

# include YOUTH

**Response to DoJ Rehabilitation of Offenders: a  
consultation on proposals to reform rehabilitation periods  
in Northern Ireland**

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## Include Youth

Include Youth is a regional rights-based charity for young people in or leaving care, from disadvantaged communities, or whose rights are not being met to improve their employability and personal development. We work with over 800 young people a year aged between 14-25. Our main offices are in Belfast, Armagh, Ballymena, Derry, Enniskillen, Newtownards and Omagh.

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, newcomer young people, young people with mental health issues, 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 delivered 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. We work across 9 primary sites and a number of outreach locations. The core components are personal development, mentoring, training, work experience, essential skills and transitional support.

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 has a background in offending. We offer a range of tailored programmes including:

- Core - for young people aged 16-21 referred to us through the Health Trusts, a 12-24 month intensive employability programme for care experienced young people who are furthest away from mainstream education, training and employment opportunities. In 2019/2020 101 young people participated in Core.
- Start Programme – a collaborative partnership employability programme with community based organisation Northern Ireland Alternatives, targeted at young people in the North Down, Ards and Belfast areas. In 2019/2021 111 young people participated in Start.
- Outreach – for young people requiring additional support to move into employment, education and training and delivered through community groups and schools throughout Northern Ireland. In 2019/2020 191 young people participated in Outreach.

- One to One – for young people at risk of child sexual exploitation. In 2019/2020 13 young people participated.
- Transitional support – for those moving on from our Scheme and into mainstream education, training or employment or access work related courses. In 2019/2020 60 young people received support.

As part of our programme we offer care experienced and other disadvantaged young people the opportunity to gain essential skills and qualifications. Our Learning for Action programme is delivered by a team of in-house tutors who deliver weekly classes and one to one tuition to enable young people to gain qualifications at entry level, level one and level two in Literacy, Numeracy and ICT. Learning for Action is a core component of Include Youth's Give and Take scheme. Young people are given a second chance at learning and an opportunity to gain essential qualifications in settings that are informal, adaptable, flexible and that cater to their individual needs. In 2019/2020 162 young people, on the Give and Take scheme, received 240 qualifications.

Meant to Work is a one to one mentoring service for young people aged 16-24 which helps young people gain and sustain meaningful employment. Meant to Work Plus is delivered in partnership with Belfast Trust and supports care experienced young people access employment and other vocational opportunities. These programmes have supported 70 young people in 2019/2020.

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. 179 young people have received this service in 2019/2020.

Strive is a cross community, cross cultural, and cross border programme that engages young people aged 14-24 in good relations, person development and citizenship. We deliver this with our partners Newstart Educational Centre, Northern Ireland Alternatives, Youth Initiatives and Lifford/Clonleigh Resource Centre. The programme is delivered through local youth groups, schools and Youthreach. In 2019/2020 200 young people participated in Strive.

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 Comments

Include Youth welcomes the opportunity to comment on this important consultation and is fully supportive of a long overdue review of the 1978 Rehabilitation Order which from its inception was intended to allow people to have a second chance, to move on from the damage caused by having a criminal record, to be fully re-integrated back into the community and to overcome any unjust discrimination due to their background.

Include Youth has welcomed some positive developments in recent years such as the introduction of the criminal records filtering review mechanism. We acknowledge that this mechanism is an important development in allowing people the opportunity to seek a review in certain circumstances, where a conviction or disposal has not been filtered from their record. We particularly welcome the fact that children and young people are given special consideration in the review process.

However, our general and more wider concerns remain about the current operation of criminal records disclosure for children and young people and we are disappointed that this review is confined to custodial sentences only and the opportunity has not been taken to conduct a full and more radical review of legislation.

## Specific Comments

### **Do you think that the rehabilitation periods for custodial sentences in Northern Ireland should be reviewed?**

Include Youth agrees that the rehabilitation period for custodial sentences should be reviewed and is indeed long overdue. We know from our direct work with young people that criminal records can have a damaging impact on a young person's ability to progress in life. It can affect a young person's ability to secure education, training and employment. Shackling young people with a criminal record for a seemingly unending period of time, and all that that entails, runs counter to the argument that we need to get young people who have been in contact with the criminal justice system into jobs and education, if they are stand a chance of keeping out of the justice system. Securing employment is a key factor in reducing reoffending and we recommend that the Department revisits the initial aims of the existing rehabilitation legislation, which was to encourage resettlement and not to punish.

We are concerned about the impact of custodial sentences of 30 months or more never being 'spent'. This is especially concerning given the increase in the number of longer sentences being imposed.

**We are disappointed that this consultation was not used as an opportunity to conduct a comprehensive and more far reaching review of legislation, beyond custodial sentences only.**

We would like to have seen all sentences coming under the remit of the review.

We know that young people's futures are being impacted through having to disclose criminal records. A criminal record can have an impact on:

- Gaining employment
- Accessing further or higher education opportunities
- Accessing training opportunities
- Accessing volunteering opportunities
- Opening a bank account

This issue has become even more pertinent over the years as legislation has placed more requirements on individuals to disclose their past convictions. Over the years we have seen the development of complex and ad hoc legislation. The legislation is not well understood by all concerned which has resulted in mistakes and inconsistencies in practice.

We recommend that the setting of any disclosure periods within a new piece of legislation is based on research and evidence, ensuring fair treatment across the board.

We would also ask that the Department return to the recommendations of the 2011 Youth Justice Review in relation to criminal records. Recommendation 21 of the Youth Justice review stated that:

- young offenders should be allowed to apply for a clean slate at age 18
- diversionary disposals should not attract a criminal record or be subject to employer disclosure
- for those very few young people about whom there are real concerns and where information should be made available for pre-employment checks a transparent process for disclosure of information, based on a risk assessment and open to challenge, should be established. <sup>1</sup>

Young people already face numerous barriers to employment and we are concerned that young people with convictions and criminal records find it doubly hard to access employment, education and training. Employers and trainers in Further Education and Higher Education sectors may be reluctant to engage with a young person who has

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<sup>1</sup> A Review of the Youth Justice System in Northern Ireland, September 2011, Department of Justice, page 85.

declared a conviction. There can also be lack of awareness on behalf of the employer in understanding the implications or seriousness of the disclosed offence or record.

Non conviction information such as informed warning, cautions and diversionary youth conferences can significantly decrease the chances of a young person gaining employment or accessing training.

The Department of Justice Reducing Offending Strategy<sup>2</sup> highlights the importance of securing education, training and employment as a key strand in reducing offending. The 'Supporting Change: A Strategic Approach to Desistance' also talks about the need to 'tackle the practical barriers faced by individuals on their respective journeys through the criminal justice system e.g. difficulties accessing healthcare, issues maintaining accommodation, **problems with gaining employment**<sup>3</sup>. Sustainable employment is a key factor in reducing reoffending and this is evidenced by the work of our Give and Take programme and our commitment to helping young people improve their chances at accessing training, education and securing employment opportunities. It is imperative that we do not put more unnecessary barriers in the way of young people who want to turn their lives around and to reintegrate into society. The following quotes from young people indicate the importance of securing employment and the impact a criminal record can have.<sup>4</sup>

- *"See if I had a job, I wouldn't do any crime."*
- *"You need support – to get a job and stay off drugs, help to try and get on with your life."*
- *"There should be work out there, businesses, who would take you on and give you a chance."*
- *"In 10 years I will be 26 – I will have a record that will stick with me for the rest of my life."*
- *"I have no chance of getting a job, most of them ask you now."*
- *"I would be put off applying for a job because of my criminal record."*

### **If you answered 'yes' to Question 1 do you think the rehabilitation periods should be reduced or increased?**

Include Youth believes that rehabilitation periods should be reduced and that the Department should examine the impact of current rehabilitation periods and criminal

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<sup>2</sup> Department of Justice, *Reducing Offending Strategy*.

<sup>3</sup> Department of Justice, *Supporting Change, A Strategic Approach to Desistance*, September 2015, p7.

<sup>4</sup> Include Youth response to Department of Justice Reducing Offending Strategy, September 2012; Include Youth response to Department of Justice draft guidance for the operation of criminal records filtering review mechanism, October 2015.

records on young people, to identify where the barriers exist in relation to progressing in education, training and employment and beyond.

The wide-reaching impact of acquiring a criminal record on a young person's education or employment opportunities has been under researched, according to a study conducted by NIACRO into young people, criminal records and employment barriers.<sup>5</sup> However, we know from our direct work with young people that disclosure periods can have a dramatic impact on a young person in the early stages of their lives, as they seek to pursue employment pathways. This impact is particularly concerning given the low age of criminal responsibility of 10 years of age in NI.

**In respect of sentences that can become spent, do you support a review of the custody bands under which rehabilitation periods are specified?**

Include Youth supports a review of custody bands under which rehabilitation periods are specified but we would like to see a review of the rehabilitation periods for all sentences, not just custodial sentences.

**Currently, convictions resulting in a custodial sentence of over 30 months (2½ years) in Northern Ireland can never become spent. Do you think this should be reviewed?**

Include Youth agrees that this policy should be reviewed.

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<sup>5</sup> Carr, Dr. N., Dwyer, Dr. C. and Larrauri, Professor E (2015). *Young people, criminal records and employment barriers New Directions: Understanding and improving employment pathways in youth justice in Northern Ireland*. Belfast: NIACRO.