

include YOUTH

**Response to DoH and DoJ consultation on establishment
of a regional care and justice campus
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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 the proposals to establish a regional care and justice campus. We welcomed the opportunity to be a member of the Stakeholder Reference Group and in particular to contribute to the pre-consultation with young people. The joint working between the Department of Justice and Health with regard to these proposals is welcomed and exemplifies the need for continued cross departmental working if we are to meet the needs of our most vulnerable children and young people. As the consultation document states, restricting the liberty of a child or young person is the most serious of interventions that can be taken and the ultimate aim of these proposals must be to prevent children and young people ever needing to be deprived of their liberty. We agree that for the small number of young people who are deprived of their liberty, providing a safe and therapeutic environment is critical and we wish to offer constructive comments on the current proposals for the Secure Care Centre and the wider campus.

Consultation process

To inform our response to the consultation we held a series of focus groups with all staff teams across Include Youth's various programmes. Our staff team is made up of youth work and social work trained staff who have many years of experience of working with young people who have had contact with both Lakewood and Woodlands and with young people who have been at risk of coming into secure care or being detained in custody. Quotes from staff are used throughout our response.

We also consulted with a number of young people across our programmes, some of whom had direct experience of Lakewood and/or Woodlands, or who knew young people who had spent time in either facility. All of the young people we consulted are care experienced. We welcome the Departments' efforts to provide an easy read version of the consultation document as well as an animation to accompany the document. These were well received by the young people. Despite our best efforts it proved difficult to engage our young people with this consultation. These are incredibly challenging days for our young people and our priority is to make sure the young people involved with Include Youth are safe and well and where possible are engaging with their youth workers and tutors. Our face to face work has been impacted by the current Covid restrictions and much of our work has had to move online. Many of the young people are trying to cope with complex needs and each week can bring new challenges. Include Youth is passionate about the need for young people to be involved in policy advocacy and to have a say in matters which will impact on their lives. It is therefore frustrating that this important consultation has come at a time when our chances to fully involve young people are severely impeded. We are concerned that youth voices will not be fully reflected in the body of consultation responses

received. Through a mixture of one to one consultations and focus group discussions we engaged with 18 young people in total. Young people's views are summarised in the final section of this response.

We will respond to the specific questions as outlined in the consultation document but will firstly outline a number of overall points.

Consultation details limited to Secure Care Centre rather than overall campus:

Much of the detail within the consultation document is focused on the proposed admission process, the pathways into and the services within the Secure Care Centre but is lacking in detail on what provision needs to be established within the wider Campus setting. While we acknowledge the need to make decisions on the detail of what will happen in the Secure Care Centre we believe that these decisions cannot be taken without further detail being provided on what needs to exist outside the Bangor sites. The existence of effective external provision, which is preventative and will support young people exiting the Secure Care Centre, is critical. We do not believe sufficient thought has gone into an examination of the detail of what external community- based support services need to exist.

The introductory sections of the consultation document make numerous references to the need for wide community based interventions and emphasizes that the proposals are intended to '*extend beyond the secure setting*' and that the services which are accessed within the secure environment are '*complemented by equally co-ordinated, multi-agency services in the community*'. The document goes on to say that the Campus will be '*underpinned by more aligned and coordinated interventions in the community*' and that the campus '*will have access to existing community based services operating in a coordinated way to respond to the needs of children*'. Within section nine of the consultation document on Satellite Provision further reference is made to '*a coordinated and consistent care and support pathway with alignment of local community services is vital to ensureprevent entry to the Secure Care Centre in the first place or prevent readmission*'.

Despite the repeated references to the critical role that community-based interventions and multi -agency services play, there has been little attempt to expand on what these services might look like or what providers may be involved in delivering them. While there has been a detailed analysis and reference to the previous assessments carried out by the review team who looked at the existing regional facilities for young people there has not been the same analysis and examination of existing community based support and intervention services – an examination which would review what currently exists in the community, who delivers the services, what supports and interventions are the most effective, where the gaps in provision are and what needs to be established and resourced to fill those gaps.

‘so the whole document you can't argue with and the principle around keeping children out of the system altogether and preventing re-entry by providing stuff in the community, but I just sort of feel that they haven't really taken into account what services need to then exist outside in the community to prevent that happening, and so the document is really just asking you what you think that secure care centre would look like, so the Bangor facility, but not really giving us enough detail even to suggest what we think would work better on the community provision level rather than just the building down there in Bangor.’

‘the difficulty I had was even though its 60 pages long there wasn't much in it about what the community response would be in relation to how you affect numbers going in, it didn't give the detail on that, nor did it give detail on the satellite provision in each of the health trusts, so I struggled with that.’

We appreciate that the responses received to the consultation may shed some light on what effective community based provision looks like but it would have been helpful if there had been some attempt to provide an initial assessment or some level of detail on what currently exists. It would also be important to seek young people's views on what they would like to see in terms of community provision and what services and support they think need to be in place to prevent entry and re-entry into secure care and juvenile detention. Some of this work may already have been done and young people's views on this matter are reflected in a number of our previous consultation responses.¹

We note that on page 17 of the consultation document reference is made to the running costs of Lakewood and Woodlands and there is an acknowledgment that DoJ and DoH recognise that a great deal more could be done with the £13.96million it takes to run Lakewood and Woodlands, to better benefit children and young people. It is clear that some of this money could be used to reduce the entry and re-entry of young people into secure care, but rather than making the necessary funds available now to begin that work, the document suggests that these resources will only be redirected if the current proposals are 'successful'. We believe that this is a short sighted view and that resources should be made available as a matter of urgency to stem the number of young people entering secure care.

‘According to what they say if they don't make savings then none of the things (community based provision) that we have all mentioned, can't happen. They need to allocate money to services outside the secure care centre, which doesn't seem to be on the radar.’

¹[Microsoft Word - C4D877ED50E7FE964D344C81A87A47E1.docx \(includeyouth.org\); include-youth-response-to-doj-consultation-on-reducing-offending-september-2012.pdf](#) ; Include Youth Response to DOH Improving Children's Lives.

‘Top heavy on centre and not enough on community.’

‘They are really putting the cart before the horse there, if you put the resources into community services now, they will be able to reduce the number of beds.’

‘They talk about redirecting funding to community based interventions – I would like to see that money being freed up now not down the line. ‘

Thinking should not be constrained by the presence of existing facilities:

We are concerned that the existence of the physical buildings in Bangor and the desire to utilise these buildings may have prevented a more creative approach being adopted to how we can best support children and young people who may come into contact with the justice system or are admitted to secure care. Many of our staff expressed frustration that there had not been more of an attempt made to develop a new vision of how we support these vulnerable young people. Staff were keen to discuss the possibilities of what provision could exist outside the Secure Centre rather than dwelling on what needs to be in place if we continue to deprive children and young people of their liberty. They would like to see a point reached where we are not talking about needing to deprive children of their liberty, because the necessary supports and structures have been put in place at community level which would ensure that we do not need to lock young people up to be able to help them. Having to use deprivation of liberty as a tool feels like a failure on the part of those who hold responsibility for children and also of those agencies and organisations who work with these children and young people.

‘It feels like they are being led by the fact that they have these existing buildings in Bangor, that has been the starting point, rather than going from what is currently in the community regarding provision and then working their way back to see how those buildings could be used. Should there be a complete overhaul of how we work with these young people? Do we need more blue- sky thinking? These young people have suffered trauma, they are seriously damaged young people.’

‘We need to think outside the box in dealing with young people? The starting point has been the physical buildings. We need to work upstream instead – there needs to be a redirection of resources.’

Our staff work daily with young people who are dealing with severe trauma and have complex needs. But in all the work they do and in their engagements with young people, they do not see the young people fitting neatly into one box and they know the dangers of labelling young people. These young people are not seen as ‘care’ young people or ‘justice’ young people but rather they are seen first and foremost as young people who in many instances have been let down by society and who have had their

rights unrecognised. Staff believe that we need to completely change how we look at these young people, challenge the current narrative and offer a different and more child rights focused approach.

'You can fall into the trap of kids in care equals kids in justice and that's not always the case. Even this conversation is doing that – we are sleepwalking into a society that just puts them all into one bracket. If you are in that box, then that's where you need to fit, that's where you live, that's where you belong.'

'There is a problem of young people out there that society is not supporting or not addressing the reasons why they are going in to these places. There is a lot of prevention work that needs to be done before they reduce numbers.'

'Young people respond much better when it is a voluntary relationship, when that voluntary bit is taken away, the whole dynamic changes.'

Need to look at the whole system and review how we treat these children:

Fundamental to the successful outworking of the proposals contained within this consultation is a re-examination of how we view and treat children and young people who come into secure care and into the wider care system. With the years of experience of working directly with care experienced young people, the Include Youth staff team is only too well aware of how care experienced young people can be viewed negatively by society. They know that the stigma of being in care and the misunderstandings and misconceptions of why young people come into care, all too often prevail. Care experienced young people have told us how they feel set apart and labelled as troublemakers and their experiences within residential children's homes can exacerbate feelings of being 'less than' or of being different. Their 'home' environment is far from what anyone would define as a normal home life.

'Some of the chat with young people, they attribute a lot of the problems of going into a children's home at an early age. They feel the children's homes were like prison anyway, they were very sterile, lots of bullying and beating up and stuff being stolen, they weren't allowed into the kitchen, they had to ask to go to the toilet, some of the windows had bars – so some of those homes were so institutionalised that they felt like being in secure care or JJC anyway.'

Living in this environment can result in young people becoming institutionalised and there is a level of acceptance that this is just how life is.

'You talk about institutionalisation – at the age of 5 they are starting to get used to these routines of bars on windows, stuff stolen, feeling they are victimised without even realising it – that can generate so much anger later on in life. Rather than having this

centre they need to put something like nurture units in primary schools, nurture and care earlier – it's too late by the time they hit adolescence.'

'like our guys were talking randomly a few weeks ago about how a lot of the children's homes in our trust area are in hospital grounds, so that their gardens are hospital grounds..and that's bizarre. Like how do you invite your friends over or how do you expect people to engage with education or whatever if that's where they're living, like to me it should be trying to mirror a home., like a sense of home as possible you know, so to me it should be and somewhere that's like houses in the community, it's just a wee bit institutional.'

Staff expressed the view that if we continue to deal with children and young people in this institutionalised way, reacting to behaviours rather than causes, then it is hardly surprising that we will see young people reach an end point where those in charge see no alternative but to deprive the young person of their liberty. Continued institutionalisation results in young people kicking back against the system and exhibiting challenging behaviour that is simply a reflection of the anger and frustration they feel. This emphasizes the need to change the starting point, to begin by asking how we can better address the current flaws in practice and policy across the entire residential care system and not just focus on the extreme end which results in secure care. By doing this we will ultimately reduce the need for secure provision.

'speaking from a restorative point of view, they should be treated differently, they should be helped to reintegrate, to find a normal life, to have a mentor, or someone to walk alongside them, it's no good lumping them in together – from Joe who has stolen a car to Joe who has drug and alcohol problems - you can't lump them together, they need to be treated as individuals and nurtured, they need young advocates. They should be assigned a mentor – and focus on what they are doing right rather than what they did wrong, broaden their aspects, their expectations.'

Young people should not have to offend to get the care they need:

We acknowledge the high levels of support and care that young people receive when they are in Woodlands. We know that the team at Woodlands provide the best care possible for the young people who are detained there. Previous reports and research have referred to the high level of care that young people receive within Woodlands.²We also know that for some young people, being detained in Woodlands is preferable to being in the community and some will even offend to make sure they end up in Woodlands. The young people value the structure and routine and a break from the chaos that exists in their lives in the community.

² CJI, 2018, An Announced Inspection of Woodlands Juvenile Justice Centre.

‘Woodlands is like a rehab centre- young people leave and they are drug free, really healthy but it is such a bad way of having rehab because you have to be an offender or either allegedly done a crime to access it.’

So, the question remains – why do children have to offend or be seen as posing a danger to themselves or others, before they can access the type of support they find helpful? Do children need to be deprived of their liberty to get the support they need? Currently, it would appear that some young people see no other option but to be sent to secure care or Woodlands because there is no alternative for them. There is no community based wraparound support that offers the security and stability that young people are currently experiencing when in Woodlands:

‘I’ve heard of young people who would purposely do things to get lifted because they felt so out of control, like they couldn’t manage and it was almost like going into a secure setting was almost like a bit of respite for them ...I think you just need to be careful it doesn’t become something that young people use in a way to just sort of manage, you know, whenever things get too much.’

‘I totally understand because we have young people that feel comfortable locked up and when they’re out they do whatever they can to get back in and they’re getting institutionalised from these systems.’

‘I had a wee girl that got to the stage that she was just smashing a window of the house that she was put in, then she got out and sat on her suitcase out the front waiting to get lifted and brought back up to Lakewood. She hated being out.’

‘Once young people are in JJC they get such wraparound support, and they feel so supported, so together, they love it in there.’

‘They are having their needs met, they are getting a structure, a routine, boundaries, support.’

‘In my experience, people who have gone to JJC, once they have come out into the community, they’ve actually craved to go back into it with the structure and routine and education.’

Our staff, whilst recognising the high level of care provided in secure care and Woodlands were concerned that frequent stays in these centres further exacerbates the tendency for young people to become institutionalised and sets them further back from full integration in a community setting. They are fearful that there is long term damage from this form of institutionalisation and that this extreme form of intervention will hamper young people’s opportunities to charter a different path in life.

Staff talked about the long-term damage of institutionalisation and how a young person can then sleepwalk into Hydebank College and end up in a very different system.

'It's all good until they turn 18 and then they still have that same view that this is somewhere where I felt safe and I felt secure and I had a routine, there's certain things that are guaranteed for me but whenever you're 18, you can't go and do the same things because it's a very different system that you're going to become part of and I think that that's where you have young people here sort of institutionalised in a sense. Like I've had fellas who've gone and done stuff to get put in and then have realised that I'm 18 now and it's a totally different kettle of fish. But I don't think they totally appreciated that because they were so used to using secure and JJC as a sense of respite before, so that become part of their coping mechanism.'

These views emphasize the need for the Departments to look beyond residential provision at the Bangor sites and ensure that the same amount of effort and commitment is put into what needs to be provided at community level to prevent young people ever needing secure care.

Secure Care Centre could be overused and seen as an answer to everything instead of addressing the needs in the community:

Coupled with our desire to see new and innovative thinking around how we view and support these young people beyond the confines of secure care, is our concern that the new centre in Bangor could be overused by Trusts and seen as a one stop shop. While we recognise that the new centre and the proposed services provided there will be the right choice for some young people, we would not like to see the existence of the campus thwarting the development of new, alternative and innovative supports within the community.

'Could the centre become seen by the trust as somewhere that will solve all their problems? Is there a danger we see more young people being deprived of their liberty and that it could be overused by trusts?'

'In our area I can think of one or two young people who are getting moved around and they are paying for private rented accommodation for them and I can imagine with that type of case, they will just think, right get them up to this new centre, until things calm down, that would be my fear, it will be an easier sell to get them up there, and will be just a revolving door.'

'I think there's a fear as well that the secure care centre will basically be seen as the answer to everything and that you actually potentially could have more young people being sent there by the trusts because all of a sudden they've got this facility that they can use for care young people and that the trust potentially will use it as a dumping ground for want of a better phrase...'

A number of staff had experience of how some trust staff view current secure facilities and they are concerned about the potential misuse of the new centre.

'It has to be done on a case by case basis. When J was sent to secure and I was asking his social worker about it, she was very blasé, saying he loves it down there, sure we'll not see him again, he loves it. I'm fearful that trusts will use the Centre to ship young people down to.'

'Danger it could be overused – seen as one stop shop.'

'And there will probably be a waiting list to get into it because it will be oversubscribed. It will be seen as a one stop shop – just ship them off down there, and then there will be a logjam of people with complex needs who can't get in, then they will be side-lined, and young people who should be somewhere else apart from this place will be side-lined.'

Staff believe that in some instances decisions are made about placing a child in secure care or Woodlands, which are not always in the best interest of the child but are instead decisions of convenience or decisions borne out of the fact that there is no other alternative safe placement.

'then there's other situations where some young people are waiting on bail addresses to get out and because the people around them decide, or the parents even decide, it might be better for that young person staying in. Christmas is coming up now and there's a young person locked up, would it be better to get to January than let him out - and they come under the guise that they can't find a bail address, you know what I mean and they're trying, there's other people trying to just keep him in because, it could be social work teams or whatever just, saying it's the safest place at the minute.'

Include Youth has stated on numerous occasions that we believe that detention is not currently always being used as a measure of last resort. The plans and the purpose for the new centre must make it absolutely clear that young people would only be placed there as a measure of last resort and that all other options have been exhausted. We are not convinced that the reasons for inappropriate detention and the recommendations made from as far back as 2011 by various bodies to cease the inappropriate use of custody (including from the Youth Justice Review team, the CJI, the NIHRC, UNCRC Committee, NICCY, numerous children's rights organisations) have been adequately addressed or actioned. It is critical that these pathways to detention are fully understood and where appropriate are interrupted before we are able to fully engage in what a new Centre and its associated services may look like for those very few children and young people for whom no alternative to detention has been identified.

‘But surely if there’s young people who move into secure because they haven’t been able to sustain the children’s home setting, why are you just moving them somewhere else, like just passing them around.’

Costings:

We have found it difficult to answer a number of the consultation questions, especially those around staffing and training, as we do not believe there is sufficient information contained with the document for us to give an informed response. We would welcome more detail on the proposed staffing arrangements, on the ratio of staff to young people and the expected training needs which will come about as a result of merging Lakewood and Woodlands. We are also unclear about the expected capital costs of merging the facilities and what, if any, savings there will be as a result of the merging. The detail of how the Secure Care Centre will work in practice remains unclear and the vagueness in detail does not lend itself to us being able to offer opinions and suggestions on how the centre should be run in terms of services, staffing regime etc. The lack of detail with regard to costings for the new facility has also been highlighted by the recent NI Audit Office report:

‘There is currently no robust financial analysis of the cost of the proposed model. We were told that the Programme Board had intended from the outset that the new facility would be, as far as practicable, cost –neutral relative to the cost of current service provision. Whilst there had been some preliminary analysis of costs, there is no detailed analysis of the current cost of all the activities that will be subsumed in the new arrangements, nor the estimated cost of the future service model.’³

Need to consider possibility of multiple facilities rather than focus on existing site:

While we recognise that the Departments are attempting to utilise the existing sites and facilities in Bangor, we do feel that more thought should be given to how we can extend services beyond this one geographical location. Include Youth has offices across NI and the young people we work with live a considerable distance from Bangor. Our staff can see the impact of having to travel considerable distances on both young people, families, and professional working with young people.

‘with the location of it, do you know the way they are both in Bangor, I just feel for the young people up in our end in the West, they’re so far away from home and then the professionals can’t meet them, and if they have parents, it makes it very hard for them

³ NIAO 2020, Managing Children Who Offend: Follow Up Review.

to come down and visit them. I don't know why they don't have another location in Northern Ireland. '

Offering a variety of locations would better meet the needs of individual young people, which as the following quote demonstrates, will be dictated by each young person's particular circumstances.

'To me they should have multiple locations and could try to do it in smaller sections across Northern Ireland.'

Providing facilities in various locations would also enable better reintegration within the community and make linking in with localised services around health, education, employment, and training easier. We also believe that a multi -site approach would help prevent the all too familiar drop off the cliff edge that young people experience when they leave the wraparound support that exists within the current provision. If community links were better established and processes in place to support the young person within their chosen locality, the negative outcomes on release could be overcome.

'So many young people do so well when they are in JJC or in secure and then it all kind of disappears when they come out. There has to be some sort of learning in something that can be repeated either in the community or in some sort of regional centre that somebody could be going to instead of Bangor. It's like this centre is only a wee part of it anyway in the grand scheme of things.'

We do not underestimate the massive challenges that adopting this approach presents and we acknowledge that it is a vastly different proposal than the one set before us in the consultation document. But it would be remiss of us not to put the suggestion on the table and at the very least encourage a dialogue on how a very different approach might look.

Need for community investment and redirection of resources:

There has been a considerable body of evidence built up over the years on how we can prevent young people ever coming to the point of it being considered that deprivation of their liberty is the only solution, either via a justice disposal or a care order. Much of this evidence has cited the need for investment in early intervention and the need to address the broader structural contexts in which children, young people and families live, such as poverty, poor housing, poor educational and employment prospects, poor mental health, prevalence of violence. Ideally, we need to see a direct greater investment in universal services such as social services, education, health etc. Undoubtedly funding constraints will impede the development of these universal services. In the absence of adequate universal services, we accept that targeted early intervention may be required. We know that the Departments have expressed their commitment to early intervention and diversion and that the Youth

Justice Agency has increased its focus on early intervention work. We believe that early intervention services should be supported by but not directed or carried out by the justice system, but rather should be delivered through partnership working between the health sector and community and voluntary sector providers. Children and young people should not be stigmatised or criminalised for welfare-based concerns.

'A lot if it is resource, we could do this, we could keep lots of young people going into secure care but it needs to be resourced properly and it would be a mammoth undertaking to put those kind of services and interventions in place, huge.'

'You are looking at mental health, drugs and alcohol interventions'

We need to address loneliness, linking in with young people at evenings and weekends, all of that, would cost a fortune but it could be done.

'everything will cost a lot, especially the community aspect of it.'

'the way forward for me is about increasing that community response, that is the way of preventing young people from ever getting there, it is going to need the resources, there are organisations like ourselves who can play a part here but we need the resources to do that.'

It is essential that the complexities of young people's lives are identified and understood, and that appropriate, well-resourced support is provided through early intervention measures. This requires cross-departmental working and a commitment to an early intervention approach. This approach, targeted at promoting the well-being of all children and characterised by universal services, holistic approaches and 'decriminalising' responses⁴ comprise the most effective and least damaging forms of intervention and will subsequently minimise the necessity for intervention by the criminal justice system.

We recognise that this consultation was not intended to address the structural and contextual issues which impact on young people's lives. We know that the Departments' remit cannot go beyond a certain point, but to not look at the bigger picture and to hone in only on the secure care estate is to miss an opportunity to call for a wider cross departmental strategic response to how we work with and support young people.

⁴ Presentation by Professor Barry Goldson to the All Party Assembly Group on Children and Young People, 1st February 2011

International Children's Rights Standards

Include Youth's response to this consultation is guided by international children's rights standards.

We welcome the reference to a number of international human rights standards within the consultation document but believe that the children's rights implications of the proposals and the principles behind them could be further strengthened. While international children's rights standards outline issues in relation to deprivation of liberty they also offer us guidance and standards in relation to best interests, discrimination, the age of criminal responsibility, access to health, education and training, youth participation and how young people can be supported to reach their full potential. There are also guidance, standards and recommendations contained within relevant General Comments, Concluding Observations and other international human rights standards.⁵ In 2018, the UNCRC published General Comment No.24 on children's rights in the youth justice system.⁶

We wish to draw particular attention to children rights standards in relation to the age of criminal responsibility and the use of detention as a last resort as we believe these standards are relevant to the current consultation on the care and justice campus.

Article 40 (3) (a) of the UNCRC states:

'State parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognised as having infringed the penal law, and in particular:

- (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law:'

The UNCRC Concluding Observation in 2016 recommended that the state party:

'Raise the minimum age of criminal responsibility in accordance with acceptable international standards.'

They also recommended the establishment of the principle that detention should be used as a measure of last resort and for the shortest possible period of time and ensure that detention is not used discriminatorily against certain groups of children.⁷

⁵ Office of the High Commissioner for Human Rights (1085) *UN Standard Minimum Rules for the Administration of Juvenile Justice* (the Beijing Rules); the Council of Europe (2010) *Guidelines on Child Friendly Justice* : Council of Europe; *UN Guidelines for the Prevention of Juvenile Delinquency* (Riyadh Guidelines)

⁶ CRC (2019) *General Comment No. 24 (2019) on children's rights in the child justice system*. CRC/C/GC/24

⁷ CRC/C/GBR/CO/5

Despite these recommendations being made we have yet to see substantial progress on either issue.

There have been numerous calls to address the low age of criminal responsibility from various stakeholders, including the UN Committee on the Rights of the Child, NI Children's Commissioner, the Youth Justice Review team, the CJINI⁸, the NIHRC⁹, UNICEF¹⁰ and leading academics. In the responses of 5094 children aged 10-11 across NI to questions about the age of criminal responsibility in the 2016 Kids Life and Times survey, 59% thought the age should be raised, with half (48%) in favour of setting the MACR at 14 or 16.¹¹ The 'Raise the Age NI' campaign (supported by a range of advocates for children and young people) called on the NI Executive to implement the Youth Justice Review recommendation and raise the age of criminal responsibility.¹² We are disappointed that the consultation on the care and justice campus does not refer to the low age of criminal responsibility and that the Departments did not take this opportunity to discuss the impact increasing the age would have on the numbers of children entering the justice system. We welcome the Minister for Justice's recent moves to seek her colleague's views on the age of criminal responsibility and look forward to an increased focus on this issue in the coming months.

Article 37b of the UNCRC states that custody should only be used as a last resort and for the shortest appropriate period of time.

A recent report submitted in December 2020 to the UN Committee on the Rights of the Child in preparation for the examination of the UK Government's compliance with the UNCRC, compiled by the Children's Law Centre and drawing on evidence submitted by a range of organisations stated:

'Some children are being inappropriately detained in the Juvenile Justice Centre due to lack of alternative accommodation. Some are being held on remand because they have breached unachievable bail conditions or are unable to perfect bail due to being homeless, despite social services' duty to provide such children with suitable accommodation. Specific groups remain over-represented in

⁸ CJINI 2018, *An Announced Inspection of Woodlands Juvenile Justice Centre*.

⁹ NI Human Rights Commission, *The 2019 Annual Statement. Human Rights in Northern Ireland*, December 2019, p31-32

¹⁰ UNICEF Youth Justice in the UK; A Rights Based Analysis, 2020.

¹¹ McAlister, S., Carr, N., Dwyer, C. and Lloyd, K. (2017) *Raise the age? Children's attitudes towards the minimum age of criminal responsibility*, ARK Research Update No. 113, www.ark.ac.uk

¹² Include Youth (2015) *Youth advocates say 'Ten is too young'*, www.includeyouth.org/news/story/youth-advocates-say-ten-is-too-young

custody, including children in care, Catholic children, children with mental health issues or learning disabilities.’¹³

The Supporting Evidence report published in tandem with the NGO Report notes that:

‘The CRC’s (2016, para 79d) recommendation to establish the statutory principle that detention should be used as a measure of last resort for the shortest possible period of time has not been fulfilled. **Some children are being inappropriately detained in the JJC due to lack of alternative accommodation.**’¹⁴

Similarly, the NGO Report and Supporting Evidence report highlights the lack of progress in relation to the age of criminal responsibility, stating:

‘Despite a ‘Raise the Age’ campaign involving organisations working with children and young people, the Northern Ireland Commissioner for Children and Young People, and children’s rights advocates, **the age of criminal responsibility in Northern Ireland remains 10 years.** This contravenes international standards, including the *Global Study on Children Deprived of Liberty* which argued that states should establish a MACR “which shall not be below 14 years of age.’

Addressing the current state of play in relation to how NI is meeting international standards on the age of criminal responsibility and the use of custody as a last resort must be a starting point for the care and justice campus proposals.

Youth Justice Review

The 2011 Youth Justice Review team made a number of recommendations which are relevant to the current proposals and in some instances provide answers to the questions posed in the consultation document.

Recommendation 8: The development of an appropriate range of supported (and if necessary secure) accommodation, accessible at short notice, to reduce to an absolute minimum the use of Woodlands JJC as a place of safety under PACE.

In 2015, CJI highlighted the ongoing work between the Health and Social Care Board, Health and Social Care Trusts and the Northern Ireland Housing Executive, to address the ongoing issue of providing suitable accommodation for young people at short

¹³ NI NGO Stakeholder Report to Inform the UN Committee on the Rights of the Child List of Issues Prior to Reporting, Deena Haydon, December 2020, Children’s Law Centre

¹⁴ NI NGO Stakeholder Report to Inform the UN Committee on the Rights of the Child List of Issues Prior to Reporting – Final Supporting Evidence, Deena Haydon, December 2020, Children’s Law Centre

notice but due to the lack of progress and the uncertain nature of future proposals, this recommendation was not considered achieved.¹⁵

Recommendation 9: Strict adherence to the statutory presumption of bail supported by:

- a) the provision by the Youth Justice Agency of bail information, support and supervision at the first court appearance, with co-operation from the police and the Public Prosecution Service, where there is a serious risk of a custodial remand;
- b) the application of relevant, proportionate and realistic bail conditions, but only where necessary;
- c) the participation of young people and their parents in the setting of any bail conditions such that they understand and fully accept their implications;
- d) the availability of an appropriate mix of suitable accommodation.

The Inspector's assessment of this recommendation in 2015 was as follows:

'Inspectors previously noted the Northern Ireland Law Commission findings that provision for a range of accommodation, would contribute significantly to reducing the numbers of children detained pending court appearances and PACE admissions to the JJC. The range of accommodation should include both short-term emergency accommodation, longer term solutions and reflect the range of needs and circumstances of young people. Accommodation provision should be made available across Northern Ireland to minimise disruption to the young person's education, employment, family and other relationships. Inspectors noted in the first CJI YJR report, that discussion between the various agencies and Departments would be important to identify a way forward for this recommendation. The update in January 2015 in furthering this recommendation and Recommendation 8, required bringing the various agencies together to agree a way forward. The YJA were leading on this recommendation. The PACE/Bail Action Plan was no longer viable, with the DoJ unable to commit personnel to assist with any future scheme. There was no concrete future date for implementation of this recommendation. Accordingly, this recommendation cannot be considered achieved.'

Recommendation 18: The practice of using the Juvenile Justice Centre as a place of safety should for PACE procedures for any child should be reduced to an absolute minimum through the measures outlined in this report (recommendations 8,9 and 19) The number of PACE placements in JJC should be limited to one or two.

This recommendation was deemed by CJI to having not been achieved in 2015.

¹⁵ CJINI, 2015, Monitoring of Progress on the Implementation of the Youth Justice Review Recommendations.

In 2011, the year that the Youth Justice Review team published their recommendations, the percentage of PACE admissions to Woodlands was 62% of total admissions¹⁶. Nine years on from the recommendation, according to the figures provided in Table 2 of the consultation document, in 2019/2020 the percentage of PACE admissions is 66.1% of total admissions. The last five years have actually seen an increase in PACE admissions.

There have been a number of calls to address the use of Woodlands as a place of safety by various stakeholders. In November 2020, UNICEF stated:

From a children's rights standpoint, it is problematic that Northern Ireland's only JJC has routinely been used, via PACE (Northern Ireland), to hold children awaiting a first appearance at court. This practice calls into question whether youth detention is genuinely being used only as a measure of last resort for children in Northern Ireland.

¹⁷

In 2018 the CJI in an inspection of Woodlands also raised the issue, stating that these admissions under PACE were due to a lack of alternative accommodation being available.¹⁸

Recommendation 19: Looked after children should no longer 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.

This recommendation was deemed by CJI to having not been achieved in 2015. In the year that the Youth Justice Review team published this recommendation, 37% of admissions to Woodlands were looked after children.¹⁹ In 2019/20, 30.9% of admissions to Woodlands involved young people subject to care orders and 20.8% were in voluntary accommodation.²⁰ CJI have noted their continued concern that care experienced young people are over represented in the justice system.

It is regrettable that so many years on from the recommendations of the youth justice review we still appear to be grappling with long standing issues which have yet to be effectively addressed and which now form part of the current consultation proposals.

While we welcome the developments to address the complex needs of the young people who come into the justice system and the acknowledgement by authorities within the DoJ Transitioning Youth Justice model that children should be treated first as a child and second as an offender, we are still concerned that the overall direction

¹⁶ A Review of the Youth Justice System in NI, 2011, page 53

¹⁷ UNICEF, A Rights Based Analysis of Youth Justice in UK, November 2020

¹⁸ CJI, An announced inspection of Woodlands, June 2018

¹⁹ A Review of the Youth Justice System in NI, 2011, page 78

²⁰ YJA Annual Workload Statistics 2019/2020

of travel will not deliver for those young people most in need. We welcome the recognition that these young people require non justice interventions but still believe that the current proposals could have been more transformative in their nature.

In 2020 the NI Audit Office concluded that more needs to be done to make the desire to transform how we work with and support children in and on the edge of the justice system into a reality. They stated:

*'Other than the completion of the repurposing of Woodlands JJC by 2022, there is currently no clearly defined end-state design for how the entire youth justice system will work.'*²¹

The repurposing of Woodlands is just one aspect of how we might support some young people but it will not deliver on a wider level. Indeed, focusing on this one aspect has potentially drawn attention away from what needs to happen on a wider and more strategic level, a level which requires commitment and resources from a range of stakeholders at both statutory, community and voluntary level.

Despite our overarching concerns about the lack of vision and missed opportunity to completely review how we approach young people in and at risk of being placed in secure care and juvenile detention we have as a staff team engaged with the detailed questions within the consultation document.

Specific Comments

The Secure Care Centre

- 1. Do you have comments on the proposal that the Secure Care Centre will comprise the existing Lakewood and Woodlands sites?**

Mixing of cultures and different approaches:

We do not think there is enough detail contained within the consultation document on how the current two regimes in each of the facilities would be combined.

'Definitely not ok with that, I have been in both of those places, how they are run is completely different, Lakewood is a bit more laid back, they still have doors you have to be scanned in and out off but whereas anytime I have been in Woodlands it has felt like a prison you are going into, they are run completely different so I don't understand how they can bring the two together.'

²¹ NIAO, Update on Managing Children Who Offend, 2020.

We would welcome more detail on how staff culture and practice will be reviewed across the existing two facilities to ensure the new centre has a unified child's rights focussed approach which is centred on therapeutic interventions rather than management of high risk 'offending' behaviour. Establishing a consistent approach grounded in high quality training and skills development will be crucial.

Staff were concerned that merging the Lakewood and Woodlands facilities could result in some young people experiencing stigma.

Stigma:

'There could be some stigma - you know for some young people who are going into Lakewood but feel like they're maybe then tarred with the criminal justice side because obviously in Lakewood they are there if they are at risk so maybe you know they would feel like maybe they are being stigmatised, like being seen as a young offender when they're not.'

'Yeah, it's almost as if they're being punished, you know they're the victims in this, they'll feel as if they're being punished.'

'but I think there may be some concern over stigma potentially and just because it's called "care and justice", I mean somebody could be in for care and for their own protection really without there being any justice element to it.'

'if you combine the two of them there is a worry that you are perpetuating that misunderstanding further and they're all being criminalised.'

Other staff raised concerns about the potential negative influence of bringing young people together.

'I thought that as well about the stigma but also in my experience I have found that young people could be influenced. You know the care experience young people could be influenced and then sort of start down the wrong road, if that's what you want to call it.'

Staff were particularly concerned about the potential impact on young people who are at risk of CSE.

'Young people go into secure or JJC for very different reasons and the way they may get searched or not searched, the way doors may lock or not will be different, and the care you get is completely different so I can't imagine how they can mix these two, I worry, especially for the girls I work with, they are at risk of CSE and they get secure care obviously to keep themselves safe – I don't know if it would be more stigmatising for them to go into this Centre.'

‘Also, the vibe I got from a young person I spoke to who had been in Lakewood a while ago, she was really perplexed about the idea. She was worried about being scared and being stigmatised.’

‘I completely agree with the issue of stigmatising young people. On our one to one project, you might have a young person who is being groomed and is really vulnerable, high risk that way and then you are going to put them in with young people who are offending, and then the young person might think they have done something wrong, that they are in the wrong, when it was not their fault, they haven’t done anything wrong, they are so vulnerable.’

Clearly there is a need for clarity around how this potential stigmatisation could impact on young people and how it will be addressed. We are fully aware that the young people in both Lakewood and Woodlands have experienced many similar difficulties and traumatic life events and indeed it can sometimes be the same young people moving between both settings. There is work to be done to raise awareness about the complexities and vulnerabilities of these young people’s lives, especially of those children who are detained in Woodlands. We know that many of the care experienced young people we work with have talked about the stigma they feel and this issue has been raised by us in various consultation responses.²² These proposals need to incorporate an education and awareness raising programme to tackle the discrimination and stigma which many young people in care experience.

‘lots of work to be done to tackle stigma and to make sure these young people are not criminalised by virtue of going into this centre, because they are so close to each other, if it was seen more as a health provision and based on need, so they are not all labelled as challenging and hard to handle.’

Staff raised the issue of the importance of getting the title of the campus right and questioned whether including ‘justice’ in the title could present a negative image of the young people who would be part of the campus.

‘We have always argued that children should be dealt with under care and health, not justice and we do think that the justice element doesn’t work for them, there is something about the title care and justice that doesn’t sit well.’

‘Even the word secure has connotations, you are in there for a reason, you need to be kept away from society, it is punitive and penal.’

‘are they all going to be tarred with the same brush, if you are going to call it a justice centre, is that going to be down somewhere in their notes, and if someone was in

²² Include Youth Response to Improving Children’s Lives, Strategy for Looked After Children, July 2018; Include Youth Response to NICCY Corporate Plan 2020-2023, 2019

because of a risk of CSE and it was nothing to do with the police, they will just be seem the same, no one is going to understand that.'

These comments emphasize the potential problems of merging Lakewood and Woodlands without doing the necessary work to ensure that young people who are sent there are seen first and foremost as children who need support and health based interventions and that the Centre is seen as a caring environment where our most vulnerable young people access the professional help they need. We believe that any secure care centre facility should only be used for children and young people for whom there is absolutely no alternative. If effective multi agency and community -based alternatives were in place we do not think the numbers in a secure care centre facility would ever be that high.

2. Do you have any comments on the proposed capacity of the Secure Care Centre?

As we have already commented we think the Secure Care Centre should only be ever used for a very small minority of young people for whom there is no alternative. There are currently young people placed in Woodlands who should not be there and if these inappropriate detentions were addressed the need for spaces would be severely reduced. Removing young people who are there on PACE or remand will reduce the numbers.

If numbers were to remain as they currently are between Lakewood and Woodlands, we are concerned that staff to young person ratios reflect the intensive support that young people may need.

'if they're going to amalgamate the units does that mean more work for less staff which means that the young people aren't going to get the service that they need, it's probably all about saving money in the long run but when they try to pinch pennies are they really going to see that money in the long run if the young people aren't getting the right support at the time because of short staff.'

'I haven't seen anything unless I just missed it, but I didn't see anything about what their staff proposals were, like how many staff for young people.'

We need like to receive more details on proposed staffing plans for the Centre and are unable to give detailed feedback on capacity without this level of detail.

'To me there no point in talking about capacity unless you're going to talk about staff resources... I've worked in supportive accommodation before and we would have had somewhere between 6 and 8 usually and it only takes two young people to be in a really poor head space and if you have two staff on at night you could be really hectic

and young people who are a bit more quieter a bit more settled end up really falling to the back your priority because you're sort of fire-fighting keep people safe.'

Staff with experience of supporting young people who have been in secure care expressed the view that the numbers within the centre should be kept small because the young people who are most likely to be placed there would benefit more from a smaller and more supportive environment.

'I think to me it needs to be quite small because if young people are coming in to a secure setting for whatever the reason is, it's because they need more intensive work so there should be more workers or more resources available to them for that to actually be something of benefit, so it needs to be even smaller because if they can't sustain the children's home or sustain supportive accommodation then they shouldn't be in somewhere bigger.'

3. What are your views on the longer term aim of reducing the overall capacity within the Secure Care Centre, so that no child will be placed in a house with any more than three other children?

We agree that young people who are deemed as needing secure care should only be placed in a 'house' with no more than three other young people. However, we again emphasize the need to review how we can best support these young people and if it is possible to provide small residential community- based homes with wraparound intensive and specialised support instead of resorting to a secure care placement.

'I think genuinely they are trying to create that child first, needs led environment but way back over 10 years ago when they worked on Lakewood and Woodlands – they did try and make it look like a home, but it still looks like a clinical home, nobody's home looks like that, I think the powers that be will try their best with what they have but ultimately it won't look like a good environment. It's like calling Hydebank a college, it doesn't change it really.'

Admissions to the Secure Care Centre

4. Do you agree that the admissions criteria for the Secure Care Centre should be based on existing criteria, clarifying that the children will be admitted to the campus in one of two ways: where the criteria set out in Article 44 of the Children Order are satisfied or where the child is remanded or sentenced by the authority of a court.

The consultation document notes that the number of repeat admissions to Lakewood has increased in recent years, increasing to 45% in 2018/2019. We are concerned about the impact of prolonged periods within secure care on young people and fear that these extended periods result in increased likelihood of institutionalisation. The emphasis should be on addressing what needs to change in the external environment and context of the young person's life to make placement in secure the least likely outcome.

We have already referred to the continued high numbers of children and young people who are placed in Woodlands on remand or under PACE. Include Youth has repeatedly called for an end to the use of Woodlands for PACE and remand reasons. The numbers of children remanded to JJC remains an area of concern. We do not think it is acceptable that a third of admissions to the JJC are young people who have been remanded. Many of these relate to young people who have displayed challenging behaviour in a children's home or have breached unrealistic bail conditions. Too many young people are currently moving from residential care to custody. There are clearly issues to be addressed with regard to practice in children's homes and their ability to manage challenging young people.

The young people we work with talk about the difference in response to children in care to those living with their parents. Many of them say that parents would not call the police if you hit your sibling or broke furniture deliberately - you would be told off and there would be consequences but the police would not be called. They want to see a different approach to challenging behaviour and for staff in children's homes to be trained to manage these behaviours. They tell us that some staff are quicker to involve the police than others. Young people are asking for a more honest, transparent and respectful approach taken to challenging behaviour within children's homes.²³

'It could be as something as simple as punching a wall in frustration, it shouldn't be done but it doesn't warrant their removal from the home, and then their address is removed and if they have no address, then the police have no choice, but to put them straight into the JJC, the children's homes need to be more responsible about why they are calling the police in the first place and then what actions they are taking, if one of those actions is criminal damage to the home which removes the child from the home and they have nowhere else to go to, then they need to take a look at themselves.'

²³ <http://www.includeyouth.org/policy/submissions> – see Response to Pre-Consultation on Improving Children's Lives, Response to final Improving Children's Lives, Response to Children and Young People's Strategy 2017-2027, Response to NICCY Corporate Plan 2020-2023

The issue of young people being remanded because they cannot perfect bail and are therefore homeless, remains a problem. The detention of children and young people on the grounds of lack of suitable accommodation should cease. It is unacceptable that so many children and young people are remanded in custody simply because of their accommodation status. Remand purely on grounds of accommodation is in contravention of the principle of custody as a last resort. This is particularly worrying when we see a high proportion of those placed on remand are looked after children. Children should not be remanded for welfare or care reasons. Other ways must be found to accommodate these young people to enable them to be granted bail.

In 2018 the CJI expressed concern about the rise in the number of children being detained for short periods of time under PACE and from a residential care background. The Inspector once again asked that this inappropriate use of custody be addressed especially since 50% of those young people detained under PACE were released within 24 hours. The NIHRC also called for urgent action with regards to custody not being used as a last resort and has called on the Department of Justice to ‘introduce legislative amendments that clearly enshrine the principle that a child should be held in pre-trial detention only as a measure of last resort and that suitable accommodation will be provided within a reasonable time if released on bail. In addition, a range of noncustodial accommodation arrangements should be developed for children awaiting trial who cannot return to their homes’.²⁴

We are frustrated that 10 years on since the Youth Justice Review team called for the development of alternative accommodation options to reduce the numbers of young people entering the JJC unnecessarily, this current consultation is once again asking stakeholders their views on the use of admissions via PACE and remand and the need for alternative accommodation options. We are also frustrated that more has not been done to address the criminalisation of care experienced young people, when this issue has been highlighted time and time again. We would welcome detail on what changes have occurred to reduce the number of incidents in children’s homes which has resulted in young people being detained. We would also welcome detail on what steps were taken and what learning has been gained from any possible attempts to establish suitable accommodation options in the intervening period from the Youth Justice Review making the recommendation.

‘If they are saying that they have been doing some work in residential units regarding implementing a therapeutic framework, then we should be seeing some results in terms of numbers coming down, but if PACE and remand are staying high, and young ones are in there (JJC) to keep them safe then why are the residential units not keeping them safe and safeguarding, this is their home, they should be safe there.’

²⁴ NIHRC Annual Statement 2019, page 32

5. Do you agree that the Secure Care Centre should continue to be used as a place of safety for children following their arrest, if this is required?

Include Youth's position is that the **Juvenile Justice Centre should never be used as a place of safety for children** from a care background. If a child is arrested from a children's home, and this should only happen in the most exceptional of circumstances, then they should be bailed back to the children's home. If this is absolutely not possible then appropriate and suitable alternative accommodation must be provided for them but this should never be in the Juvenile Justice Centre. As noted above there is clearly ongoing work needed to ensure that, in line with international children's rights standards, such admissions are a measure of last resort. The PSNI should only become involved in behaviour/discipline matters in children's homes in the most exceptional of circumstances and where there is a breach or a potential breach of the law. Restorative approaches to solving behavioural problems should be promoted.²⁵

'They are keen to reduce numbers going in on PACE so if they do that they will reduce the numbers anyway, but they talk about alternative accommodation arrangements so that JJC isn't the only viable place of safety, but they talk about using existing children's homes but I know a lot of the young people who end up in the JJC come from residential care anyway and it's usually to do with something that happened in the confines of the home where they live, so I don't know how that will roll out if they are talking about using existing children's home as a place of safety and that is where, if you want to call it 'the crime' has been committed.'

'About the last resort issue, that should be a theme going forward with the new centre, but surely that was the same for the old centre, that placement in there should only be as an absolute last resort. If in 2011 they were told by the Youth Justice Review team that the JJC should not be used as a place of safety and that alternative accommodation should be provided and that children should only be detained there as a last resort and for the shortest time possible, surely the lesson is that in the future they need to investigate why that didn't happen. So is it a good thing now that we will have that community based support and alternative accommodation going forward?'

6. Do you agree that the use of the Secure Care Centre as a place of safety should be kept to a minimum, and that alternative accommodation options should be developed?

²⁵ Include Youth Response to DHSSPS Draft Minimum Standards for Children's Homes, September 2013.

Please see answer to previous questions.

7. Do you think any changes are required to the existing criteria for admissions to secure accommodation under Article 44 of the Children Order?

We are of the opinion that Article 44 of the Children Order is not fit for purpose and should be reviewed.

Multi -Agency Panel

Do you agree with the proposal to establish an independently chaired multi agency panel with the roles and responsibilities as described?

We support the establishment of a regional, independently chaired multi-agency Panel to oversee decision making in relation to admissions to the secure care centre. We would support the panel's approach to deploy alternatives to secure admission and believe they will play a critical role in preventing inappropriate admissions. We note that it is also suggested that the panel would 'monitor in-centre care'. While we appreciate there is a need for this level of monitoring, we would urge that oversight of care within the centre would be carried out by an independent monitoring body or relevant inspection authority. We support the panel having a role in discharge planning and would emphasize the need for the panel to have full access to all the necessary and existing support services that are available in the community, with regard to health, education, employment and training and housing. A precursor to the panel being able to deflect a young person's entry to the Secure Care Centre is the availability of suitable alternatives to care within the community. These alternative services and supports must be available and if they are currently absent then resources must be directed to ensure a wide body of other options are developed.

Do you agree with the membership proposed?

We agree with the membership proposed but would like to see an addition to include community and voluntary sector representative. While the consultation document refers to the panel including representation from those agencies involved in the provision of services across the campus and in the wider community, the community and voluntary sector are not included in the list of proposed members. It will be vital to include community and voluntary sector representatives who are working directly with young people most likely to come into contact with the campus. These representatives could be key in providing information and access to services that would prevent entry into the campus and would also decrease likelihood of re-entry.

'I picked up on that there was no community representative listed at all. I think they would possibly be the key people within the young person's lives at that time. Not only what they're doing to support them but also as an influence and I think they that they would be the main ones to advocate for young people.'

'It seems all statutory, there should be some more community input. There doesn't seem to be representation from community support, especially if they are deciding that a child does not need secure care but needs a community alternative, will the panel know and be aware what the community alternatives are, will the alternatives actually exist, is the alternative provision there?'

It is vital that young people feel they can have their voices heard at the panel and that they are confident to either speak for themselves or be confident that an advocate of their choosing is able to represent their views. All information should be provided in a way which the young person fully understands so that the young person is fully aware of the process and choices available to them.

Children should have access to legal representation throughout this process.

Services in the campus

What are your views on the proposal to introduce a new Framework for Integrated Therapeutic Care, to be applied across all children's settings, including the Care and Justice Campus?

We welcome the introduction of an integrated therapeutic care framework across all children's settings and the campus. We support an approach which prioritises a person centred and therapeutic model of working, alongside relationship-focussed work. Prioritising the needs and rights of the child must be the driving force for any successful approach.

We note that reference is made within the consultation document (page 14) to the recommendation emerging from the December 2018 Review of Regional Facilities for Children and Young People that there should be an early adoption of a single therapeutic model, including behaviour management techniques across all residential children's homes in NI. A further recommendation was made to review staffing in children's homes, to ensure staff have the rights skills set and training. Given that these recommendations were made two years ago we would welcome an update on how these recommendations have been actioned, monitored and evaluated. We would welcome details on how this proposed training has impacted on the numbers of young people from children's homes being detained in the JJC or placed in secure care.

We welcome the commitment to increase the support to parents and carers.

What are your views on the multi-disciplinary team in the Secure Care Centre and how it should be made up?

We support the proposal to develop a multi-disciplinary team in the Secure Care Centre. We would emphasize the need to include community and voluntary sector providers within this team, both to support delivery of services within the centre but also to ensure a continuum of support on exiting the centre.

'I think in terms of the staffing, I think it needs to be a mixture of mental health staff, doctors, nurses, therapeutic workers, social care workers, I think it needs to be a mix.'

Any other comments on range of services that should be provided in the centre?

Health provision:

We welcome the reference to the need for the provision of mental health and drugs and alcohol services in the centre. However, we are disappointed that more detail is not provided within the consultation document on what this provision will entail and who will be involved in providing it. We would have anticipated more detail being provided on how these services have been delivered to date and what challenges and lessons have been identified from current practice. We would also draw attention to the need to strengthen the delivery of these services at community level. Include Youth has spoken out frequently about the lack of appropriate and readily available mental health support services for the young people we work with.²⁶ We cannot overestimate what a pressing issue this is for the young people we speak to. Many of the young people we work with have experience of or know people who have experienced mental health problems and they are worried about the lack of adequate provision for children and young people to get the help they need.

Many of the young people we work with have commented on the links between drug use and poor mental health. There is real concern amongst children, young people and practitioners that not enough is being done to tackle the drugs problem or to support young people who find themselves struggling with drug misuse.

Current provision around CAMHS and drug and alcohol services is not as it should be and this should be recognised and addressed as a weakness in terms of current community provision. Failure to address the gaps in community provision will impact on the numbers of young people entering or re-entering the secure care centre.

²⁶ <http://www.includeyouth.org/mgmt/resources/include-youth-response-to-children-and-young-peoples-strategy-2017-2027-de-final.docx>

Education:

We are disappointed about the lack of focus on what educational and training provision should be provided within the campus.

'in the document they talk about exiting the campus and they talk about supporting young people when they're in there and planning for them for their exit. I think there's one sentence given to education and training. I couldn't believe there was so little on what you need to do in this area - so obviously all the mental health support needs to happen and all of that but, if you're seriously going to provide the young people with something else to have when they come out, to have a purpose and ambition and all of those things and be engaged purposefully at something, surely to goodness education and training and transitioning support is really really important.'

Access to the provision of education and vocational training is a right for all children who are detained, as outlined in General Comment 24 of the UNCRC.

“Every child has the right to education suited to his or her needs and abilities, including with regard to undertaking exams, and designed to prepare him or her for return to society; in addition, every child should, when appropriate, receive vocational training in occupations likely to prepare him or her for future employment”.²⁷

Include Youth has over 40 years of experience of supporting vulnerable young people and those at risk of and in contact with justice services. We know from our direct experience of delivering the Give and Take employability programme that person centred, youth led and strength based education, training and employment support is vital to ensuring young people overcome existing barriers and go on to reach their full potential. The transitional support we offer young people as they move from our scheme into mainstream education, training and employment is also critical in ensuring young people sustain their placements. This is especially true for young people with experience of the care system. Evaluations of our Give and Take model and transitional support have demonstrated that our youth work -based model of learning works and provides young people with the confidence, self -esteem, skills and qualifications they need to progress. We are keen to support the Departments in the development of suitable education and training programmes to be delivered both within the secure care centre and in community- based settings. We are also keen to share learning from our transitional support programme.

Needs based approach

²⁷ CRC/C/GC/24: UN Rules (1990) paragraphs 39, 42, 43 and 45

What are your views on the proposal that children within the Secure Care Centre will not be separated on the basis of their route of admission?

Regardless of the route that children enter the centre, we would want them to be treated in a way which understand their individual needs, experiences and trauma. We believe that children placed in secure care or custody have shared similar experiences and both are in need of intensive support. There is a misconception and general lack of awareness of the difficult paths that these young people have walked that has brought them to secure care or custody.

‘For me there is a similarity between the stigma that young people have when they come into the care system, so once they come into the care system, they are seen as being wee hoods and because they have been up to this or that, and not because it is no fault of their own and I guess it’s the same of the young people coming out of Lakewood or Woodlands, that stigma is with them anyway.’

‘All the young people in those two places have probably suffered trauma, but I would just be worried about that stigma.’

‘I just worry about painting a darker picture for those young people in the justice side, just because they have been caught offending, I think the reason for offending is very much based on a lot of the circumstances and characteristics you would have in young people in care as well.’

The important thing is not what route children have entered the centre by but that if they are placed there, they experience a trauma informed approach which meets their complex and individual needs.

‘I wouldn’t have that concern (about stigma), regardless of how young people come to be in the centre existing or the new centre, regardless of the route in, the needs of the young people are very similar and therefore the response in terms of the support that needs to be provided will be done on a needs basis and that resonated with me in terms of the work we do at IY, it’s very much individualised and based on what the young person’s needs are and that should dictate the service rather than how they enter the centre.’

We note the proposal to work with the NI Human Rights Commission to develop a human rights framework which will underpin the operation of all elements of the campus, including the secure care centre. We would recommend that in order to ensure the rights of all children are respected and protected, that the Departments would also collaborate with children’s rights organisations and agencies delivering rights- based practice to vulnerable children and young people.

Leaving the Secure Care Centre – Discharge/Exit Planning

Do you agree that an exit plan, as part of the overall care planning process should be developed for each child and young person on admission to the Secure Care Centre and will be subject to regular review?

Do you have any views or comments to share on the proposed care planning, discharge and exit planning described?

While we note the reference on page 36 to the current procedures operational in Lakewood and Woodlands with regard to discharge and exit planning, we would have welcomed a more detailed analysis of the effectiveness of these current procedures and what challenges and adaptations may have already been identified.

We agree that effective care planning, discharge and exit planning is absolutely central to prevent re-entry to the centre. We know from our experience of working with young people who have exited Woodlands and Lakewood that the lack of appropriate wrap around support is a central factor in increasing the likelihood of a young person re-entering secure care or custody.

‘while they’re in there, they’re getting all the services and are getting the help that they need. I think part of the problem is that when they’re released they go straight back into where they came from whether it be a children’s home or whatever and they’re back straight back into the wrong influences again.’

Staff also talked about the negative impact on young people who had entered secure care from a children’s home and on release were placed back into the children’s home, without the necessary changes being made to address the reasons why a secure placement was deemed to be necessary.

‘Coming out of there is massive, they need to put the processes in place for young people coming out of those centres, that is nearly as much work as it is for them when they are in the centre, because for those girls I worked with, they came out and they went straight back to the children’s home they had been in, straight back to what they were doing before, even if they wanted to stay focused, they just couldn’t. I know a lot of work is going into this new centre but I think a lot of work needs to go in to what happens in children’s homes too. There is no point doing this and things go well for them when they are in but if they go back straight to the children’s home, to same situation, same staff, what chance have they got really?’

What is needed on release? What would prevent re-entry from IY perspective and experience?

We concur with the statement on page 36 of the consultation document that ‘a holistic multi-agency approach to the preparation for discharge and reintegration back into the community will need to be adopted across all transitional arrangements within the new service model. The proposal is that each comprehensive exit plan will be ‘underscored by an effective and seamless hand-over from the Secure Care Centre to integrated and co-ordinated service provision in the community’. We would seek further detail on the Departments analysis of current ‘integrated and co-ordinated service provision in the community’. To assess what gaps exist in provision we first need to have a comprehensive analysis of current provision and an overview of what agencies are delivering it in the community.

We consulted with staff to ask what type of services and supports they think need to exist to support young people on exiting the centre.

Staff talked about the need to provide young people with access to wraparound 24/7 support.

‘That’s the difficult part. We have had a couple of young people who if they had had somebody positive around them 24/7, they’d be alright.’

‘I’ve always said that’s sort of like the targets that funders don’t see. You know yourself you’re just happy to see a young person come through the door on a Monday morning because you know, you just know what sort of weekend they’re leading; when young people are with us, they’re on a high, they’re brilliant. But we can’t be with them 24/7. They might leave us at 4:00 o’clock having had an absolutely brilliant day and the next morning you have found out that they’ve got lifted by the police, and you think what happened in those couple of hours?’

Education and Training – while the consultation document does refer to the need to address the education, training and employment needs of young people it does not go into detail about what programmes of training would need to be provided. Include Youth’s pre-vocational employment support programme, Give and Take, is an example of a model of learning that is effective at supporting young people with complex needs. We believe young people exiting from the Secure Care Centre and those involved in the wider campus would benefit from access to the Give and Take model. We also offer transitional support for young people as they move from a pre-vocational programme such as Give and Take to mainstream employment, education and training.

Key worker – it is critical that young people work with a key worker in preparation for exiting the centre. This key worker should support the young people as they seek to access support in the community on release and link them to housing, education, training, employment, youth and mental health community provision. Include Youth has some experience of delivering this type of work when we piloted our Inside Out

Project in the JJC. Unfortunately, this work was not able to continue due to funding constraints.

'You def want the prevention stuff but then you want changes at the other end too, when they are in the system and coming out of it. We did embark on transitional support work with them (JJC) and that is a massive thing. When Ruari went in to the JJC, we wrote the proposal for the Inside Out project, to link them into services when they came out. We had contacts with all the trusts, so Ruari would have gone in and started preparation work for them moving out. We didn't get funded for it but as a model it was a good one, they need to try to link young people to community organisations when they come out.'

Housing – establishing stable, safe and appropriate housing options for young people is of paramount importance.

'You want people to know where they're going to be living and hopefully not back to where they came from.'

'the housing has to be right first. When a person is coming out of secure care, I have seen it so many times, they come out, have all the best intentions, they want to do really well, Give and Take has been in and met with them before they come out, and everything is in place but they go back into that living situation again and one weekend later everything is back to square one again and they can even be back into secure, it's that thing about where they are going to live and who they are going to live with, if they go back out to that situation and they are with lots of other high risk young people it can all go wrong.'

Mental health support – if provision is not available within the community for young people to address deep seated mental health problems, the chances of them re-entering secure/custody is very high.

'I think the main focus right now in today's society is that mental health needs to be the main focus. And that also comes in the roundabout way young people are going into secure or respite, to get away from problems and then they go in and make friendships with the staff and then are put back out in the community without any other provisions in place for them, so they reoffend to go back in, to get that security and it just affects their mental health and their status within society and the community.'

'When they come out into the community, they just go straight back into their own way of doing drugs, bingeing alcohol and that's just the way they cope with the mental health issues or things that are going on around them.'

Increased capacity in social services – staff talked about the need for increased capacity in social work delivery. Include Youth has a close relationship with social work

teams, and we are aware of the high volume of cases that social workers hold and how stretched they are to be able to provide the intensive care young people need.

‘Social workers have such high caseloads and if they have a young person going in to secure that should count as three young people – rather than just another young person – they don’t have the time to dedicate to these young people.’

Staff were doubtful that some social work teams could cope with any increase in workload that the current proposals might bring.

‘Community supports are mentioned in the document, but the community supports aren’t currently there, social work teams - their resources are completely depleted, prior to Covid even then it was depleted. When they are discharged the community supports aren’t there. I am so sceptical, I don’t mean to be negative but the health service was struggling before Covid, and no matter what happens in JJC or Lakewood, ultimately there is always a community package needed - I can see if those were in place, this might work, but they go in and they have access to everything, but when they leave there is not enough in the community, just not enough support.’

Engagement with community and voluntary sector providers - We believe that young people benefit from engagement with locally based community providers and that the quality of engagement and willingness of the young person to embrace the support that would benefit them can be enhanced if the source of that support is grounded in the community/voluntary sector. The nature of the relationship between the young person and the provider can differ depending on who is delivering the service. The fact that young people enter into Include Youth programmes on a voluntary basis and that our model offers them the flexibility and tailored support they need, increases the likelihood that young people will stay engaged.

‘they are talking about multi agency approach, mental health support, drugs support, sexual health – all the things they want young people to engage in but if they can’t get the young people to engage in these the way our team at Include Youth always do, then what is the point of them putting them in place there – we can propose our model of practice.’

‘the young person has to want the support – it could be Include Youth, VOYPIC, Start 360 who go to these centres once a month and work with the young people, and then young people have options and a plan for when they come out, they could go to Give and Take or Start 360 – and the young person could feel that they are making decisions about their plan and not being told, ‘here is CAMHS and you have to work with them’ – they could make their own plan and be more likely to see it through.’

Giving young people the opportunity to direct and contribute to their exit plan and to have choice over what community provision they want to link in with is vital. Ensuring that there is a choice of community -based provision for young people is critical. This

provision needs to be resourced and recognised by Government departments as providing an essential service to our most vulnerable young people.

Step down unit

Do you agree that a step- down facility should be located within the campus, on the same site as – but separate from – the Secure Care Centre?

We agree that there is a need for a step - down unit to assist young people to make a smooth transition from secure care to life back in the community. We would question whether the unit should be placed on the same site and would ask that some consideration be given to a number of step -down units being placed in several geographical locations. We accept that young people need to maintain contact with staff they have become familiar with in secure care but we also believe it is important that young people link in with community based professionals and youth/community workers from their local area.

‘I’m just thinking for some of the kids coming from far away, I mean moving from one unit to the other, one being a step down, I mean it’s not really going to feel much different.’

‘everything is still focused down here in Bangor, they haven’t really thought of what they could set up across Northern Ireland.’

‘for children who are coming from such a distance and their family and connections are somewhere else.’

Given the stated purpose and function of the step down unit, do you have any views on how it should operate in practice? Should be an open setting, not locked facility?

We believe it would be better to be an open setting.

We would welcome the step- down unit providing an opportunity for young people to link in with community providers who can provide support in relation to education, housing, employment and training, healthcare, independent living skills etc.

‘We can help with the step-down approach – our model can help and be integral to that.’

‘I really like the idea of that step down unit. I don't know if it may be beneficial to have slightly more beds but I love the whole idea that community representatives or teachers or whatever can engage with the young people there, and the young people can get them more involved in the community slowly, rather than just know you're out of here, way you go fend for yourself.’

'4 beds – is that enough, it seems low.'

Community based satellite provision

Do you agree that the Secure Care Centre should be supported by a network of locally based connected satellite services across each of the five HSC Trust areas?

We have already stated that we believe if the correct supports and services were readily available in the community, many young people would never come to the point of being placed in secure care and custody. For Include Youth, securing the necessary supports and ensuring sustained dedicated funding to address the gaps in current provision is one of the most important elements that could come out of this consultation process. The discussion around what community - based satellite provision is needed is for us the most important discussion that needs to be had. We do not believe that sufficient priority has been given to this within the consultation document. Brief mention is made on page 42 of the need for the 'co-ordinated support of a number of agencies/delivery agencies' including 'youth services and voluntary and community services' to enable children and young people to stay within a community setting.

'It's very vague. I don't understand the detail.'

'I didn't quite understand what they meant by this satellite provision.'

'I don't think they've been clear on that or on how they were going to be used.'

Staff expressed their frustration that the consultation document did not elaborate on what community provision already exists and how these proposals will impact on current provision. Is there an intention to increase the capacity of community- based provision?

'There are examples of really good practice of community organisations work, our partners work in Alternatives for example – there is really good work going on, we need to build on that.'

We are also keen to know what thought has been given to who will take on the co-ordination role of community provision.

'It says about having more aligned and co-ordinated interventions in the community – but does that exist now and what resources are there? Is there a role there? Someone would need to actually take on that co-ordination role.'

'There is a lack of co-ordination – inside the centre they can co-ordinate and all services can work together but outside is where it falls apart, where things aren't co-ordinated.'

We recommend that the departments do more to find out what effective community work already exist and identify what role these agencies can play in the outworking of the current proposals. Are these services being used to their maximum effect and what can departments do to ensure sustained resourcing of vital services?

'We need to hear from wide diverse practice out there, especially for community links'.

'I would be concerned about smaller groups not being able to respond to this consultation, when we can't have the normal stakeholder engagement events, some of those smaller groups just don't have capacity to respond and they are the groups that could really help with the community transformation work that needs to happen.'

Include Youth works with a number of partner organisations who deliver vital community services to young people, including young people most likely to come into contact with secure care and youth justice. It is important that these organisations are involved in the development of the current proposals around locally based satellite provision and that the work they do is recognised as playing a vital role in preventing entry and re-entry to secure care and custody. One of our partners is NI Alternatives and we spoke to staff about this consultation. While they welcomed the proposal to adopt a multi -agency approach to satellite provision, they were not convinced that authorities were currently making good use of existing provision.

'If we had the referrals, if we were being used as a community organisation to the best of our ability, we would be a lot busier, I think youth justice could use us a lot more, I think PSNI could use us a lot more, to support the prevention of crime rather than dealing with the aftermath of crime, I think there is a lot more referrals that could be done, so for them to say they are going to use current resources – they are not doing it enough now, to start with, before they say they are going to use it more. '

Do you agree that the purpose of the satellite provision should be:

To prevent children and young people from entering the Secure Care Centre

To provide support to facilitate the transition of these children and young people back into the community.

We agree that the purpose of satellite provision should be to prevent entry and re-entry to the Secure Care Centre.

'I would like see them put money into prevention rather than spending money on building new facilities, prevention is always a key aspect of keeping young people out of it rather than investing in places where they can be sent. '

'The place is designed to work in a cycle so you get moved from care into juvenile justice then back into care – and there doesn't seem to be any way out, there doesn't seem to be enough provision to then reintegrate these young people back into 'normal' society.'

Do you agree that a multi -agency approach to this satellite provision should be adopted?

We agree that a multi -agency approach should be adopted. For this multi-agency approach to work effectively, statutory agencies should be fully aware of what community provision exists and know how and where to signpost young people to appropriate services.

'Young people say that social workers don't explain options properly – even when they talk about Give and Take, they don't really know what they are coming to.'

'Young man I know who was in Lakewood and he loved it in there, because his mother was a drug abuser, he had constant fathers coming in who were abusive, he wanted to be in there rather than outside because it was better. He was failed by social workers – I don't think the alternatives that exist in the community are utilised enough now. Social workers have big caseloads – and also it is not dealt with in their training. Social workers should be trained to signpost more.'

When we asked staff to identify what they thought the elements of effective community provision were, they suggested the following:

'Adequate housing, financial support, mentoring service, support at evenings and weekends. '

'That's massive, something that addresses the isolation and loneliness that these young people have to deal with when they do come out.'

'Decent mental health facilities, there is not enough budget within health to support the mental health of young people. '

'Decent employment.'

'To feel they are part of the community.'

'Decent accommodation - lots of young people we work with are moved from county to county and sometimes into B and Bs and temporary accommodation and the chances of being able to put down some roots and establish yourself in that community, it's hard enough as it is but when you are being moved about and it seems to be just because of lack of availability of suitable accommodation, it's tough.'

'I think there needs to be help for families, family intervention – and where they can be placed back with families.'

'I think that is a massive point and I've seen it in the work down south – much more emphasis is put on the ultimate goal which seems to be moving the young people back out of supported accommodation and where appropriate back into their families. There is a huge emphasis on getting that young person back into the family. That doesn't exist up here.'

'Sometimes family needs support and training – they just feel they can't cope.'

Do you have any views on the use of alternatives to the Secure Care Centre for children who have been arrested and require a place of safety while waiting for a court appearance? Do you think that suitably resourced children's homes may be suitable as a place of safety for some of these children, subject to an assessment of risk?

We have already noted our concern about young people from children's homes being unnecessarily criminalised and police being called to deal with behaviour which should be dealt with in a different way than resorting to police intervention. Staff in children's homes should be provided with the necessary training to deal with challenging behaviour and avoid the situation of any child being arrested because of the incident.

The Youth Justice Review Team noted that looked after children are remanded to the JJC for trivial offences, such as "kicking a door frame, stealing food from a fridge or throwing a snowball at a member of staff" ²⁸. The criminalisation of looked after children as a result of them breaching bail conditions is a critical issue. The Review recognised the challenges faced by both residential care staff and the PSNI, noting that, according to care managers they interviewed *"there is a growing problem with young people aged between 15 and 17 who have been living at home or with foster carers but have 'gone off the rails,' behaving in ways their parents cannot cope with. Drug taking, breakdowns in foster placements and occasional violence towards parents are cited as the main triggers for admission into residential care."* ²⁹

The Review also made the important observation that *"residential units that focus on equipping and supporting staff to deal with incidents, often using restorative approaches, seem to have a good record of avoiding criminalisation. However, where staff are poorly trained and inadequately supervised they tend to refer incidents too readily to the police"*³⁰ In effect what the Review was saying was that the higher levels

²⁸ Department of Justice, A Review of the Youth Justice System in Northern Ireland, 2011, para 3.6.3 page 56

²⁹ Ibid para 3.12.1 page 87

³⁰ Ibid

of custodial admissions was largely due to the way in which care homes managed their children.

Do you have any views on the use of the Secure Care Centre for children being considered for bail and use of wrap around services as part of a bail package?

No young person should be remanded to the Secure Care Centre because they do not have a suitable bail address. Trusts must discharge their duty to them as a homeless young person. Health and Social Care Trusts are legally obliged to provide accommodation for 16 and 17 year olds who are homeless. We are aware that Children's Law Centre, through their casework, deal with young people who have been remanded for a prolonged period of time, due to lack of bail address. They also work with young people who have been given unregulated placements in bed and breakfasts and hotels, which are not suitable and do not provide the level of support these young people require. As a result many of the young people breach bail conditions and are returned to the JJC.³¹

We agree with the 2012 NI Bail Commission recommendation that bail must not be refused on the sole ground that a child does not have any/ adequate accommodation and that a range of accommodation options be made available for children on bail.³²

Bail supervision and support services should be utilised rather than young people being sent to the Centre through PACE or remand. Include Youth have been asking for changes to be made to bail arrangements for many years and we are frustrated that progress in this matter has yet to be made.³³

Do you agree that dedicated supported housing for 16/17 yr olds should form part of the community- based satellite provision?

We are concerned about the lack of suitable accommodation options for 16/17 year olds and have seen directly the negative impact of young people being placed in unregulated bed and breakfasts or hostels. Dedicated supported housing should be made available to young people as a matter of urgency and young people should be able to access the support they need to live independently.

Governance and Accountability

³¹ Children's Law Centre, Response to pre-consultation on Empowering Change: A Strategy to Support and Challenge Women and Girls in Contact with the Youth Justice System, Sept 2020.

³² NI Law Commission, 2012, Bail in Criminal Proceedings

³³ Include Youth submission to consultation on Bail in Criminal Proceedings 2013

Do you agree with the proposal to appoint a Head of Operations responsible for the operation of the regional facilities (Secure Care Centre and Step Down unit). If yes should the appointment be required in law and that the role and responsibilities should be should also be specified in legislation?

We believe the Head of Operations for the Secure Centre and step down unit should be someone who demonstrates a knowledge and experience of working in a child's rights settings and of delivering practice from a health and welfare perspective rather than a justice perspective.

'I suppose for me the Head of Operations is a really critical role for somebody and their CV would need to read more health and social care experience for me rather than justice.'

'as head of it, I don't know if a justice person would be the right person or have the right focus for this.'

'Most of the staff have to be social work trained so I would see the new Director as being from a social work background.'

'It would really alter the perception and profile of the centre if there is a Director from a social work background. It could be amazing and bring a different ethos.'

'We definitely need a more health-oriented approach in the leadership.'

Accountability arrangements

As the focus of the campus is approaching children from a health and welfare perspective and is very much focused on the needs of the child, we regard the Department of Health as the department most suited to run the regional facilities, with support and funding from departments of Justice, Education, Economy and Communities.

Legal Status of children and parental responsibility

We believe that parental responsibility for young people resident in the centre should not lie solely with the Head of Operations, but should be shared with the placing Health and Social Care Trust, as applicable.

Young People's Views

Merging of Lakewood and Woodlands:

The majority of the young people we consulted were not supportive of the proposal to merge Lakewood and Woodlands as they view the needs of the children and the reasons they are placed there as being very different. There was concern that young people placed in Lakewood were there through no fault of their own and in the main, were there because they need intensive support for mental health issues, drug and alcohol concerns and because they needed to be in a safe place where they feel protected.

It probably creates a lot issues for young people who are committed for different reasons. People who are committed via the justice system are likely to be there for criminal reasons i.e. violence. Young people who enter via the social work route are there due to mental health or drug addiction. This could lead to bullying or misleading behaviour.

Never seen anyone self-harm till I went to secure.

No. Not if I'm in because of my mental health.

It doesn't sound right mixing them.

I don't think the two should be merged because it's not fair to the young people that are in there due to situations that they cannot help or due to family issues.

No, I don't think it would be a good idea. I never went to Woodlands but was in Lakewood many times. Yes it would cause problems – it won't work, they shouldn't mix young offenders and those at risk, as they may be a negative influence.

Young people expressed the view that young people with severe mental health needs could be harmed in some way if they were to mix with young people who have been convicted of criminal offences.

the entire idea has young people who have maybe committed a small crime with people who are repeat offenders, the merging of JJC and Secure wouldn't be of the best interest for the safety of the young people involved, as it puts certain young people in danger, young people who in some cases shouldn't really be in JJC or Secure.

It's a bad idea - kids who want to harm themselves will be with kids who have committed a crime.

Should be around people who need treatment instead of offenders, this will cause problems.

It will introduce innocent or those who have mental health problems with young people who are a bad influence.

Could be more bullying issues. Those involved in anti- social behaviour might bully those more innocent.

Cause more issues that positives.

Horrible idea.

Some young people raised the issue of possible stigmatisation.

The stigma of people who haven't done a crime would not be fair.

No, I think amalgamating Lakewood and Woodlands would be detrimental to the patients in Lakewood and the young people in Woodlands alike. Choosing to join the two together shows a fundamental lack of understanding about what kind of support each centre provides.

I think there may be some concern over stigma potentially and just because it's called "care and justice", I mean somebody could be in for care, for their own protection really without there being any justice element to it, and I just wonder would there be something around that.

No, they should not come together – one is for young people who need help to keep themselves safe and the other is for young people who have committed a crime, it's two completely different things.

No because it would lead to more crime from kids, one is a jail and one is not.

A small number of young people were in agreement with merging the facilities, because they feel that young people are treated in the same negative way, regardless of why they are placed there.

They should bring them together because we are all treated the same anyway.

You feel the same (like a criminal). So yes.

The young people discussed the rationale behind the proposals with some of them suggesting it was a cost cutting exercise.

Seems like the government just want to save money.

I think it's a good idea – if they are going to do the same sort of stuff with them then why not merge them, it might be more cost effective to have one building instead of two.

Young people's understanding of why young people end up in secure care:

Young people listed a number of reasons why they or young people they know ended up in secure care.

- *Drink*
- *Drugs*
- *Running away from children's home*
- *Self-harm*
- *Putting myself at risk – general disregard for myself and others*
- *Drugs and stuff I did under the influence*
- *Mental health*
- *Housing*
- *Family breakdown*
- *No school attendance*
- *Uncontrollable*
- *No support*
- *Acting out (due to negative life experience)*
- *Anger issues*
- *For my own safety*
- *Recommended by social worker*

Despite the ease which young people were able to identify the reasons for secure care placements, they also challenged whether it was the right intervention and questioned if more could have been done to prevent it. One young man believes he was not provided with enough support and social work intervention actually exacerbated the situation.

I felt like social workers were teaching me a lesson.

They didn't do enough. Social workers were part of the problem in children's homes.

Other young people talked about friends who had been placed in secure and said they did not think all other options had been explored.

Why would you take their freedom way, it just doesn't seem right – they should give them a chance, put together a plan that they have to stick to and help them stick to it.

They just weren't offered the right support – they shouldn't have ended up there.

To just jump them into secure, without giving them a chance of something else is just wrong.

Positives of secure care

Many of the young people had had positive experiences of secure care.

- *I was not scared to go back*
- *I had a great experience*
- *I Loved it*
- *I liked it better than being out (routine and structure is key)*
- *Secure was really helpful, I got help when I was in there, I just would have needed more when I was send home.*
- *Yes. Secure was great. I didn't want to leave*
- *I liked the staff and young people in there and would go back in the morning if I could.*
- *I loved the staff*
- *They helped me when I was getting out*
- *Secure worked for me in the short term. Unfortunately, this was only temporary and only really kept me from being at risk to myself.*

Negatives of secure care/custody

Some young people said that while they got on well in secure care and for the time they were there they felt supported, this did not result in a change in circumstances or behaviour when they left.

I wanted to go back however it didn't change my behaviour when I got back out as I just went back to my usual ways.

I didn't learn any lessons that would benefit me on the outside. It just limited my options and gave me a routine.

One young man described how he felt when he travelled to the JJC to be detained there. He was taken a long distance in an armoured car, which felt like a 'dog house' and it was uncomfortable for such a long journey. When he was in the JJC he said he felt like 'an angry dog in there'. He said that some of the boys just did bad things to get back in again, they didn't like their families and they wanted to stay there as there was nowhere else to go.

Another young person commented:

They don't get properly reprimanded and also they end up going back to a bad crowd and end up getting peer pressured.

What would have prevented entry to secure care/custody?

The young people identified a range of services and supports which they believe would prevent entry to secure care/custody.

- Family Support or intervention
- Mentoring
- Mental Health Support / Programme
- Community Network - *yes it would have been good to have more support on the outside.*
- Employability Programmes
- Job or full -time placement
- Drug or Addiction Support
- Stable home life.
- Suitable accommodation - *Yes somewhere different to live. Social Workers knew putting me in (named children's home) was creating a volatile situation. (Named children's home) was a catalyst leading to social workers committing me to Secure.*
- Having a home
- Counselling

Some young people suggested that young people should be able to access a service which offered the same level of support, routine, structure and discipline that secure and custody offered but would not require the young people to be deprived of their liberty.

It's around mental health and all – if they feel safe in secure then that's where they will want to be, but if there was something else they could go to that was like secure but you didn't have to stay in, that you go to from 9 to 3 but there was still routine and structure and discipline – that might work.

Every young people needs structure and routine, you need rules to help you stay on course.

Some young people believed that nothing could have prevented their entry to secure.

It would have been difficult to prevent me going to secure. I was in a bad place and too far gone for help. Going to secure helped and I returned a little better at least. My home life was the big issue.

The only person who could stop me from being there was myself at the time.

Why would some young people prefer to be in secure care/custody than in the community?

Break from chaotic life in the community:

Because our home life is so unstable and hectic. For me, my home environment was the real issue and being put in a children's home from a young age was a traumatic experience, that I struggled to deal with.

Secure is like a holiday from your life. It's a break away from unstable situation at home.

You had less responsibilities in Secure as every day was planned out. It was a welcome change from the neglect and chaos.

Because of the outside situation.

I had nothing on the outside. I was bored and got back in trouble.

Structure and routine:

Young people have to adhere to a strict routine. This routine involved waking early, showering, cleaning and school. If you chose not to get involved then you weren't allowed out of your room for the day. So, you were extremely motivated to participate and engage.

Safety:

I'm not afraid there.

I was happy to return because it was safe (I felt safer inside, people treat me like shit in the outside)

Structure, safe environment

People can't get at me

I feel safe

I reoffended to go back – lots do it

It's safer inside

To get away from drugs and to feel safe

Level of care:

It's clean and tidy

The staff care

The staff are sound

To get away from peer pressure:

In Secure and JJC they have access to an education programme, outside they get involved in drinking and drugs.

Not the same temptations when they are inside.

Maybe you don't have the same peer pressure inside.

Some people like being in there, they don't have the opportunity to get into trouble or get into risk, well that was why I went back.

Lack of direction and support on the outside:

Lack of structure and routine maybe in the community

Aftercare is needed to support young people when they get out

Vicious cycle for young people

More difficulties outside JJC and secure

Cope better inside as they aren't ready to be out in the community

Not ready to get a job or be part of society

Sometimes you want to stay inside because you become closer to people inside and you feel safer inside. When you come out it's really hard being around lots of people or being able to go out.

When your locked up so much during the day it's hard to get use to not being locked up

I met a lot of young people that were in their 4th or 5th visit. They couldn't cope on the outside and liked the security of being inside

Multi agency team:

We asked young people who they thought should be a part of the multi-agency team:

- Youth Workers
- Employability workers
- Peer mentors
- Youth organisations
- Parents / Guardians
- Local youth Club
- Other External Bodies (schools, colleges, training organisations, health centres)
- Counsellors

Counsellors would be an integral part of the process. I suffer from mental health issues and these need to be addressed and accounted for when making decisions on my well-being.

I feel counsellors are more tuned into mental health and more empathetic. A lot of young people don't like talking to Social Workers and would talk to Counsellors more freely.

They all need to be trained really well.

Youth organisations who will help in there and when you get out.

Schools counsellors and youth workers definitely need to be in there

I think youth work trained would help staff more and maybe a youth worker on site, and people who have been through the system, those mental health trained as well

Parents and youth workers.

Someone to listen to you and to give you advice, offer you opportunities – say what jobs might suit you and help you go for it.

Need to have professionals that are understanding and who know that every young person is going through things mentally, and every young person operates differently. Just because we are all from care or we are all in those buildings there it doesn't mean we are all the same.

If a child is troubled they need support from everyone. And support from someone their age too, someone they can relate to, someone who has walked in their shoes.

Young people talked about the skills that staff working in the centre should have. They want to see staff who are understanding and empathetic. They are especially keen that staff who have some personal experience of the care and justice system be involved.

A good mixture would probably be the best way forward. I think workers who have been through the system themselves would be more empathetic to our situations.

someone that went through the same experiences and was youth work trained.

maybe peer mentors.

They would need to be dead on.

Be able to build good relationships with young people.

Peer mentors and experts by experience- give young people advice and support, hope, vision of the future.

Youth workers.

Mental health workers.

Multi agency Panel:

Young people were supportive of the Multi agency panel and had a number of suggestions of who they thought should be on it, including:

- Social workers
- Youth workers should be involved (ones that have built a relationship with me)
- Counsellor
- CAMHS

Some of the young people felt that they would want to speak for themselves at the panel while others would like an advocate from a youth organisation.

I would rather someone fed back to me. I would go mad with people round a table discussing me.

It depends on my form. I should there. But it can be intimidating

Young people/children should always have the option to say what they want when they are being spoken about as what they say could help to influence whether or not they actually go to JJC or Secure. If the young person/child has things that they want to say but are either too afraid to say it or don't know how to properly express what it is that they want to say then someone from places like Include Youth and or VOYPIC would be an excellent idea, as then if the young person/child can't say what they want or are visibly getting overwhelmed then that representative can either say ' what it is that the young person/child wants or can at least check to see if the young person/child is ok and understands what has been said during meeting.

I would want to be there.

Young people had ideas for who would be the best advocate for them and how the process should operate:

Needs to be someone who's worked with that young person who they trust from care home, youth worker.

They all need to be working together for the same goal for the young person.

There should be time to prepare and know what's going to be discussed.

Better for the young people if they are there to be aware what will be discussed and who will be there.

Could make young people paranoid if they didn't know what was going to be discussed.

Young people who are not good at communicating should have an advocate like VOYPIC. They usually have a meeting with the young person beforehand and they will speak on their behalf.

Have an interpreter/translator/nurse for young people who have learning disability/English isn't first language etc.

Yes with a person they trust to help them have their say

They need to involve young people in decision making more, it's decisions about their life.

Young people need to get to know the people on the panel, to trust them, bond with them, and they should have key workers on it who they already know and trust.

Step down unit:

Young people were broadly supportive of the idea of a step-down unit with some suggesting 4 beds would not be enough.

In Secure an immediate strict routine begins right away, then when young people leave Secure the routine is ripped away again and they are left floundering on the outside again.

Yes, as it would help the young people with getting their life back together a step at a time.

Skills training inside a step down unit could be a good idea.

Might stop people going in 4 or 5 times.

Would be brilliant but they would maybe need more beds.

Yes. That's a great idea (I'll not want to leave!)

A phased return might be a good idea to find a happy middle ground before returning to the home environment.

Give and Take should be brought in to support us coming out of secure.

Yes it would be of great help.

Good idea to have a phased return rather than being let back out to society and not being prepared.

Only 4 beds?

Bangor or other locations?

Young people were asked if they thought there should be other facilities apart from the site in Bangor.

There should absolutely be more residential facilities placed throughout NI as having just one location makes it less accessible for people who live in say Limavady. Adding more locations throughout Ireland/Northern Ireland would make the centres easier to access and would provide more options for judges to decide where to send young people.

There could almost definitely be more centres made, yes it would cost a bit to make more and yes it would cost a substantial sum of money to keep the centres open but in the long run it would be absolutely worth the money.

As far as I can see there isn't really any cons to adding more centres, there have just been pros.

Bangor is so far away from Derry.

Needs to be more accessible to travel to.

Bangor is far away for some parents to come and see their kids I think another one would help for families who live far from Bangor, there should be closer to the location – each trust area should have a smaller Lakewood type of facility. I was coming from the Craigavon area and it was hard to get visitors etc.

Concluding Comments

Include Youth has valued the opportunity this consultation has afforded us, as a staff team, to engage in discussions about how best we think the rights of young people, both those on the edge of being placed in secure care or custody and those already within the system, can be realised. Like our colleagues in the Departments of Justice and Health, we want what is best for these young people. Our young people have once again demonstrated that they have much to offer to inform conversations on the future direction of travel. We appreciate the time young people have taken to share their views and experiences with us, in what have been extremely challenging months, when they have been coping with so much uncertainty and upheaval. We hope that our response reflects the commitment we have to supporting the Departments as they seek to make difficult decisions in the months ahead. We appreciate that our feedback will in places feel challenging, but all our comments are intended to be helpful and where possible we will seek, in partnership with our departmental colleagues, to find solutions. We look forward to being engaged in future discussions.