

include YOUTH

Response to NICCY Corporate Plan 2020-2023

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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
- 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 has worked for 40 years with and on behalf of children and young people who are the most vulnerable and at risk. We have a strong track record of policy advocacy in promoting the rights of children in the criminal justice system and in the wider area of employability. Our policy work is grounded in and informed by the voices and experiences of children in the system and the practitioners who work with them, and by relevant research in the context of international human rights standards and obligations.

Comments

We welcome the opportunity to respond to NICCY's Corporate Plan 2020-2023.

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 fragile economic context in which we work. We are also frustrated by the lack of an NI Assembly and Executive and are disappointed that this has resulted in delayed legislative implementation of key strategies including the Programme for Government and the 10 Year Children's and Young People's Strategy. We commend the Commissioner for her persistence in engaging with political parties and key stakeholders and for being a strong voice in calling for the need to address key issues affecting children and young people. 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 agree that given the changing nature of the context in which this plan will be operating it is crucial that the Commissioner maintains flexibility to respond appropriately and if necessary change the priority areas of work.

We support the decision to retain the six objectives as stated in the previous plan.

We welcome the chosen priority issues listed under Objective Two to 'Highlight and address critical issues which adversely affect children and young people'. We especially welcome the inclusion of the areas of **poverty, mental health, educational inequalities, legacy of the conflict, youth justice, homelessness and migrant/trafficked children and children subject to immigration control and newcomer children.**

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 the

conflict, including being at risk of intimidation from and contact with paramilitary organisations. We also have an increasing number of newcomer children taking part in our programmes.

Improving Mental Health and Well Being:

We fully support the Commissioner's work on drawing attention to the mental health needs of children and young people and in demanding the changes required to improve the adequacy and effectiveness of services to support the mental health of children and young people. The 'Still Waiting' research report was an exceptionally significant piece of work and has contributed greatly to raising awareness of the need to address our current child and adolescent mental health provision crisis.

The issue of mental health is a priority issue for many of the young people we work with. In the course of responding to a number of policy consultations in recent years, including the Children and Young People's Strategy and the Looked After Children Strategy, we have asked the young people on our programmes what their views are on current mental health provision. While the young people acknowledged the need to meet the physical needs of children and young people it is clear that the urgent need to address mental health concerns amongst themselves and their peers is top of the list.

The big issues are mental and physical health, suicide and self harm.

We cannot overestimate what a pressing issue this is for the young people we spoke to. Many of them had experience of or knew people who had experienced mental health problems and they were worried about the lack of adequate provision for children and young people to get the help they need.

Mental health is the main issue for young people – there are not enough services out there.

There are mental health problems from about 14 years and up - suicide, depression, self harm.

Mental health is a big one for children.

Suicide is a big issue as well.

A lot of young people are not getting the mental health they need.

It's a massive problem.

Some of the young people had experience of CAMHS and in particular of Beechcroft. They felt strongly that there was not enough provision to address

children's mental health needs and that the geographic spread of support was too sporadic. Several mentioned the dissatisfaction that there was only one residential facility and that it was very often far away from children's families.

There is only one hospital for children – Beechcroft.

The fact that they are really far from home when they are at Beechcroft is really bad.

People struggle for years and don't get the help they need from CAMHS – you just can't get the help.

You have to wait far too long to get medication.

There was a real sense of urgency from the young people we spoke to about the need and demand from young people in care, to access mental health support.

“cos people are committing suicide.”

“you need help and support.”

“I waited 8 months to get help and support.”

“Not enough support- some people just don't care- need someone to always be there like an advocate.”

*“when you're in care it f**** up your mental health.”*

Many of the young people cited the support they received from voluntary and community organisations and it is clear that for many young people these organisations provide a lifeline during times when they are struggling with their mental health and general outlook on life.

There is lots of pressure put on young people now, the pressure can build up and over power you. I lost the head, thought I was worth nothing, when I was on the bru, but this (Alternatives) is where I got the help I needed.

Organisations like this in deprived areas are so important.

The young people were able to identify what type of help would be supportive.

They need coping strategies to cope. They need to give you a toolbox to get yourself out if it – out of the pit.

There are not enough people to support you for mental health problems.

They also identified the very vulnerable time when they have to transfer from children to adult mental health services and the concern they have that adult provision is not tailored to their age and particular needs.

And then they chop you off when you reach 18 and adult services aren't the same.

The young people were not positive about the contribution that schools make to supporting children and young people's mental health and claimed that many schools were not equipped to deal with young people experiencing problems.

No – they (schools) are no help for that.

They don't want to help you in school about mental health stuff. The teachers would just tell everyone. . I wouldn't trust them to tell them.

It just gets picked up as bad behaviour, but really it is because there are things going on for you underneath everything.

We also conduct consultations with our practitioners on key strategic documents and they also frequently raise the issue of mental health in relation to the barriers and difficulties that the young people they work with face. Practitioners agreed that mental health was one of the most pressing issues for children and young people and even thought that the level of poor mental health amongst young people was under represented because so many of the young people still do not want to reveal it. As one practitioner said:

A lot of schools don't do counselling, and the young ones don't want to talk to their parents, so they come here to talk to us. A lot of kids dealing with drugs don't attend school so this education needs to be offered outside school as well. (Practitioner)

Another practitioner commented:

We don't have enough provision for children in mental health. There should be a requirement for it to be provided in schools. The number of children who are self-harming, even 10 year olds, is going up. Teachers should be trained and be more aware...: Most people, especially men, want to keep it to themselves. I would say that 80 – 90 % of the ones we see in here have mental health problems. They use drugs to try and escape .(Practitioner)

We have every confidence that the Commissioner and her staff team will continue to fight for adequate child and adolescent mental health provision and will do everything in their power to raise some of the pressing issues our young people have discussed with us.

Overcoming Educational Inequalities and Promoting Inclusion:

We support the Commissioner's work on overseeing the monitoring and implementation of SEN provision and the requirements for transformational reform of the education system.

Many of the young people Include Youth works with have had negative experiences of mainstream education. Include Youth works with many young people who have experienced difficulties in learning. The reasons for these difficulties are many and varied. It can be as a result of difficulties at home, of emotional and psychological needs not being identified, of a learning disability, issues related to being in care, behavioural problems etc. This multiplicity of factors results in the chances of doing well at school being stacked up against our most disadvantaged children and young people. The young people appear to become disaffected from an early age and very often their experience at school only serves to reinforce that alienation.

We therefore welcome the Commissioner's commitment to see all children having access to an education which will develop their personality, talents and abilities to their fullest potential as outlined in Articles 28 and 29 of the UNCRC.

We firmly believe that the Commissioner should promote the educational rights of **all** children regardless of their circumstances – this could involve seeking to ensure that a child with complex disabilities has their needs met, helping the child who is in the care system, a child with dyslexia, a child who is dealing with witnessing their mother being abused, a child who is struggling with depression and self-harm, a child who is caring for their alcoholic parent and trying to bring up a younger sibling at the same time. All of these children demand and deserve an education system which understands their specific needs. No-one would pretend that doing that and meeting these diverse needs is an easy challenge. Clearly, it is extremely complex but we are fully supportive of all efforts the Commissioner makes to demand an education system which can deliver on all these diverse needs.

We would urge the Commissioner to draw attention to the need for all professionals, including teachers, to have the skills and knowledge to allow early identification and appropriate intervention. It is our opinion that too many children who are struggling at school are not having their underlying needs identified soon enough.

We also believe that some difficulties in learning can be exacerbated by the school's learning environment or the nature of the adult/ child relationships. The young people we spoke to were able to give examples of practice within schools which could certainly act as a barrier to learning for those young people struggling to fit in and keep up with the class standard. The very actions of certain teachers serve to exacerbate existing problems and some young people feel that teachers do not respect them.

Teachers were less likely to help me because I was in care, we were taken as people who didn't care.

I didn't like school at all, I felt uncomfortable.

The rules were awful, we had a support unit and I was put in it for 2 months just because I had hair extensions, and I didn't do well in my English because of it.

Because I'm from an estate I feel I am treated differently. You are treated better if you are from a posh area.

Schools are rubbish. They nearly fined my mum £1000 because I wouldn't go to school.

A significant number of the young people we have worked with over the years have been suspended or expelled from school for challenging behaviour and yet it is evident when talking to these young people that many of the reasons for their challenging behaviour came from extremely complex experiences such as difficulties while in the care system, mental health problems within their family or experienced by themselves, unidentified learning needs etc.

Young people also frequently ask for more training for teachers so that they can better understand the issues that young people have to contend with. This is especially true for care experienced young people, who often feel that teachers do not appreciate the difficulties they may face on a daily basis.

Young people want teachers to be more aware of the needs of looked after children. Many of the young people have recounted experiences where teachers have not demonstrated any understanding or sensitivity and indeed have made derogatory comments.

"Some teachers don't understand at all- don't take the time to find out why you might be behaving in some way- they are too quick to judge."

"My Principle actually said to me 'now I know why your mum and dad got rid of you'."

"Teachers turn into dickheads when they know you are in care, but they can also be very patronising when they find out you are in care, they give you too much sympathy. There is more training needed for teachers."

"Teachers should be made aware of problems and issues."

"They should train teachers about what it is like to be in care."

"When you have someone in your class who is in care and they may blow up and get cross, so the teacher needs to know that is why that might happen."

"Teachers saying that 'you're a failure'- that repeats on them." (Practitioner)

Addressing the Legacy of the Conflict:

We fully support the Commissioner's intention to address coercive control and exploitation of children and young people by criminal gangs.

As a society transitioning out of conflict and violence, there are a number of specific circumstances that pertain which have relevance to and impact on the safety of children and young people. These include the ongoing threats, intimidation and attacks against young people accused of 'anti-social behaviour', particularly in economically deprived areas associated with high levels of conflict-related violence. The extent to which violence or the threat of violence represents a real risk to children and young people's safety, particularly in certain communities, cannot be underestimated.

The presence and threat posed by paramilitaries has been highlighted by young people during the course of our numerous consultations over recent years with young people on a range of issues including safeguarding, policing, the care system etc.

Paramilitaries know you – there's certain areas just not safe for me, certain estates close to where I live.

The way they are doing it now (paramilitary attacks), they are much worse. We'd be safe if it wasn't for the paramilitaries.

It's the paramilitaries who make you feel unsafe – they know everything, know everyone ... so if they want you they will always get you.

The subject was once again raised by the young people we spoke to in January and February 2017 in relation to the consultation on the Children and Young People's Strategy.

Some paramilitaries try to help you.

No, they are scumbags. I hate that they get children, you can get brought into them too easily, they want kids to do stuff for them, to do their skivvying for them.

Kids are committing suicide because dissident paramilitaries are trying to get them to do stuff they don't want to do.

There should be more done to tackle paramilitarism.

The ones joyriding and all and the paras are trying to get that stopped and they threaten to knee cap them.

Too many people are stuck in the past and the older ones pass it on to the younger ones and it goes on. It just keep them (paras) in power.

The threat from paramilitaries is ridiculous. It's a disgrace. The paramilitaries have the advantage and all the propaganda that goes out, around the 12th July and the Easter Rising and all, they have money to do what they want, the spotlight should be changed from them and should be put on young people.

Only one young person that we spoke to felt that paramilitaries were not a major threat to their own person safety, perhaps reflecting the different experiences for young people depending on the area they live in.

Paramilitaries are not a big issue here.

However, this opinion was soon counteracted by the views of other young people.

They so are!! Paramilitaries are a massive issue here in Derry!! There is lots of paramilitary activity, there are ones going round with bats and 17 and 17 year olds getting beaten up all the time.

If you grow up in an estate you grow up with people around you getting beatings. It makes us think that's alright – my Daddy died when I was wee and I put my foot through a shop window because I thought that was ok. When I saw him (one of the young person's relatives) kerb jumping someone, like smashing their head on the ground, it was awful. A lot of people see stuff like that.

It's (paramilitary activity) mostly in estates and all that, you wouldn't get it in posh areas.

The paramilitaries run the estate, it depends on what area it is for which paramilitary group it is.

When you are younger they (the paramilitaries) protect you, they look out for you, everyone looks out for everyone else, but when you hit 16 they are on your back

As part of our preparation for our submission to the recent Local Policing Review consultation we spoke to young people about their views on policing and specifically about how they feel the police protect and keep young people safe. It was clear from these discussions that young people living in certain geographical areas are experiencing high levels of coercive control and exploitation from criminal gangs as the following quotes show. Young men we spoke to who were detained in Woodlands Juvenile Justice Centre felt that an issue which needed to be addressed in their local communities was terrorism, and more specifically the impact and actions of paramilitaries. They wanted the police to do more to address the actions of paramilitaries, especially in relation to paramilitary style assaults on children and young people. They believed this issue was closely linked with drugs.

“Why if when one of us goes out and shoots someone we would get put in here but when paramilitaries shoot someone they get away with it. I think the police are working with them, that’s what I think.”

“Yea, because when we get out of here, the paramilitaries know our addresses.”

They also said that they were fearful of the ‘punishment beatings’ that they would get from paramilitaries if they phoned the police and that they would rather turn to the paramilitaries for help instead of the police. When asked what could change to solve this issue, they were not convinced that there was a solution.

“Nothing will change as long as paramilitaries are around.”

We support the Commissioner’s call to government to ensure the full and effective provision of children and young people from trauma, violence and mistreatment in their communities, including from all forms of violence from non-state forces as well as recruitment to such forces.

Addressing Issues in Youth Justice:

Youth Justice Review

We support the Commissioner’s continued efforts to address issues in relation to youth justice. We agree that there needs to be pressure put on relevant departments to implement the outstanding recommendations from the 2011 Youth Justice Review.

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). It is clear, given the

inappropriate detention of extremely vulnerable young people and the continued over-representation of looked after children in the youth justice system, that detention is not being used as a measure of last resort and that the recommendations of the Youth Justice Review in this regard are not being implemented.

- 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)

In relation to the continued criminalisation of care experienced young people Include Youth would like to see the Commissioner draw attention to the following actions.

- Corporate parents need to prioritise early interventions on reducing the number of care experienced children being detained.
- Staff in residential children's homes should be supported to use restorative approaches.
- All relevant staff across various agencies interacting with looked after children to adopt a problem solving approach, including restorative practice.
- Early intervention and prevention services are as accessible to looked after children as they are to other children and young people.
- DoH should reinstate the role of Criminal Justice Officer to ensure there is an interface between DoJ and DoH with regard to the contact of looked after children with the criminal justice system and in particular with those detained in custody either through PACE, remand or sentence.
- Data collection should improve between Departments with regard to looked after children's and young people leaving care's contact with the criminal justice system. As the Youth Justice Review recommended (recommendation 22) the DoH should lead in developing better assessment, inter-agency information exchange and cross referral mechanisms alongside more

specialized interventions for those groups over-represented in the youth justice system and in custody.

- Recommendations 8, 9 and 19 of the Youth Justice Review and recommendations from should be implemented as a matter of urgency:
- *an appropriate range of accommodation be developed for children currently being detained under PACE*
- *the use of PACE be reduced to an absolute minimum*
- *looked after children should no longer be placed in custody where this would not have been the outcome for children in the general population.*

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 forward 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. We would call on the Commissioner as a matter of urgency to address the unmet recommendations from the Youth Justice Review and request how and when they will be actioned by relevant departments.

We would also welcome the Commissioner's continued oversight of the implementation of the review of regional residential facilities recommendations. Given the scale of the proposals within this review we are particularly keen that children and young people are involved in every step of the process and would ask the Commissioner to ensure that full and genuine engagement with children and young people is central to the process.

Policing

We appreciate the attention the Commissioner has given to the area of the need to improve young people's relationship with the police and in particular to the use of stop and search powers in relation to 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. 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, including from the Commissioner herself.

We welcomed the call within the Statement on Children's Rights in 2017 from the Commissioner 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.

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. We would appreciate the Commissioner drawing attention to the fact that 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).

Homelessness:

We welcome the focus within the plan on the need to tackle youth homelessness and specifically on the needs of 16-17 year olds and 18-21 year old care leavers.

Many of the young people Include Youth works with have experienced unstable accommodation and the issue of homelessness comes up on numerous occasions during our discussions with young people.

The following quotes from young people reflect the reality of living in unstable accommodation:

It's awful, it's really hard.

I was in a hostel and then in a flat, I was 16 with no help. Social services didn't want to help me, they said they couldn't help me anymore.

Housing is a massive issue, especially if you are care experienced. We need better financial support.

*I was put out of my place in B***** and then was in Mac for a while. I mightn't have been the best in that place in B***** and I got thrown out of that flat but I was not even mature. I didn't know how to handle it.*

When you're 18 you're out, they just kick you out.

We need more help for 18 year olds (for those in care)

In Scotland it's different, they can stay on (in care) longer.

I know someone who is 18 and he's homeless now and out on the street, and he's like a drug addict, it's awful.

There should be a system in place what you don't need to go through the Housing Executive – because I made myself intentionally homeless and I didn't appeal it so they can't get me anywhere.

*I got put in a family hostel in ***** when I was 16, then I got a flat but was kicked out by paramilitaries.*

We need financial support when you move out at 18. When you take off what you need for gas and electricity and all that then there is nothing left.

We look forward to the initiatives which will emerge from the Commissioner's commitment to address the housing needs of care experienced young people.

Migrant/trafficked children, children subject to immigration control and newcomer children:

We agree that there are many children and young people who come to live in Northern Ireland who have particular vulnerabilities and complex needs. Include Youth have seen a dramatic change in the profile of the young people who are currently engaged in our Belfast Give and Take Core programme as there are now a large percentage of newcomer young people on the programme. These young people have experienced extreme trauma and are dealing with multiple barriers in their lives. We are therefore very encouraged by the Commissioner's commitment to working on behalf of this group of children and young people and would welcome any intervention she can make to ensure their needs are being met.

Concluding Comments

We welcome the opportunity to respond to the Corporate Plan 2020-2023 and are supportive of the objectives that have been identified as we believe they are reflective of the issues facing the young people Include Youth works with. 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.