



**INCLUDE YOUTH RESPONSE TO DEPARTMENT OF  
JUSTICE EQUALITY IMPACT ASSESSMENT  
CONSULTATION FOR A PROPOSED JUSTICE BILL  
(NI)**

**NOVEMBER 2010**

## **Introduction**

Include Youth promotes best practice with young people in need or at risk. We achieve this through the development and promotion of resources, the provision of training, information and support of practitioners and organisations. We also undertake activities aimed at influencing public policy and policy awareness – both locally and nationally.

Amongst the young people at risk with whom, and on whose behalf, Include Youth works are young people from socially disadvantaged areas, those with a learning disability, those with special needs, those who have been truanting, suspended or expelled from school, those from a care background, those who had a negative parenting experience, young people who have committed or are at risk of committing crime, misusing drugs or alcohol, undertaking unsafe sexual behaviour or other harmful activities, or of being harmed themselves.

The Give and Take Scheme aims to improve the employability and increase the self esteem of young people in need or at risk from across Northern Ireland. The Scheme works with approximately 135 young people from a care or criminal justice background. The Scheme aims to support young people to overcome particular barriers that prevent them from moving into mainstream training or employment and towards independent living. 75% of people on the Scheme are care experienced and we have strong partnership with all Trusts, YJA, PBNI and Careers service. The Scheme provides essential skills training (ICT, English and maths) to all of the young people.

Include Youth manages the LACE (Looked After Children in Education) Project which is a multi-agency partnership with the aim of promoting better educational outcomes for children and young people in care.

In addition, Include Youth a Practitioners Forum, which draws together professionals from a range of statutory, voluntary and community organisations working directly with young people in need or at risk.

Include Youth's Young Voices project is a way of delivering participative democracy to marginalised young people in Northern Ireland. Its main aim is to support young people at risk or with experience of the criminal justice system, as well as young people marginalised for a variety of reasons, to become involved in decision making processes which impact on their lives, particularly in social welfare, education and criminal justice matters. The project works with a range of groups of young people in the community and both juvenile and youth custody facilities in Northern Ireland.

## **General Comments**

Include Youth welcomes the opportunity to respond to the EQIA on the proposed Justice Bill 2010.

## **Timing**

While we welcome the fact that the Department of Justice has undertaken an EQIA of all the proposals contained in the Bill, we are deeply sceptical as to whether any of the comments received from this consultation which actually result in any substantial change to the proposed Bill. Given the fact that the EQIA was released for consultation on the 12<sup>th</sup> August with a closing date for submissions as 4<sup>th</sup> November, and that the Bill was then introduced to the NI Assembly on 18<sup>th</sup> October, we fail to see how consultation responses on the EQIA could have been taken into account. Not only was there not sufficient time to address any suggested amendments to the Bill, arising from EQIA responses, but realistically there was not even the time to analyse the responses.

Questions must be asked as to what extent the consultation responses will actually influence the policy outcomes.

It is our view that the Department of Justice have not complied with statutory obligations under Section 75 of the NI Act 1998, with regard to this matter.

### **Lack of Evidence**

We note that the Department has screened out all of the proposals. The reasons given for this within individual screening documents are because of “the spread and nature of the proposals”. We would take serious issue with the validity of this reasoning. This is a vague and inconclusive reason, lacking any substantial evidence to support it. As such it is more of an assumption than a statement backed up by hard facts and demonstrative evidence.

We believe on the whole that the evidence provided around the potential impact of proposals is weak and does not relate specifically to the potential impact on children and young people. There is not enough information provided to suggest that the Department has adequately taken into account the impact this Bill will inevitably have on children and young people.

The document also fails to take account of a number of ongoing consultations which will undoubtedly have a bearing on some of the proposals contained within the Bill. For example, the consultation on Sentencing Guidelines is currently ongoing and will not be completed until 18<sup>th</sup> January. We would question then how definitive decisions can be taken on the impact of this issue on various groups before the necessary evidence and responses have been collated on the subject.

### **Use of Terminology ‘self selecting group’**

We are concerned that the document repeatedly refers to the impact that a number of the proposals will have on young males, but reasons given for not conducting a full screening exercise seem to be on the grounds that these young men are a ‘self selecting group’ who have chosen to offend, and subsequently do not appear to have the right to avail of the protections afforded under Section 75 legislation. This is an extremely worrying and flawed argument and we would suggest that the Department reconsider its thinking around the applicability of Section 75, and its reasons for screening out. Furthermore, this thinking does nothing to take into account the reasons for offending and the vast body of research which exists around the links between offending and poverty, poor educational attainment, learning disability, social, environmental and family background etc. The argument around ‘self selecting

groups' and eligibility of Section 75 purported in the documents is totally unacceptable.

**Consultation with children and young people**

We would request further information on how children and young people were consulted on the EQIA of the Justice Bill.

**Concluding Comments**

In conclusion it is our opinion that a full EQIA of the Bill must be conducted. We would take issue with the suggestion in the screening report that any impact on age is low. Children and young people will be directly impacted upon by the Justice Bill.