

include YOUTH

**Include Youth comments on draft PSNI Children and
Young People Strategy**

October 2018

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 and/or alcohol, engaging in unsafe or harmful sexual behaviour, or at risk of being harmed themselves. We provide a range of tailored employability programmes for these young people, including programmes in partnership with community based organisations.

Our Give & Take Scheme adopts a youth work approach to improving the employability and increasing the self-esteem and confidence of young people aged 16 to 24 who are not yet ready to participate in mainstream training.

Many of these young people have experienced social exclusion, poverty or have other complex challenges in their lives and therefore need additional support to overcome these barriers and positively progress their education, training or employment needs. Seventy-five per cent of young people on the Scheme are care experienced, while over a third have a background in offending. We offer a range of tailored programmes including

- Core - for young people referred to us through the Health Trusts
- Strive - a collaborative partnership programme with Youth Initiatives, Newstart Education Centre, NI Alternatives and Lifford Clonleigh Resource Centre.
- Outreach - for groups or organisations throughout Northern Ireland
- One to One - for young people at risk of child sexual exploitation
- Transitional support - for those moving on from our Scheme and into mainstream education, training or employment
- Meant to Work – a one to one mentoring service for young people in Greater Belfast

Our main offices are in Belfast, Armagh, Ballymena, Derry, Enniskillen, Newtownards, Omagh and Lifford.

Include Youth also delivers an Employability Service on behalf of two of the five 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 also engages in policy advocacy work in the areas of employability, youth justice and policing. This 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.

General Comment on accessibility of the strategy

While we appreciate that the strategy has been written in a way which is hoped to engage and directly impact on children young people we are concerned that some of the language and terminology used is not child friendly or accessible. The language in the strategy may be challenging for some children and young people. For example words like 'collaborative' and 'situational' will be difficult for some children to understand. Some of the document is clearly aimed directly at children and written in a way which is easy to understand while other sections are more complicated. The bullet points under each 'we will' section read very well and we welcome this type of short statement of commitment/ promise made to children and young people. But some of the narrative under each of the bullet points appear to more directed at adults and is written in a less clear way. We would also guard against the use of acronyms such as PCSPs which children and young people may not understand.

We would recommend that the document is distributed directly to a number of children and young people prior to publication to ensure that the strategy is written in a way which is accessible as possible.

It may also be beneficial to consider breaking the document down into more accessible chunks and perhaps presenting it in a different way, such as in card format or leaflet format. Again we would welcome children and young people's input into what format is best suited.

Foreword

We welcome the acknowledgement by Assistant Chief Constable Barbara Gray within the foreword to the document that the PSNI and their partners need to 'take steps to increase our understanding of young people'. We agree that children and young people should have a policing service which has been shaped by them and for them. As the key body of the Strategy is addressed directly to children and young people we would suggest that the foreword would be more powerful and engaging if it was also addressed directly to children and young people.

Introduction and Background

Include Youth welcomes the opportunity to provide feedback on the draft PSNI Children and Young People Strategy. We welcome the development of a strategy which is designed specifically in relation to the policing of children and young people

and which gives the PSNI the platform to outline their commitment to children and young people.

We welcome the reference in the strategy to the UNCRC. Whilst we are pleased to note the reference to the UNCRC, we believe that more weight should be given to the Convention as a set of basic standards on which the PSNI's Children and Young People Strategy should be based, particularly in light of the fact that the strategy is directly related to how the PSNI interact with children and young people. The principles of the UNCRC are relevant to how policing interacts with young people in Northern Ireland. The "best interests" principle (Article 3 CRC) should be referenced in the strategy so that all officers, children and young people and the general public are aware that when dealing with children the PSNI must prioritise the child's best interests. Similarly, reference could be made to Articles 2 and 12 of the UNCRC to increase awareness of the child's right not to be discriminated against (Article 2), and to meaningfully participate in all aspects of their lives (Article 12). We would welcome these references being included in section 1 of the document.

Key Influences:

We welcome the inclusion of the following key influences on policing with children and young people, within the strategy.

- Police Youth Champions Forum
- UNCRC
- ECHR
- Safeguarding Board NI
- PSNI Internal Service Instruction
- NI Policing Board
- NI Local Government
- NI Policing Plan
- NPCC Child Centred Policing

There are a number of other key influences which could be considered to be included within the strategy.

- Children and Young People's Strategy 2017-2027
- Children's Services Co-operation Act (NI) 2015
- Programme for Government 2016- 2021
- Section 75 of the Northern Ireland Act 1998
- NI Policing Board – Youth Advisory Panel: although the panel has not met for some time, it is hoped that it would be reinstated in the future and continue to play a part in influencing policing in relation to children and young people.

Under the NI Policing Board we think it would be beneficial to include reference to the Policing Board's Thematic Inquiry into Policing Children and Young People November 2013 Update and the initial report on Thematic Inquiry into Policing with and for Children and Young People from 2011. The strategy should contain a commitment to progress the recommendations of the thematic inquiry and to continue to monitor and report on progress.

Under the UNCRC we would recommend that reference is made to the Concluding Observations on the fifth periodic report 2016 and that the strategy reflects the commitment to act on the Concluding Observations and Recommendations made by the UNCRC Committee.¹

Young Persons Key Themes:

Engagement

We welcome the commitment to develop opportunities for children and young people to meet with the police to discuss what is important to them and to have an input into local policing. We would encourage the PSNI to ensure that this engagement includes meeting with 'harder to reach' young people and in particular with those young people who are most likely to have contact with the police, and contact which may be of a predominantly negative nature. It is vital that these engagement opportunities are directed at those young people whose level of mistrust of the police remains consistently high.

We agree that PSNI need to better understand children and young people and to find out more about what they need the police to deliver for them. We appreciate that there may be more detail on how this understanding will be gained contained within the accompanying action plan to the strategy, but we would welcome some detail at this stage what ideas have been developed to date. For example, will research be commissioned to seek a better understanding from children and young people? Also, how will this understanding be disseminated amongst all officers? Will it be included in staff ongoing training modules as well as in training modules for police recruits?

Include Youth have for a long time called for the inclusion of a measurement of children and young people's confidence levels in policing, so we welcome the stated objective within the draft Children and Young People Strategy, of engagement being 'to increase young people's confidence in policing, particularly in areas where it identified as being lower'. We know that this is an area of work that the PSNI has been keen to develop in recent years. We welcomed the reference in the NI Policing Plan 2017-2018 to the work that had been committed to in the previous years policing plan which required the PSNI to work in partnership with a range of bodies to conduct qualitative research

¹ CRC/C/GBR/CO/5/paras 37,38,40,45,49,79.

and to use this as the basis for identifying solutions to address confidence issues, including young people's confidence. The 2017-2018 plan mentioned that the PSNI with the Board, PCSPs, expert stakeholders and District Commanders would conduct targeted qualitative research where young people's confidence in policing is lower and thereafter that the PSNI would report to the Board twice yearly on initiatives in these areas to improve confidence.²

We would be keen to know how this research will feed into the objective to increase confidence in policing contained within the Children and Young People Strategy and also how the confidence levels of children and young people will be measured to see if there is any improvement.

We welcome the intention of the PSNI to 'treat children and young people with fairness, courtesy and respect, and listen to their views on the key policing issues which affect them.

We know from our direct work with young people that many young people do not feel the PSNI treat them with fairness, courtesy and respect.

We will be interested to hear more detail on how PSNI intend to 'listen' to the views of young people and more importantly act on what young people tell them. It is important that young people receive feedback from any engagement which takes place and can see through practice and experience that their views are being listened to and acted upon. It is especially important that the PSNI respond to situations where children and young people do not feel respected and are able to demonstrate how practice has changed.

A tangible way in which the PSNI can demonstrate their commitment to engaging with children and young people is to ensure that any consultations the PSNI issue are also made available in a children and young people's version and that efforts are made to directly consult with children and young people, including those young people who are more likely to have a negative experience of policing.

We welcome the commitment to ensure that engagement is everyone's responsibility and that it should be a core activity as part of district and department engagement plans. We look forward to seeing how this will be realised and monitored within the development of the Strategy Action Plan.

Safety and Protection

We are slightly concerned about the wording 'the PSNI will aim to identify those children and young persons at risk of offending or anti-social behaviour'. It is important that this attempt to identify young people at risk does not result in some young people

² NI Policing Plan 2017-2018

being labelled and stigmatised. We believe it is the work of welfare professionals, whether in the statutory, non statutory, community and voluntary sectors, to work with at risk young people. These professionals are best placed to offer appropriate support and intervention, in a non criminalising manner, by the very fact that they are not within the justice sector.

Furthermore, Include Youth once again raises concerns over the broad scope of activities that could fall under the definition of 'anti social behaviour' and the vagueness of such a definition. We believe that failing to provide a transparent definition of what exactly constitutes inconsiderate or nuisance behaviours ensures that anti-social behaviours become subjective and open to interpretation. It is therefore worrying that the strategy refers to PSNI's involvement in restorative interventions to address behaviours of children and young people 'which fall short of being criminal, but which are perceived to be anti-social behaviour'. This ambiguity is unhelpful and leaves the reader unclear about whose perception the PSNI will be responding to. It is paramount that children are not brought into the justice system because of someone's perception of their behaviour. We do have concerns regarding the increasing blurring of lines between non-criminal and criminal behaviour, often described as 'net-widening' and most acutely exemplified by definitions and responses to what is labelled 'anti-social behaviour'. The PSNI needs to be much clearer regarding what types of behaviour/situations it is appropriate for them to become involved in responding to.

We welcome the commitment to developing the appropriate use of restorative interventions but would advocate that PSNI should only become involved in interventions which are dealing with criminal behaviour rather than those which, as the strategy states 'fall short of being criminal'. It is our view that non criminal behaviour of children and young people is best dealt with by non justice actors and that community based supports and intervention are more effective. The strategy could perhaps make reference to the PSNI support of community based restorative interventions and their commitment to helping communities find ways to work with young people in a non criminalised approach.

There is a significant body of evidence which demonstrates the deeply damaging impact contact with any statutory criminal justice agencies, including the police, has on the lives of young people. In light of this the PSNI needs to ensure that non-stigmatisation and non-criminalisation are the cornerstones of any effective diversionary approaches to youth offending which are undertaken in partnership with communities.

We agree that there is a need for the PSNI to signpost additional support from other agencies and would encourage the PSNI to equip all officers with the necessary information to enable them to signpost effectively.

Offending

We welcome the commitment to simplifying the language used to help children and young people understand what is happening.

We agree that investigations must be dealt with promptly and effectively and welcome a commitment to ensure this happens being included within the strategy. We assume the actions that will be taken and report on progress on this commitment will be detailed in the action plan.

The section on the use of police custody is welcomed and we especially agree with the statement on 'the need to seek alternative disposals and ways of addressing offending behaviour' outside the use of custody. We would suggest that there is a commitment made to use custody only as a last resort.

Again we welcome the commitment to find other ways of dealing with children's behaviour rather than going down the criminalising route. As the PSNI will be aware, Include Youth and the Raise the Age collective are calling for an increase in the minimum age of criminal responsibility, to ensure that no child under the age of 14 years old will be dealt with by the justice system. We would urge the PSNI to do everything they can to reduce the numbers of very young children entering the criminal justice system by seeking to find alternative means to deal with challenging behaviour. We appreciate that the PSNI need the support and resources to be available from partner agencies to be able to have the choice of alternatives to criminalisation. We will continue to call on other agencies to step up and provide alternatives. In the meantime it would be helpful if this strategy could indicate the PSNI commitment to keep very young children out of the justice system and to reflect the PSNI support for the need to develop more effective ways to deal with children's challenging behaviour.

We would welcome clarification on whether it would be appropriate to include a reference to the use of 'speedy' justice and discretionary disposals within the strategy and to a commitment to the need for independent robust oversight mechanisms.

We would like to see a commitment to communicating to children and young people the importance of securing legal representation.

Victims and Witnesses

We welcome the inclusion of the statement that 'young people are much more likely to be victims of crime than older people'.

Stop and Search

General comments on Stop and Search:

While we welcome the section on Stop and Search it is concerning that this topic is regarded as a 'key theme' for children and young people. We would prefer if this was not the case but the fact that it is included we believe, indicates the problems associated with the over use of stop and search powers on children and young people. We remain concerned that there is a disconnect between principle and practice with regard to the use of stop and search powers with children and young people.

Include Youth remain concerned about the high numbers of children and young people subject to stop and search and questioning. There is a body of evidence which suggests that stop and search powers could be being used inappropriately against children and young people and that the overuse of this power is having a detrimental impact on police relations with children and young people. There have been a number of calls for change. The evidence on the damaging impact of the use of stop and search on children and young people and the calls for change comes from a number of quarters.

The recently published ARK Young Life and Times Survey showed that over two thirds of young people were not given a reason when they were stopped and that 90% were not given a receipt or reference, even though in 57% of cases the name and/or address of the young person were recorded in the officer's notebook. The ARK Young Life and Times survey results certainly raise a number of issues concerning the socio-economic background of young people being stopped and how young people understand their rights under these powers. It is worrying that 69% of those stopped and searched said they were given no clear reason why. The ARK report concludes that based on the significant majority of responses from 16 year olds, the procedural and legal propriety with which PSNI are using Stop and Search powers has been called into question and it calls for greater levels of monitoring and oversight. ³

Within the Statement on Children's Rights in 2017 the Commissioner for Children and Young People called for the PSNI to demonstrate the purpose and outcomes of all Stop and Search operations involving children and young people, and to improve the quality of engagement with young people.⁴ Speaking about the use of Stop and Search on children and young people, at the launch of the Statement on Children's Rights on 21st June 2018 the Commissioner said:

"This is the biggest issue of contention for young people when it comes to policing and they describe feeling discriminated against and labelled. 12% of all stop and search operations involve young people with only 8.5% of

³ ARK Research Update, "The 'Usual Suspects'? Young people's experiences of police stop and search powers in NI , John Topping and Dirk Shubotz.

⁴ Statement on Children's Rights on Northern Ireland in 2017, NI Commissioner for Children and Young People, 2018.

operations resulting in arrest. That is not a good return and until we have greater clarity on the purpose and intended outcomes of these powers, it will always be viewed as a blunt instrument when it comes to the policing of young people.”⁵

Dr John Topping’s research has repeatedly stated that children (17 and under) remain a significant focus of the stop and search powers. He states that between 2010/11 – 2017/2018, 33,000 children have been subject to stop and search, with 15-17-year-old males five times more likely to be stopped proportional to numbers in the population.⁶ He goes on to say that children (under 18) comprised 17% of all PSNI stop/searches under PACE-type powers in 2016/17, and based on current population estimates young males aged 15-17 are being stopped at a rate of approximately 82 per 1000 of population, with, for example, 40% of children in North Belfast claiming to have been stopped by PSNI ‘for no reason’, and 38% of children more generally in the country reporting ‘disrespectful’ behaviour when encountering the police.

This evidence is backed up through what the young people we work with tell us. Over the years we have conducted a number of consultations with children and young people on issues of policing. Almost of all of the young people we spoke to had negative experiences of being stopped and searched, more often than not this was on a consistent basis and was itself a factor in the level of confidence they held in the police. In some cases it was reported that negative stop and search incidents had led to additional charges for young people. Include Youth consistently raise the issue of ‘stop and search’ and point out that young people feel targeted and victimised as a result of the use of ‘stop and search’ powers. They also report inconsistent experience of Officers’ communication when it comes to providing a rationale for the ‘stop and search’ and their rights within that process. Young people also believe that ‘stop and search’ powers are used against them at a much higher rate than against adults. Include Youth are concerned about the extensive use against young people and also the experiences of those young people when they are stopped.

Include Youth would like to see the effectiveness of ‘stop and search’ assessed. The experiences of young people suggest that not only does the excessive use of ‘stop and search’ damage relationships but also subsumes substantial police resources, with this in mind an analysis of the data and the effectiveness of this practice would be extremely useful. All powers to stop and search children should be exercised in compliance with human rights and in particular with key provisions on the UN Convention on the Rights of the Child, including Article 2 (non-discrimination) and Article 3 (best interests) and Article 16 (right to privacy). The use of stop and search

⁵ Presentation by Koulla Yiasouma, NI Children’s Commissioner at the launch of the Statement on Children’s Rights, 21st June 2018.

⁶ KESS Knowledge Exchange Seminar, May 2018, Policy Briefing.

powers should also comply with the PSNI's obligations under Section 75 of the Northern Ireland Act 1998.

Specific comments on Stop and Search section of the Children and Young People Strategy

We welcome the commitments within the strategy to make sure that young people are made aware why they have been stopped and searched. We would like to see this commitment extended to include a commitment to ensure that every young person who is stopped and searched receives the necessary documentation and there are monitoring measures in place to ensure that all young people who are subject to a stop and search know why they have been stopped and have received a Stop and Search card.

We welcome the commitment to construct searches in a way which respects rights and to ensure the powers are not abused but are keen to know how PSNI will measure that these principles are being carried forward into practice.

We welcome the commitment to provide robust data about stop and search. We would like to see information being provided on the impact and effectiveness of stop and search and evidence provided on the justification of the use of stop and search powers with children and young people.

As the strategy notes, the use of stop and search powers can result in 'strong feelings and resentment'. Given this admission we find it concerning that the Strategy then goes on to say that 'the number of searches conducted indicate a significant number of interactions and **opportunities** to improve our relationship with young people'. We do not believe that Stop and Search should be seen as an opportunity to improve relationships with children. There are other non confrontational ways of creating 'opportunities' to improve confidence and relations.

We welcome the commitment to ensure scrutiny of the use of Stop and Search powers. We would recommend that this is amended to read 'independent' scrutiny.

Youth Strategy Centred Policing Chart

We would recommend that this chart is simplified as there is currently too much information contained within it, making it difficult to understand. It might be beneficial to separate each of the themes out and make a chart for each one. We appreciate that there is a lot of information to convey and it is difficult to make it concise but as it stands at present we do not think children and young people would grasp the important messages contained within it.

Measuring Success and Monitoring

Identifying effective measurement tools and ensuring comprehensive monitoring from the outset is critical to the success of the strategy and to making sure that the principles communicated within the Strategy become practice. We would anticipate that children and young people will be central to these next stages. We note the reference to the Action Plan which will be developed to monitor the success of the PSNI ability to deliver on the key themes set out in the Strategy. We look forward to engaging with the content of the Action Plan and hearing how children and young people can contribute to the detail of the Action Plan.

Concluding Comments

We welcome the opportunity to comment on the draft Children and Young People Strategy and we look forward to working in partnership with the PSNI in the further development of the strategy and the accompanying action plan. We are happy to provide further clarification or detail on any of the issues we have raised.