

include YOUTH

**Response to Making a Difference:
Improving Access to Justice for Victims
and Witnesses of Crime**

A Five Year Strategy

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Include Youth

Include Youth is an independent non-governmental organisation that actively promotes the rights, best interests of and best practice with disadvantaged and vulnerable children and young people.

The young people we work with and for include those from socially disadvantaged areas, those who have had poor educational experiences, those from a care background, 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 young people on the Scheme are care experienced while over a third has a background in offending.

Include Youth also delivers an Employability Service on behalf of two of the Health Trusts for young people aged 16 + who have had experience of the care system. This service is designed to offer tangible and concrete opportunities to assist young people leaving care to prepare for, and engage in work.

Include Youth has also been a Specialist Support Provider to DEL's Training for Success Programme since 2007. This service helps improve retention and encourage progression for young people who present with multiple barriers to their learning.

The organisation also leads on collaborative initiatives (Youth Works and Start) across several sites in Northern Ireland, working with community based organisations to improve education, employment and training outcomes for the most disadvantaged young people.

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 marginalised young people at risk or with experience of the criminal justice system, 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, in Woodlands Juvenile Justice Centre and in Hydebank Wood Young Offenders Centre.

Include Youth's policy advocacy work is informed by relevant international human rights and children's rights standards, is evidence based, including that provided by young people and practitioners and is based on high quality, critical analysis.

Reflecting the profile of the young people we work with, Include Youth's two main policy priority areas are employability and youth justice. We have engaged closely with the development by the Department for Employment and Learning of the recently published Pathways to Success Strategy as well as with the Department of Justice's reviews of youth justice and prisons as well as Reducing Offending and Faster, Fairer Justice initiatives

General Comments

Include Youth welcomes the opportunity to comment on this five year strategy aimed at improving access to justice for victims and witnesses of crime. Our response is a very brief overview of our position, drawing out the key issues of concern to us. As an organisation, we have consistently called for the need to address the rights of victims. We are of the firm belief that improving the experience and rights of those accused of crime should not adversely impact on the rights of victims and witnesses. The rights of victims and witnesses and those of the accused are not mutually exclusive. We agree with the Minister's statement that 'one is not secured at the expense of the other'. We must work together to achieve both.

Consultation Process

As the evidence indicates that children and young people are more likely to be victims of crime than any other group in our society, it is essential that the Department makes every effort to ensure that children and young people have an opportunity to feed their views in to the draft strategy. We are concerned that a young people's version of the strategy was not developed and used to consult directly with children and young people. We would be interested to hear what steps were taken to consult directly with children and young people in the development of the strategy and subsequently, to ensure the consultation process was accessible to them. We are keen to establish if the Department approached their key voluntary sector delivery partners, to facilitate focus groups with young people. Our view is that failing to include this significant representation of young victims and witnesses opinions and experiences would be a significant omission in the consultation process and the strategy will potentially be less effective as a result.

The strategy should also have been made available in a format accessible to those for whom English is not their first language and for those with learning disabilities.

Include Youth and Victim Support

Include Youth have recently worked in partnership with Victim Support to seek out the views of young people on their experiences of crime and to assess their level of awareness of support services available to them. These focus groups have demonstrated that young people are victims of crime, are largely unaware of victim's organisations, have serious reservations about reporting a crime and do not have a great deal of faith in a positive outcome if they do report a crime. The following quotes are an example of some of the views of the young people we spoke to in the Juvenile Justice Centre, the Young Offenders Centre and the Young Voices Community Group.

'That would be the last thing I would do (report to police) – 'cos they're scumbags. If I went to the police and said someone hit me, they'd laugh at me! Cos they don't like me. And I don't like them.'

'No I don't like the police so I wouldn't go to them. Because if you're already a criminal and you say something happened to you they'd laugh at you, tell you to float.'

'Even if the house was robbed I wouldn't tell the peelers.'

'I do report it but nothing gets done.'

'I have reported stuff before, but it didn't get dealt with – nothing happens.'

'Nothing ever happens anyway, it's always the way.'

'I'd do nothing, I wouldn't go to anyone.'

'You just get on with it and deal with it yourself.'

This brief overview of the material gathered from a small number of focus groups clearly demonstrates the need to seek out the views of children and young people in developing and implementing this strategy.

Specific Comments

Does the title “Making a Difference” convey the right message for the strategy?

Whilst we appreciate and welcome the sentiment behind the suggested title, we would recommend that it is changed to a title which is more specific to the subject of the strategy, perhaps “Making a Difference to Victims and Witnesses”.

Recommendation: Include Youth recommends that the title of the strategy be changed to be more explicitly specific to the subject matter.

Does the aim reflect what we want to do for victims and witnesses?

We are supportive of the overarching aim of the strategy.

We concur with the need for the community to have greater confidence in the system in order that they will feel more able to come forward to report crimes. This is particularly important for young people who are less likely to report crime and as a result are in many cases unrecognised and unsupported victims.

'You need support to help you deal with the problem yourself, as well as getting help from others.'

We agree with the underpinning principles listed.

We are particularly interested in the principle of transparency with regards to children and young people. It is imperative that young people who are victims of crime are aware of what standard of service they can expect to receive from the system. Young victims should be made fully aware of their rights and informed and supported through each stage of the process, in a form which is appropriate to their capacity. Furthermore, they should also be informed about what methods of redress exist if they are not content with the service or standard of information they receive.

The criminal justice system can be complex and overwhelming for all who come in contact with it, but it is especially confusing for children and young people.

We agree with the need to treat victims and witnesses with respect, dignity and sensitivity.

The principle of equality of access to the justice system is particularly relevant for young people who experience crime. The level of underreporting from young people suggests that this is clearly an issue for young victims, and it is hoped that this strategy will improve accessibility for this group of victims.

Recommendation: Include Youth recommends that young victims should be made fully aware of the rights and informed and supported through each stage of the process, in a form which is appropriate to their capacity.

The Evidence Base

We note that the document refers to the number of qualitative and quantitative sources that informed the development of the strategy. It is also noted that victims and their representatives were listened to. We would voice our concern about the current gap in information on the experiences of young victims and the urgent need to prioritise evidence gathering on this. This is especially urgent given that the NI Victims and Witness Survey does not include under 18 year olds. There is a need for

detailed research on the nature of crimes committed against children and young people.

Recommendation: Include Youth recommends that detailed research be carried out on the nature of crimes committed against children and young people.

Do the proposed themes reflect the areas that need to be addressed and do you consider the themes to be appropriate and relevant?

We agree with the themes listed.

Do you agree with the actions listed under each theme and are there other actions which should be included?

While we support the need for victims to be given the opportunity to explain the effects of a crime on them personally, we would guard against Victim Impact Statements being used as a means for victims to influence the sentence ordered by the Court.

Under theme 3 Support Provisions and Special Measures, we would recommend that the early assessment of need, should take into consideration the 'age' of the victim as well as 'the seriousness of the offence, or vulnerability of a particular victim'.

We are particularly supportive of theme 4 on Participation and Understanding, and theme 5 on the Collation of Information and Research on the experiences of victims and witnesses. Theme 4 must address the lack of willingness of young victims to engage in the criminal justice process. We would advocate support being offered to victims support organisations to improve their service delivery to young victims. Resources also need to be given to increasing awareness of the strategy and supports available.

We welcome the recognition that there is a lack of quantitative and qualitative data on a range of crimes. Improving the availability of detailed research on young people's experience of crime is vital.

We are concerned that action will not be taken on themes 4 and 5 until years 3 – 5.

It is our view that these actions should be moved further up the priority agenda.

The following specific deliverables should be included and actioned in years 1 and 2:

- Improve public awareness of outreach measures to children and young people.

- Additional research on the experiences of victims, in particular, young victims.
- Research on under reporting of crime by children and young people.

Recommendations:

We recommend that the early assessment of need should take into consideration the ‘age’ of the victim as well as ‘the seriousness of the offence or vulnerability of a particular victim’.

We recommend that Theme 4 should include an action which will address the lack of willingness of young victims to engage in the criminal justice system and will tackle the serious issue of under reporting by children and young people.

We recommend that support should be offered to victims support organisations to improve their service delivery to young victims.

We recommend that resources should be made available to increase awareness of the strategy and the supports available to victims of crime.

We recommend that the implementation of a programme aimed at improving public awareness of outreach measures to children and young people should be included as an action within years 1 and 2.

We recommend that conducting additional research on the experiences of young victims be given immediate priority, within years 1 and 2.

We recommend that research is conducted on the under reporting of crime by young people, and that this should be progressed in years 1 and 2.

Conclusions

We look forward to supporting the continued development and outworking of this strategy and are happy to provide the Department with any further information required. We are particularly keen to support the Department in thinking through how they might explore conducting research on young people’s experiences of crime and as has already been mentioned, we have been working in partnership with our colleagues in Victim Support on this specific issue. We welcomed the opportunity to hear more about the strategy at the recent meeting of the Faster Fairer Justice Stakeholder Forum on 10th January 2013. This was a productive meeting and we look forward to continuing our dialogue with the Department on the subject.