, clearly we weren't going to say five years and clearly we were not going to say five weeks, but to some extent the 18 months is an arbitrary figure. What is more important is that we put forward the message that this has to be done by a certain time.

Now why 18 months? Clearly it would be preferable to have this done by tomorrow, but having worked in government myself for longer than I care to remember, I know that the practicalities of making what actually is a much more substantial recommendation than it looks putting that into practice actually does take quite a lot of time and effort. It is not just about taking young people out of Hydebank, it is making sure that those young people are in the right place if they are not in Hydebank, that means Woodlands in nearly all of those cases, if not all of them.

In order for that to happen, something also has to happen to ensure that those spaces are made available in Woodlands, that means that certain people who are currently in Woodlands won't be there in future. That in turn requires certain changes, particularly as I think I mentioned, around the use of remand. The period of time over which young people are remanded in custody is far too long in certain cases and the use of Woodlands for PACE remand as a place of safety is also something that we are critical of in our report but change those two things will also take time. In other words, it is not just about taking young people out of Hydebank and putting them somewhere which can immediately receive them, there are all kinds of other things that have to be put in place in order for that to be done in the right way.

Finally, and I think this is a really important point, there are one or two children at any one moment in time, in Hydebank who are very dangerous either to others or to themselves, they need highly specialised treatment, often in a very secure environment. A judgment therefore has to be made about how, in Northern Ireland, you are going to deal with those one or two children. You cannot provide a separate resource for dealing with that, that would be far too

expensive. In a much larger country like England and Wales there might be a specialised unit that particularly takes say 10 or 12 young people of that kind. The only place is Woodlands, but they also have to consider the welfare and the safety and security of all the other children under their care. So they would have to make arrangements to accommodate those very dangerous, even though it maybe one or two of them, those very dangerous young people, so you have to take that into account to.

KATHLEEN: I just wanted to add this 18 month is not a target, it is an end point, it is absolutely no later than 18 months. Obviously especially where there are serious rights issues, these things have to take place as soon as possible and we know that there is already some work going on and trying to move more young people to Woodlands out of Hydebank, but I would be disappointed that people thought we were saying it wasn't an urgent, it is an urgent matter and it should all be done and dusted by 18 months but preferably much earlier than that.

QUESTION: Two really quick questions, first I completely agree with everything that Paddy Kelly said about getting the children out of Hydebank Wood as quickly as possible because there is real right to life involved there. Having said that, I have found the Review report, despite the many brilliant things about it, I found it strangely weak in terms of what should be happening for young people aged 18 to 23 in Hydebank Wood. The Prison Review Team, in their report have given us something of a flavour of what Hydebank Wood should be replaced by in terms of regime and I didn't find that in your report. The other question is what about girls, I found it a strangely gender blind report. We met when I was up I think with Paddy, we met one young girl in Woodlands by herself in what was effectively solitary confinement, although she was with staff, and I wondered what is the future for girls and why was that not considered in the review.

QUESTION: I think two observations and a question for the panel. First observation is, I think the team is to be congratulated on the work they have done, there is much in the report that is very good and I particularly like the statutory time limits recommendation and we need a kickstart for dealing with the issue of delay. The second observation is I think I would agree with Paddy with regard to Hydebank, my own view is that we should be aiming for April next year to make the difference rather than leaving it longer.

My question to the panel is I think, what is your view on oversight of recommendations and the extent to which they are going to be implemented and how that oversight should take place?

JOHN: On the issue of young adults, clearly this was a review about youth justice, it was a review covering those aged 10 to 17. We did nevertheless, have discussions about whether we should talk about young adults in the review and the problem with that of course is that it

opens up a Pandora's box because young adults is not just an issue in relation to Hydebank, there are issues to do with young adults that would actually crop up right across the report from early intervention all the way through to rehabilitation and reintegration. So frankly that would have made our task impossible if we had already addressed young adults in a sensible way. We felt it wasn't a central part of our remit and therefore wasn't something that we could consider. That doesn't mean that we don't think it is important, we think it is very important. It's only because the transition to adulthood has become much longer, much more difficult, much more complex over the last 20 years and is likely to become even more difficult with the problems related to the employment market. So I don't want to belittle the issue, I just didn't feel it was something that the Review could tackle given the timescale and the remit that was given to us.

In relation to girls, I actually don't think girls are held in solitary confinement in Woodlands, they are always maintained in the same way as other children in Woodlands. The problem of course is that at any one moment in time there is very rarely more than one or two girls in Woodlands. That is always going to be a difficulty for management in Woodlands and I do think we may have missed a trick in not saying something more specific about the way in which girls are treated right across the youth justice system. I think I accept that that is something that perhaps we should have addressed, but I think to restrict that particular point to addressing young woman in Woodlands is perhaps underestimating that issue.

I think equally the point about oversight is very important, and I know that one of the great strengths of the Patton Report was the degree to which oversight was set up and implemented in relation to all the Patton recommendations. I think it is slightly different in the context of this report, because don't forget, this is a review that is going out to consultation. These are not recommendations that have been accepted by the Minister of Justice and Parliament as something that they wish to endorse and perhaps implement. Nevertheless, I think the point is an important one and therefore needs to be taken into consideration once the consultation period is over and decisions have been made about what is going to be recommended by whom, so that they are held to account for it, and by when. Kathleen do you want to add anything.

KATHLEEN: Not much, I think the issue about the 18 to 23, we did refer to it at some points but we were focusing on the under 18s and the Prison Review was doing the Prison Report at the same time and we actually had quite a lot on our plate dealing with the under 18s and the international standards that apply to that.

With the girls, we did talk about the girls and I thought that we did go to Woodlands, there was only one girl there and we did have notes about it, it was in our young people's consultation

paper but it didn't emerge into a specific recommendation. We were aware of the issue but we didn't have a particular recommendation about it.

PADDY: Just in response to Michael's point around the oversight of the recommendations. I think I made clear that we view this very much as a constitutional document as part of the Peace Agreement and the continuum from the Criminal Justice Review and Patton and that's the way it should be viewed. Consequently our recommendations around the independence linked to the consultation process and in that same vein it would be our view that as in the same way as Patton and the Criminal Justice Review commanded independent oversight of the delivery of the recommendations, children and young people as I say deserve more not less from our Peace Agreement, which I would then definitely support independent oversight of the implementation of the recommendations of this review once they come to fruition.

QUESTION: I have a question, what recommendations have been made about police officers on the ground that are intimidating and disrespectful to young people and to other children?

QUESTION: I maybe shouldn't get up now. I do fully support the recommendations from the Review and I also support the recommendation from the move from Hydebank to Woodlands. I do have a particular, obviously, link to that in terms of the number of remand young people who are being sent to Woodlands and I would obviously just highlight the issue about the PACE legislation that actually has the Juvenile Justice Centre nearly as the first port of call within PACE, so I would recommend that we need to have a change to the PACE legislation as well.

JOHN: John. Well, what we say in our report is that first of all we should build on the progress made by Patton in his report in terms of the implementation of his recommendations and one of the points we made in terms of doing that is to model best practice in interacting with young people to increase trust and minimise offending. We also go on to say that we recommend that there should be an appropriate skills package for all police officers on engaging with children and young people and to ensure that all of this happens that the priority given to children and young people by policing, particularly in the policing plan itself, where children and young people are not mentioned at all, should be addressed and raised. So in fact most of the recommendations that we make about policing is about improving the way in which the police interact with children and young people on the ground.