



**Response to NICCY Corporate Plan
2017-2020**

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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 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
- Start Programme – a collaborative partnership programme with community based organisations, targeted at young people in the North Down, Ards and Belfast areas
- 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

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

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. We also deliver a joint employability mentoring project with Business in the Community.

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.

Comments

We welcome the opportunity to respond to NICCY's Corporate Plan 2017-2020 and have welcomed being part of the pre-consultation on the plan, particularly with regard to engagement with a number of young people that Include Youth works with.

We concur with the view of the Commissioner that the range of duties and powers available to the position are restricted and do not allow for the full powers as envisaged in 2003. Nonetheless we commend the Commissioner for her determination to make maximum use of the powers available to her and to base her work on the implementation of the UNCRC and the concluding observations and recommendations. Include Youth shares the Commissioner's concerns regarding the uncertain future ahead with regard to Brexit along with the economic context in which we work. Now more than ever we need to have a strong advocate for our most vulnerable and marginalised children and young people to achieve the full realisation of their rights.

We welcome the chosen priority issues of **poverty, mental health and educational inequalities**. These are all issues which are very relevant to the young people we work with, both in our employability programmes and within the youth justice system. The young people come from areas of high deprivation characterised by low income, low educational attainment, high unemployment, poor health and most effected by conflict.

Include Youth recently conducted focus groups with a number of young people across our various programmes asking young people about how they felt their rights were being met or areas in their lives where they felt their rights were not being met. The themes of mental health and educational inequality featured numerous times throughout the engagement process. These are clearly areas where young people feel they are being let down by current services or that they are being discriminated against in reaching their full potential.

Include Youth welcome the inclusion of **youth justice** as one of the priority themes. This is one area where we would particularly welcome the continued input from the Children's Commissioner in her efforts to ensure that the rights of children within the

youth justice system are met and that we would see fewer children entering the system. Despite some progress having been made with regard to the implementation of the 2011 youth justice review recommendations we remain concerned that Criminal Justice Inspection reported in December 2015 that 41% of the recommendations remain unmet.

This falls far short of the Ministerial target to achieve 90% of the recommendations by 2014.

Key recommendations not achieved include:

- Introduction of end to end statutory time limits (recommendation 15)
- The development of an appropriate range of supported accommodation to reduce to a minimum the use of Woodlands Juvenile Justice Centre (JJC) as a place of safety under PACE (recommendations 8, 9d, and 18)
- Looked after children should not be placed in custody, either through PACE, on remand or sentenced, where this would not have been the outcome for children in the general population (recommendation 19). An answer to an Assembly Question in November 2016 revealed that of those detained in Woodlands on 21st October 2016 36.4% of the young people were looked after children. One of these young people had their stay extended due to not being able to perfect bail.
- Recommendation 21 of the Youth Justice Review regarding the retention and disclosure of criminal record information relating to children and young people was not accepted by the DoJ and has not been achieved.
- The Criminal Justice Delivery Group should develop a strategic interest in youth justice and together with the Criminal Justice Board and the Ministerial Children's Committee take overall responsibility for implementing the recommendations of the review (recommendation 25).
- The minimum age of criminal responsibility should be raised to 12 with immediate effect, and that following a period of review of no more than 3 years, consideration should be given to raising it to 14. In the intervening period, appropriate local services and programmes should be developed to meet the needs of children and young people who would otherwise have entered the criminal justice system (recommendations 29 and 30)

Key recommendations in relation to which **concerns exist around their implementation** include:

- Whilst children and young people have not been detained in Hydebank Wood since 1st November 2012, legislative reform to completely prohibit this practice in the future has not yet been undertaken (recommendation 16)
- Large numbers of children attending Youth Engagement (YE) Clinics will **not** have had a legal representative or legal advice at the YE Clinic. These children are very likely to accept diversionary measures through the YE Clinic process, which can all potentially be disclosed as part of a future criminal records check.

CJINI have noted the lack of strategic priority and direction with regard to implementation of the recommendations and have highlighted a “loss of momentum” in implementing recommendations.

Despite the announcement of a Scoping Study into children in the justice system made in May 2015 and the then Justice Minister David Ford announcing the results and giving an outline of the proposals of the scoping study in March 2016, we remain no clearer about what the Department’s detailed actions plans are with regard to this matter and have seen no tangible or practical outcomes.

As Include Youth has already raised on numerous occasions, **many of the issues considered in the scoping study had already been consulted on and corresponding recommendations made by the youth justice review in 2011.** This includes the inappropriate use of custody, the over representation of looked after children in the justice system, the need to provide a range of alternative accommodation options for our most vulnerable young people to avoid them being placed inappropriately in custody and the need to address the mental health issues of those children within the justice system. While the PfG and specifically the DoJ delivery plan under Indicator 39 includes a number of proposals to ‘turn the curve’ the level of detail on specifics is still not there, which is disappointing given the length of time we have been aware of the key issues that need actioned with regard to children and young people in the justice system.

Given the large percentage of recommendations which have not been achieved, or in relation to which concerns have been raised at their implementation, the lack of proposed independent oversight of the recommendations moving forwards is worrying. In the absence of a monitoring role for CJINI, we would welcome the Commissioner’s continued efforts to bring attention to the implementation of the Review’s recommendations on a regular basis, particularly those highlighted above.

We also have concerns about the current placing of YJA within the Northern Ireland Prison Service. As the Commissioner will be aware, in September 2014, the DoJ Reducing Offending Division became the sponsor for the Youth Justice Agency (YJA), meaning that the YJA was realigned alongside the Northern Ireland Prison Service (NIPS). The Head of the Reducing Offending Division is also NIPS Director General. This realignment of the YJA and youth justice generally alongside the NIPS causes significant concerns, as we believe that the youth justice system, if it is to achieve the objective of redirecting children and young people away from the criminal justice system, should remain separate and distinct from the criminal justice system as it applies to adults. We would welcome the Commissioner's input into the discussions in relation to where youth justice services should be placed within current and future Departmental structures, rather than being aligned alongside the NIPS within the Reducing Offending Directorate.

Education in Woodlands JJC

Woodlands Education and Learning Centre has recently transitioned to become an Education Authority designated Education Other Than at School (EOTAS) Centre. We are concerned about the delayed speed with which this transfer has been implemented and would like to draw attention to the educational provision within Woodlands to the Commissioner. In answer to an Assembly Question in November 2016, the Minister for Justice stated that young people received just 15 hours of teaching per week on average. We would welcome the Commissioner's continued interest and efforts to ensure children detained in custody receive the education they are entitled to.

Mental Health

An answer to an Assembly Question in November revealed that of those detained in Woodlands on 21st October 2016 11 out of the 22 detained there were receiving support from the Child and Adolescent Mental Health Service (CAMHS) for mental health needs and 19 of these young people were noted to have issues with drug and/or alcohol misuse. The mental health needs of children within the justice system is a matter of grave concern and one which if adequately addressed would ultimately mean fewer children entering the criminal justice system.

We anticipate that as part of the Commissioner's work on the priority theme of mental health, that this will include advocating that the mental health needs of those children within the justice system are fully met.

Concluding Comments

We look forward to working with the Commissioner and her staff over the coming years and are happy to provide more detail on any of the issues raised if required.